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LIBERTY, PEACE, AND FRIENDLINESS:

THE POLITICAL IDEAS OF AUBERON HERBERT

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for the degree of Doctor of Philosophy in Political Studies
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ABSTRACT

The political ideas of Auberon Herbert are usually associated with the late Victorian Individualist thinkers primarily influenced by the philosopher Herbert Spencer. Although Herbert derived his political philosophy of Voluntaryism from Spencer's thinking it also owed much to J. S. Mill. Voluntaryism was based on a Lockean-Spencerian conception of individual natural rights that asserted self-ownership and the moral obligation for individuals to respect the rights of other people. Rights protection against force and fraud constituted the primary purpose of government, which held only the same rights as its individual creators. Herbert, aptly describing Voluntaryism as the system of liberty, peace and friendliness, applied these principles to a range of situations from street maintenance, to collective property purchase, and, finally, to the voluntary support of the state. Voluntary taxation was the most controversial component of Herbert's theory, emphasising its distinctiveness. Although Herbert resisted socialist and new liberal attempts to expand the role of the state, his reasons for doing so shared little in common with conservative critics of this direction. Herbert, a republican and democrat, repeatedly attacked privilege and advocated significant change including land reform and universal suffrage. His position represented that of a radical reformer seeking to promote Voluntaryism as the basis for friendly co-operation among free individuals at home and abroad. An internationalist, Herbert opposed aggressive imperialism, but also supported national self-determination, including Irish Home Rule. The notion of the voluntary state has led to claims of Herbert's anarchism, but research indicates a greater complexity to his political ideas. Overall, Herbert was an extreme libertarian who never completely lost sight of the state, although he greatly limited its role. While Herbert's political theory was idealistic, it avoided the social prescription usually associated with utopianism. Herbert's commitment to an ethos of radical progressivism was one he shared with other

contemporary socialist and anarchist thinkers who, like Herbert, attempted to live the politics they espoused. For his political philosophy and activism, Herbert warrants acknowledgement as one of the most prominent English libertarians of the nineteenth century.

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INTRODUCTION

This thesis critically examines the political ideas of Auberon Herbert, a mid and late Victorian political philosopher and libertarian activist, whose ideas gained prominence in the last three decades of the nineteenth century.¹ Herbert, an enthusiastic follower of the English philosopher Herbert Spencer, developed a political philosophy based on a Lockean-Spencerian conception of natural rights that he entitled Voluntaryism.² This theory asserted individual sovereignty over body and mind, action, and property including that in labour. As each individual possessed these rights, each had a moral obligation to respect the same rights in others. Protection of these rights against force and fraud constituted the sole purpose of government. Government, Herbert argued, was primarily the instrument of the individuals who created it.

Herbert, an early admirer of J. S. Mill, found greater inspiration in the political philosophy of Spencer, but developed a distinctive position that was characterised by his commitment to an ethos of radical progressivism. Although Herbert resisted socialist and new liberal attempts to reinforce the state, his reasons for doing so had little in common with conservative critics of these developments. Instead, his position should be seen as that of a radical reformer seeking to promote Voluntaryism as the basis for peaceful and friendly co-operation among free individuals. The co-operative aspect of Herbert's theory tends to be overlooked in favour of its anti-statist element. Furthermore, the visionary nature it shares with aspects of other contemporary philosophies, such as socialism and anarchism, has been insufficiently explored. The chapters that follow address these shortcomings by examining

¹ The term 'libertarian' as used in current moral and political philosophy gives primacy to individual liberty (as distinct from a view about freedom of the will) and holds that there is a delimitable sphere of action for each person, the person's 'rightful liberty', that must not be violated. By the same token, that person must not violate, or infringe, on the rightful liberty of some other person(s); Jan Narveson, *The Libertarian Idea*, Philadelphia, 1988, p. 7.

² Eric Mack employs 'Lockean-Spencerian' when describing Herbert's position; see his 'Introduction' in Auberon Herbert, *The Right and Wrong of Compulsion by the State and Other Essays*, Eric Mack, ed., Indianapolis, 1978, p. 15. References to Herbert's essays, unless noted, will be to this edition. Following the first citation, subsequent references will note title only.

Herbert's political ideas and, particularly, his endeavours to apply Voluntaryist principles to a range of contemporary issues and situations. Also considered is the extent to which these endeavours shared the ethos of radical progressivism expressed by other nineteenth century English radical reformers, such as William Morris and Edward Carpenter, whose politics are usually considered contrary to Herbert's.

The title 'Liberty, Peace, and Friendliness' originates from Herbert's statement that Voluntaryism was the 'system' represented by these principles.³ With the addition of 'co-operation', they comprise the core of Voluntaryism. However, as this study aims to comprehensively examine his political ideas, discussion is not restricted to Voluntaryist doctrine but includes investigation of Herbert's earlier thinking, primarily to illustrate the direction in which it developed. A combination of historical reference and philosophical analysis provides the context in which Herbert's political thought is critically analysed.

Arrangement of the text appears as follows. A review of the literature continues the Introduction. Here, Herbert's standing in political philosophy is examined under a number of overlapping rubrics: individualism and collectivism; individualism and conservatism; Herbert as a Spencerian; Herbert and anarchism; Herbert and utopianism. I argue that anarchism is the most controversial and problematic of these rubrics, indicating a complexity in Herbert's position that is not usually acknowledged. The Introduction concludes with a biographical account of Herbert.

Chapter One discusses Herbert's theory of Voluntaryism: its origins and natural rights basis. The influences of J. S. Mill and Spencer on Herbert's thinking are considered, along with the emphasis Victorian intellectuals placed on morality. The main aspects of Herbert's Voluntaryism are examined; subsequent chapters discuss their major implications in more detail.

³ Auberon Herbert, 'The Principles of Voluntaryism and Free Life', Mack, ed., p. 388. This essay was first published, as a pamphlet, in 1897 by the Free Press Association in Burlington, Vermont.

The next two chapters examine Herbert's thoughts on government. Chapter Two concerns Herbert's criticisms of present government culminating in the transition from the present coercive state to a voluntary state supported by voluntary taxation. Chapter Three considers Herbert's ideas on local government, an institution which developed greatly during the later decades of the nineteenth century. The remainder of the chapter looks at the emerging concepts of social welfare and public health, the latter generally termed 'sanitary supervision'. It examines Herbert's response to them, particularly his philosophy of personal health.

In Chapter Four are considered Voluntaryist ideas in the international arena, by reference to Herbert's thoughts on foreign affairs and the British Empire. Although not a pacifist, Herbert abhorred war and advocated global peace and co-operation. International free trade was one means of promoting these and the Empire another. Yet, Herbert also supported national self-determination including that in Ireland. Irish Home Rule, he came to think, was inevitable. As British troops were employed in Ireland and throughout the Empire, the chapter concludes with Herbert's ideas on military reform that were informed by a combination of personal experience, observation and ideology.

The remaining Chapters Five, Six and Seven examine in depth those subjects directly relating to the possession of individual rights: property, labour and intellectual freedom. Chapter Five revisits Herbert's position on private property, particularly in relation to the Land Question and Irish Agrarian Reform. It also examines his connection with the Liberty and Property Defence League. The chapter ends with discussion of Herbert's participation in the Small Holdings movement as a further demonstration of practical Voluntaryism.

Herbert regarded private property and labour as closely connected; both originated from self-ownership. Chapter Six, therefore, studies his ideas on labour and capital. Although much of it focuses on employment and industrial relations, mention is also made of Herbert's connection with the British Co-operative Movement. Overall, the chapter argues that his

approach to labour, as with property, was not solely a reaction to new political forces: namely, new unionism and socialism. Aspects of Herbert's philosophy of labour demonstrate a shared ethos with other radical contemporary English reformers, notably Morris and Carpenter.

Chapter Seven examines Herbert's views on intellectual freedom, specifically the provision of education. Initially a supporter of state involvement in education reform, his views changed to equate educational freedom with religious freedom. The link between Herbert's ideas on education and the development of Voluntaryism is also considered.

Finally, the Conclusion presents a summary of the major findings of this thesis. It also includes an overall assessment of Herbert's contribution to political thought.

The Literature

Herbert enjoyed prominence, even notoriety, as a radical political thinker and activist, even before he became an enthusiastic follower of Spencer in the early 1870s. Although Herbert's name features in many contemporary biographies, they contain little in-depth discussion and analysis of his political thinking.⁴ More extensive reference to Herbert's politics appears in the later comprehensive biography by S. Hutchinson Harris and in a very few biographical sketches.⁵ Also, despite the increasing amount of literature on late Victorian politics, writers generally tend to focus on the development of New Liberalism and the various forms of Socialism that emerged during the period. Libertarianism, or Individualism, as it developed in the period, remains a neglected area. For this reason, Herbert, a significant mid and late Victorian libertarian philosopher, has received little serious attention.

The few critical interpretations provide one-dimensional pictures of Herbert and do not fully consider the implications of his position. For instance, he supported private property

⁴ The following diverse autobiographies are among many which mention Herbert; Wilfred Scawen Blunt, *My Diaries: Being a Personal Narrative of Events 1888-1914*, 2 vols, London, 1921; George Jacob Holyoake, *Sixty Years of an Agitator's Life*, London, 1893; Beatrice Webb, *My Apprenticeship*, London, 1926.

⁵ S. Hutchinson Harris, *Auberon Herbert: Crusader for Liberty*, London, 1943. Owing to its comprehensiveness, I have used this source extensively in my text.

but advocated the abolition of the House of Lords. If the first statement suggests Conservatism, then the second implies radical Liberalism, at least. Interpretation of Herbert's politics, therefore, must avoid too rigid categorisation. The review that follows will consider the literature on Herbert's political thought by reference to the categories which emerge from it: individualism and collectivism; individualism and conservatism; Spencerism; anarchism; utopianism. It focuses chiefly on the work of modern scholars as there are few contemporary sources that analyse Herbert's political ideas rather than his character or political prospects.

Individualism and Collectivism

Most accounts place Herbert firmly within late Victorian Individualism, which tends to be defined either as an outdated expression of *laissez-faire* that failed to answer contemporary economic and social problems, or as a vigorous but essentially reactionary response to the revival of socialism. Frequently, they overlook the subtleties and differences in Individualist thinking. One of the few scholars who avoids this trap is Carl Watner. He aptly describes the English Individualists as a disparate group of activists and thinkers united in their general adherence to a doctrine of individual freedom in economic and social relations, which they believed should not be restricted by governmental relations.⁶ Discussions of Individualist ideas tend to contrast them directly and unfavourably with Collectivism or Socialism with little or no acknowledgement made of the similarities of desired outcome. Furthermore, almost no concession is made for humanitarian concerns in Individualist thinking. Viewing Individualism in this narrow way becomes especially problematic when considering Herbert's Voluntaryism. Categorising Herbert's position, however, also exercised contemporaries, with some even noting a 'socialist' component in it.

Wilfred Blunt, poet, Arabist, politician and friend of Herbert's, had no doubts about the nature of his politics describing him as the 'last of the uncompromising individualists of

⁶ Carl Watner, 'The English Individualists as They Appear in *Liberty*', *Journal of Libertarian Studies*, 6, 1, 1982, p. 60.

the Victorian age, the most consistent and ablest'.⁷ Blunt, who writes about their talking a great deal on politics, Eastern and Western, was largely in sympathy with his views but considered Herbert more doctrinaire than himself. He also adds that Herbert possessed 'greater belief in the effective power of appealing to the principles of right and honour with Englishmen'.⁸

Another acquaintance, however, found political distinctions less clear cut when writing on Herbert's politics. W. H. Mallock (a novelist and Conservative publicist) was notoriously harsh in his depictions of the important Victorian intellectual figures such as Benjamin Jowett and Matthew Arnold but left a sympathetic sketch of Herbert. Mallock described Herbert as 'a most singular character', someone who would probably now be associated with some form of socialism, but clarified this by stressing that Herbert in a sense was 'certainly no socialist' but on the contrary an 'ardent champion of individual freedom, as opposed to the tyranny of the State'.⁹ This statement implies that the Conservative Mallock recognised the distinctiveness of Herbert's progressive radicalism and considered that aspects of it approached socialism. Mallock's brief observations suggest two things: either that he failed to comprehend Herbert's position, or that he hesitated to describe it as an antithesis between Individualism and Socialism.

A different ambiguity over Herbert's position appears in the opinion of Grant Allen, a Fabian socialist, who emphasised a number of similarities in their politics.¹⁰ Among shared aims, he included absolute personal freedom, independent and voluntary co-operation, as well as the importance of building moral character. Allen also admitted to being an 'evolutionist' but argued in favour of 'tentative alterations in the nature of the environment' to encourage this development.¹¹ Claiming that the differences between them were really very slight, Allen

⁷ Blunt, *My Diaries*, 2, p. 156.

⁸ *Ibid.*

⁹ W. H. Mallock, *Memoirs of the Life and Literature*, 2nd edn, London, 1920, p. 92.

¹⁰ Grant Allen, 'Strike, But Hear Me! Some Reply to the Hon. Auberon Herbert', *The Humanitarian: A Monthly Review of Sociological Science*, December 1897, pp. 389-394.

¹¹ *Ibid.*, p. 392.

commented: ‘Mr Herbert calls his socialism individualism, and ... I call my individualism socialism’.¹² Moreover, Allen suggested that if Herbert and fellow Individualist Wordsworth Donisthorpe troubled to find out what socialists believed, then they would join the ‘other good individualists in the Fabian Society’.¹³ It is important to note that Allen’s comments were part of an ideological, and increasingly polemical, debate published in the pages of *The Humanitarian* between Herbert and three prominent socialists of his day: Allen, E. Belfort Bax and J. A. Hobson.¹⁴ Basically, the argument concerned the effectiveness of government in achieving truly beneficial changes.¹⁵ Allen’s reply to Herbert is interesting because they did share a number of beliefs, including the benefits of voluntary co-operation. By highlighting their shared aims rather than differences, Allen also neutralises Herbert’s criticisms. Above all, the exchange illustrates the degree to which individualists and socialists recognised politically loaded terms such as personal freedom and voluntary co-operation and contested ownership of them.

A modern author who recognises the contentious nature of the political and social debates of the period is Helen Merrell Lynd whose authoritative book *England in the Eighteen Eighties* discusses the emergence of socialism in England during the 1880s.¹⁶ The chief significance of the 1880s, Lynd states, was the beginning of the emergence of a new phase in the struggle for individual freedom. Then as now, she suggests, the problem was how to discover the kind of social organization compatible with individual democracy. Socialism marked a new approach to authority and freedom. The doctrine of ‘collectivism’ with explicit formulations of various types of socialism emerged directly in response to economic and political uncertainties of the period. It gained ground at the expense of individualism, which

¹² Ibid., p. 394.

¹³ Ibid.

¹⁴ Eric Mack chronicles the debate, between 1898 and 1899, in his ‘Voluntaryism: The Political Thought of Auberon Herbert’, *Journal of Libertarian Studies*, 2, 4, 1978, p. 308. Hobson is more accurately described as a New Liberal.

¹⁵ Previously, Herbert had rejected the ‘impatient’ and ‘short-sighted’ systems devised by the state to provide services, such as education and public health, in favour of free and voluntary co-operation; see Auberon Herbert, ‘The Harvests of the Sands’, *Humanitarian*, November 1897, p. 324.

¹⁶ Helen Merrell Lynd, *England in the Eighteen Eighties: Towards a Social Basis of Freedom*, 1945, reprint, London, 1968.

was proving an illusory basis of freedom. Lynd suggests, however, that because the contemporary debate became restricted to one of individualism versus collectivism the full potential of social freedom went unrealised.

Of Lynd's account of the development of the collectivist movement, her discussion of the dominant Fabian socialists is the most extensive and perhaps the most relevant to Herbert. Lynd claims that the work of the Fabians helped free England from the 'perpetual panic' about using the powers of the state. On this subject, several leading Fabians strenuously and publicly engaged prominent Individualists, including Herbert. Yet Lynd also considers the Fabians were too greatly influenced by the ethos of progress and prosperity that dominated their generation. Moreover, they applied essentially pragmatic methods to attain socialism, rather than broad analyses, particularly Marxian theory, to transforming English society. She concludes, however, that Fabian gradualism achieved the most in the way of social change.

Although Lynd provides a useful account of the development of socialism in the 1880s, her broad characterisation of individualism is weaker. Her inquiry into the deep historical roots for individualism is unconvincing. Basically, Lynd's wide-ranging account rests on a questionable assumption about the development of capitalism in England and its close relationship to Protestantism, an argument which Alan Macfarlane strongly refutes in his book *The Origins of English Individualism* that post-dates Lynd's work.¹⁷ Capitalism, Macfarlane claims, developed in England long before the Reformation, definitely as early as the thirteenth century.¹⁸

It is curious that Lynd, given the nature of her argument, fails to directly attribute the development of individualism to the noticeable absence of central social institutions in the processes of contemporary change. In noting their absence in initiating change, she concedes

¹⁷ Alan Macfarlane, *The Origins of English Individualism: The Family, Property and Social Transition*, Oxford, 1978.

¹⁸ Macfarlane claims that historians, sociologists (and political theorists), including Max Weber and Karl Marx, have largely misinterpreted the basic nature of the English social structure between the thirteenth and eighteenth centuries with many assuming it to follow that of European peasant societies. Research, Macfarlane argues, proves it possible to describe later thirteenth century England as a capitalist market without factories; *Ibid.*, pp. 194-196.

that such institutions, whether economic, political, religious, or educational, are not inherently adapted for new social developments.¹⁹ While events, dissident individuals or minorities from within may force change, institutions once firmly established tend to continue as preserving and stabilizing rather than creative influences. It should be added that the same institutions may become despotic and intellectually, as well as politically, oppressive. Although finding no adequate explanation for the shift in thinking in the 'eighties, Lynd concedes the significant contribution of individual thinkers and activists.

In this period, however, Lynd detects a similarity of approach between individualists and collectivists, a point with which this thesis concurs. For instance, she concludes that the collectivist philosophers applied the old concepts and morality. Like earlier 'atomistic' individualist philosophers, they fell into the same mindset of limitation and avoidance. Rather than inquire what humans want they sought to avoid what they feared.²⁰ Further, their 'scientific' approach attempted to analyze complex social questions quantitatively not qualitatively. Although, I dispute Lynd's characterisation of individualism as 'atomistic', particularly in relation to Herbert, much of her analysis is correct. I agree with her acute observation that often the quarrel between individualism and collectivism was bitter because many of the underlying premises were the same.²¹ This will become apparent in several of the following chapters.

In contrast, Stefan Collini provides a narrowly focused but useful account of the contemporary intellectual debate.²² He considers the way in which disagreement over the role of the state was conceptualized in terms of the opposition between 'Individualism' and 'Collectivism', and explains how these they became polemically loaded between the 1880s and the First World War. Individualism carried both a moral and political meaning. The moral

¹⁹ Lynd, *England in the Eighteen Eighties*, pp. 421-422.

²⁰ *Ibid.*, p. 427.

²¹ This observation cites John Dewey, *Reconstruction in Philosophy*, New York, 1920, p. 201; Lynd, *England in the Eighteen Eighties*, pp. 427-428.

²² Stefan Collini, *Liberalism and Sociology: L. T. Hobhouse and Political Argument in England 1880-1914*, Cambridge, 1979, pp. 13-50.

or general sense, common throughout the nineteenth century, carried favourable resonances meaning independent individual action or thought, or 'egoism', as well as self-centred feeling and conduct. The political sense of Individualism, Collini suggests, initially referred to opposition to the extension of state-intervention.²³ He thinks it possible that its proponents reclaimed the title in deliberate defiance of its dominant connotations and as a proud affirmation of the merits of a political system founded on the free action of the individual. However, Individualism, narrowly defined by its opponents, came to represent selfishness and disregard for the common good.²⁴ Although not all Individualism was of an 'extreme' kind, the term came into general usage to denote a range of opposition to Collectivism. Collectivism, a pejorative label borrowed from France, became conflated with Socialism, and, in turn, became equated with state compulsion.

A critic of Collini's dichotomous framework for late Victorian political debate is Michael Taylor, who thinks that rather than applying 'the Westminster Model of political argument' to cohesive groups called Individualists and Collectivists, Collini would be more accurate to regard Individualism as an entrenched position assailed by loose guerrilla bands including New Liberals, Idealists and various forms of socialists who were united in their opposition but also often divided against each other.²⁵ While the opposition to Individualism might have been less cohesive than Collini conveys, it seems that Taylor's notion of a marked Individualist position also warrants qualification. As noted earlier, there existed diversity among the Individualists, and to refer to a single position blurs the differences between the views of thinkers such as Herbert and Donisthorpe.²⁶ Both used recognisably individualistic lines of argument but their theories differed in significant respects: the feasibility of voluntary

²³ Collini notes that the term 'Individualism' derived initially from the propaganda of anti-statist organisations. He cites Edward Bristow's 'The Liberty and Property Defence League and Individualism', *Historical Journal*, XVIII, 1975, pp. 761-780; Collini, *Liberalism and Sociology*, p. 17.

²⁴ Confirmation of Collini's observation appears in several of the printed exchanges between Socialists and Individualists, particularly during the 1890s. For instance, the Spencerian Individualists, it was argued, maintained the liberty of "possession"; see Sidney Ball, 'A Plea for Liberty: A Criticism', *Economic Review*, 1, 3, 1891, p. 327.

²⁵ M. W. Taylor, *Men versus the State: Herbert Spencer and Late Victorian Individualism*, Oxford, 1992, p. 2.

²⁶ For instance, Donisthorpe challenged Herbert's theoretical basis of individual liberty; Wordsworth Donisthorpe, 'Absolutism in Politics', in his *Individualism: A System of Politics*, London, 1889, pp. 382-393.

taxation, for example. Their distinctive positions, therefore, had important implications for the status quo as well as for the changes to it being promoted by other radical thinkers. Yet, it must be conceded that they jointly defended broad Individualism (individual self-direction and voluntary cooperation) against what they regarded as the increasingly coercive power of the state.

Collini briefly notes overlooked aspects of Individualism. For instance, he observes that Individualist writers, including Spencer, had to constantly point out the error of equating Individualism with the solitary life of the individual when instead it entailed an elaborate form of mutual dependence. Unfortunately, he does not expand on this point, one which is greatly significant to Herbert's ideas and to libertarianism, generally.²⁷ Most Individualists theorised with the ultimate good of the community in mind and this aspect features strongly in Herbert's philosophy. However, the dichotomous framework of Collini's discussion allows little room to accommodate some of the social considerations of Individualism implied in his reference to Spencer. Instead, it is limited to a juristic perspective traditionally associated with libertarianism, but one which does not adequately capture Herbert's Voluntarism.

At the same time, Collini's reference to the institution of contract is interesting.²⁸ The operation of contract, he thinks, provides the foundation of several neglected aspects of Individualism. Specifically, emphasis on contract placed greater stress on civil law and led to accompanying demands that litigation be made cheaply available.²⁹ Among the radical implications of this approach was the treatment of marriage; if regarded as a contract, it could involve easier access to divorce than was currently allowed. Collini cites this as an example of how the conclusions of a consistent Individualism were overridden by the moral imperatives of the age. This is certainly true in regard to many of Herbert's reforms. It must be noted,

²⁷ Richard E. Flathman, in contrast, addresses the complexity of relationships and rules that accompany private individualism; Flathman, *The Practice of Rights*, Cambridge, 1976, pp. 185-86.

²⁸ Collini cites Henry Sidgwick's observation on the institution of contract as the main link knitting together a complex system of co-operation in modern society; see his *Liberalism and Sociology*, p. 19.

²⁹ Herbert advocated this in *The Right and Wrong of Compulsion by the State*; p. 153. (Henceforth, this essay will be abbreviated to *RWCS*)

however, that socialist reformers seeking similar outcomes, although perhaps on the grounds of ‘social justice’, faced the same moral sanctions. One of the strongest sanctions, for instance, related to women’s participation in public life.³⁰

The political, economic, scientific and moral arguments against state intervention advanced by the Individualists provide a useful framework for Collini’s analysis of the main areas of contemporary debate. For example, he suggests that although the Philosophical Radicals earlier objected to the corruption and mismanagement of government, the Individualists tended to fear that the increasing efficiency of government would either remove or undermine individual enterprise. Moreover, the growing capability of the state to undertake national enterprises also threatened to place such projects beyond the comprehension and effective regulation of citizens.

Collini also demonstrates how increasingly a number of Individualist arguments found effective refutation or co-option by Collectivist critics. The scientific argument that the movement from Status to Contract represented social progress and justification for limited government was such an area. The Individualist argument in favour of voluntary co-operative action was restructured to show that the collective regulation of a community’s affairs was a natural outcome of the acknowledged trend of social evolution.

Similarly, the Individualist argument for self-improvement lost ground, Collini notes, when the ideal of self-improvement became subsumed under the broader concept of ‘self-realization’, making it easier for Collectivists to argue for state action to remove material obstacles to facilitate the development of one’s faculties, including moral capacity.³¹ Only through the official provision of equal opportunities for self-development could humans

³⁰ Jose Harris suggests that the reconstruction of local government between 1870 and 1899 almost inadvertently gave women a toehold in public office that they vigorously exploited in the areas of education, Poor Law, sanitation and public health. She notes that the campaigns of the 1880s, including those against compulsory vaccination, vivisection, and, above all, the Contagious Diseases Acts finally shattered the conventional disapprobation of women speaking in public; see her *Private Lives, Public Spirit: A Social History of Britain 1870-1914*, Oxford, 1993, p. 24.

³¹ Collini, *Liberalism and Sociology*, p. 31.

develop a better character.³² Thus, Collini concludes, were the moral resources massed in support of Individualism mobilised in the interests of legitimating Collectivism.³³

While his account is plausible, Collini's concentration on character and human development as representing the moral debate seems somewhat narrow, or as Taylor suggests, his categorization is too restricted. He claims that Collini's scientific argument appears to conflate a number of separate issues and fails to capture a number of other arguments, especially those that derive their force from considerations of justice and utility.³⁴ Furthermore, one of the arguments advanced by Individualists, particularly Herbert, was the morality of state intervention and the moral grounds upon which it consistently overrode individual choice and conscience. Apart from the occasional narrowness of his arguments, Collini provides a sophisticated discourse on the intellectual context within which Herbert sits, and covers a number of ideas highly relevant to this thesis. Overall, however, he offers the reader no conclusion.

In contrast to Collini, Individualism is the ground upon which William McKercher excludes Herbert from nineteenth century British libertarianism.³⁵ Instead, he maintains that this school of thought is more correctly represented by socialists, communists, or anarchists. It included thinkers like William Morris, Peter Kropotkin and Edward Carpenter. These 'non-individualistic libertarians', McKercher argues, put freedom before individualism but still believed in the right of the individual to pursue his or own course in concert with the rest of a free and co-operative society.³⁶ He interprets libertarian freedom in a collectivist or positive sense, particularly the nature of authority relations in society. Spencer and his students, Herbert and Donisthorpe, fall outside McKercher's definition because they believed in individualism (the primacy of individual rights and liberties) and competitive practices rather

³² The Fabian Socialist Sidney Ball took exactly this line arguing that the end of the State was the development of character; see Ball, 'A Plea for Liberty', pp. 338-339.

³³ Collini, *Liberalism and Sociology*, p. 32.

³⁴ Taylor, *Men versus the State*, p. 69.

³⁵ William R. McKercher, *Libertarian Thought in Nineteenth Century Britain: Freedom, Equality and Authority*, New York, 1987.

³⁶ *Ibid.*, p. 70.

than individuality and co-operation in a society of egalitarians. McKercher suggests that liberal individualism can exist only under a law-bound and regulatory political system that forces an individual into a relationship with a governing body.³⁷ He argues that the real libertarians proposed to substitute co-operation for competition and freedom for authority.

Herbert, this thesis proposes, sought similar aims. Therefore, McKercher's exclusion of him from nineteenth century British libertarianism is dubious and suggests that he does not fully appreciate Herbert's position. For instance, Herbert was also an egalitarian, believing in equal rights and universal suffrage. Although he upheld lawful competition, he highly valued co-operation. Moreover, he had little time for authority other than its fundamental protection of people's universal rights. While it is true that reformed law was basic to Herbert's political thinking, a heavily regulatory political system was not. The loose and greatly localised relationship that individuals would have with a governing body, I argue, would be very similar in Morris's state and Herbert's state.

McKercher notes that Herbert's Voluntary State was discussed in the anarchist periodical *Freedom*.³⁸ At the same time, he remarks that the anarchists intellectually closest to Herbert tended to be of an individualist type. Moreover, he maintains that Individualists like Herbert and Donisthorpe recognised that their form of anti-statism would not incur the sympathy of people like Morris or Kropotkin. This may be the case but it remains a fact that Herbert, as the following discussion shows, often desired a similar outcome to them.

Individualism and Conservatism

There exists the view that late Victorian Individualism is more appropriately placed on the right as a subspecies of Conservatism, particularly as a number of prominent Individualists did have Conservative contacts. Some scholars think that the libertarian wing provided a certain impetus to the Conservative Party from the 1880s until 1914.

³⁷ Ibid., p. 65, 295.

³⁸ Ibid., p. 297.

The connection of libertarianism, or Individualism, with Conservatism in the late Victorian period arises as part of a broader ideological discussion by W. H. Greenleaf, who shows the tension between 'liberalism' and collectivism in arguments concerning the state. In the second volume of his *British Political Tradition*, Greenleaf employs the rise of collectivism and its opposition to libertarianism as the framework for discussing the three main political ideologies in Britain from the early 1800s until the mid-twentieth century: liberalism, conservatism and socialism.³⁹ He stresses, however, the degree of ideological overlap, divergence and inconsistency as intrinsic to the subject matter.⁴⁰ This is a cogent point, one that will become apparent in later examination of different aspects of Herbert's political philosophy, particularly in relation to other theories such as individual anarchism and voluntary socialism.

Greenleaf remarks that individualist political ideas of the late 1800s have experienced a period of neglect engendered by the dominance of collectivist ideas. His detailed review of Spencer, together with a companion review of Richard Cobden, aims to represent two versions of extreme classical Liberalism. He considers Spencer a remarkable man and a philosopher in the tradition of Sir Francis Bacon. The principles of Spencer's comprehensive system or 'Synthetic Philosophy' were intended to support an extreme libertarian position. In clearly outlining Spencer's philosophy, Greenleaf notes, significantly, that Spencer's doctrine was an ethical one informed by principles resting on a secular and 'scientific' basis designed to provide a moral framework for human society.⁴¹ As Spencer's later position, in contrast with his earlier thinking, became more pessimistic and narrowly political, it greatly conflicted with that of the new Liberals. Spencerian ideology, Greenleaf argues, although still supported by many traditional Liberals, had a great but not exclusive influence in the formation of libertarian Conservatism. The libertarian wing of Conservatism was the most active and of some significance at the end of the nineteenth century.

³⁹ W. H. Greenleaf, *The British Political Tradition, Volume II: The Ideological Heritage*, London, 1983.

⁴⁰ Greenleaf, *British Political Tradition, II*, p. 13.

⁴¹ *Ibid.*, p. 63.

Traditional notions of Conservatism, Greenleaf suggests include: a sense of religion and divine order coupled with a veneration of Christian virtues; a pessimistic view of human nature combined with scepticism about rationalist possibilities; an organic and hierarchical conception as the basic social unit and on the importance of private property.⁴² But in late Victorian Conservatism, he argues, there existed a duality accommodating both ‘Tory’ opinions, as above, and old Liberal traditions that emphasised individual liberty and a limited state. This accounts for some former Liberals, like G. J. Goschen, who opposed the interventionist and welfare policies of the new Liberalism, joining the Conservative Party. However, Greenleaf also notes that many Conservatives, who believed in a minimal state legislating to maintain law and order and not morality, merely expressed a late Burkean position.⁴³

Another example of Conservative libertarianism seen by Greenleaf is Lord Elcho, later the Earl of Wemyss, founder of the Liberty and Property Defence League (LPDL). The body was established in 1882, most of its members being drawn from upper class advocates of Spencerian Individualism. Greenleaf refers to Herbert as ‘an ardent disciple’ of Spencer’s but fails to note that Herbert resisted joining the LPDL because of the ‘coercive’ nature of its constitution.⁴⁴ It is clear that Greenleaf, in his brief review of Herbert’s life and politics, has relied heavily on Harris’s biography, including a passage quoting Dilke’s opinion on Herbert’s growth of anarchic views as turning him from a Radical back into a Tory.⁴⁵ Even Herbert conceded that his position on property might incorrectly be regarded as Tory.⁴⁶ Nonetheless, although Greenleaf concedes that Herbert’s individualism was more extreme

⁴² Here Greenleaf acknowledges the debate over the existence of a coherent Conservative doctrine; see *Ibid.*, p. 191.

⁴³ *Ibid.*, pp. 265-266, 271. Burke limited state involvement to ‘everything that is *truly and properly* public’ but opposed ‘an overdoing of any sort of administration ...’ especially ‘the meddling with the subsistence of the people’; Edmund Burke, ‘Thoughts and Details of Scarcity’, in *The Writings and Speeches of Edmund Burke*, R. B. McDowell, ed., Oxford, 1991, IX, pp. 143-144.

⁴⁴ See footnote in Bristow, *Individualism versus Socialism in Britain 1880-1914*, New York, 1987, p. 60.

⁴⁵ Harris, *Auberon Herbert*, p. 210. Dilke was also an ambitious New Liberal whose political fortunes favoured greater government intervention.

⁴⁶ Herbert, in a letter to the editor of the *Daily News*, wrote: ‘I daresay you think me turned Tory on the subject of property ... I am more than that, I have passed beyond the North wind to find something stronger than itself’; Harris, *Auberon Herbert*, p. 237.

than Spencer's, his summary of Herbert's position fails to note his advocating the abolition of hereditary political privilege, including abolition of the House of Lords, his republicanism, and support of universal suffrage. These points of Herbert's programme, it is contended, would be unacceptable to most Conservative libertarians of this period.

Herbert the Spencerian

By far the most common category under which discussion of Herbert appears is as one of the Spencerian Individualists, a loosely defined group whose political philosophy took inspiration from the evolutionary philosophy of Herbert Spencer. Herbert frequently acknowledged the influence of Spencer's ideas upon his own thinking, a factor that may have encouraged critics to overlook his distinctiveness as a theorist. Other prominent Spencerian libertarians, Donisthorpe and J. H. Levy, shared a similar fate. However, to categorise Herbert as a Spencerian without qualification is problematic because it does not allow for the real political differences that developed between them.

A near contemporary who appreciated the philosophical differences between Spencer and Herbert was Sir Roland Wilson, a legal scholar and Individualist, who regarded Herbert as a genuine disciple of Spencer's.⁴⁷ Wilson, although seeing the closest affinity between Herbert's Voluntaryism and Spencer's Individualism, did not see their positions as identical. He noted the points on which the two philosophers agreed and addressed Herbert's significant departures from Spencerian thinking, particularly voluntary taxation and the abstract rightness of private land owning.⁴⁸

Spencer and his radical followers receive critical attention in Edward Bristow's *Individualism versus Socialism in Britain, 1880-1914*.⁴⁹ He notes, however, that Spencer only used the term Individualism in late correspondence with his Individualist disciples. Bristow's

⁴⁷ Sir Roland K. Wilson, *The Province of the State*, London, 1911, pp. 269-270.

⁴⁸ Spencer's change of position on private land ownership is discussed in Chapter Five.

⁴⁹ Edward Bristow, *Individualism versus Socialism in Britain 1880-1914*, New York, 1987, pp. ii-iii.

text, although focusing on the Liberty and Property Defence League, presents one of the few detailed discussions of the Individualist Movement in which Herbert was prominent.⁵⁰ Citing Greenleaf, it concurs with his view that, with the exception of anarchists, libertarianism in the late nineteenth century was a sub species of conservatism. Yet, the sort of Individualism promoted by Spencer and his followers, he thinks, transformed liberalism into a doctrine resembling individualist anarchism.⁵¹ Bristow bases this claim on the anti-statist position these theorists increasingly adopted and argues that they contributed to the anarchist tradition. Individualism, he adds, was a millenarian doctrine which anticipated a future anarchist utopia. He also notes that Donisthorpe finally declared his anarchism and claimed Spencer, Herbert and Levy among a variety of allies. All three denied this categorisation. Admittedly, there are affinities with elements of anarchism in Herbert's Voluntaryism, a categorisation of Herbert that is discussed below. However, radical libertarianism would equally entail a reduction of political obligation via the expansion of consent, which Bristow regards as part of the anarchist transformation of liberalism. The 'withering away of the state' would be another likely outcome of libertarian philosophy.⁵² This point aside, Bristow considers Herbert to be one of the most important Spencerian Individualists but limits his reputation to the confines of his generation, a point largely valid outside libertarian and anarchist circles. He thinks that Herbert, along with Donisthorpe and J. H. Levy, comprised the core of Individualism sustaining a philosophical dialogue for over twenty years.⁵³

A later and more comprehensive study of Spencer and his followers is Michael W. Taylor's *Men versus the State* in which Taylor claims that Spencer was the leading philosophical spokesman for Individualism in the late nineteenth century and that Spencer's

⁵⁰ Bristow footnotes that Herbert rejected joining the LPDL considering their constitution too 'coercive'; see *Individualism versus Socialism*, p. 60. However, Herbert also stated that the LPDL was 'a little more warmly attached to the fair sister Property than...to the fair sister Liberty'; see Mack's 'Introduction', in *RWCS*, p. 14.

⁵¹ Bristow, *Individualism versus Socialism*, p. 207.

⁵² *Ibid.*, p. 176.

⁵³ *Ibid.*, p. 196. In discussing contemporary individualist organisations, Bristow notes that several of the early feminists were ardent individualists and members, along with Herbert, of the Vigilance Association for the Defence of Personal Rights. Herbert's support for women's rights generally, although not addressed in this thesis for reasons of space, is a subject that warrants further research.

book *The Man versus the State* represented the chief document of this political ideology.⁵⁴ Taylor, who justifiably notes the neglect of Individualism by historians of political thought, also argues that it was a defensive creed that emerged out of the crisis of late Victorian Liberalism. He thinks, however, that Spencer failed to appreciate the problems confronting modern industrialisation. Moreover, because of his conservatism, he either tailored his theories to defend the status quo or did not develop them fully. Taylor extends his argument to include the Spencerian Individualists, a diverse group of political theorists ‘who derived direct inspiration from Spencer’s arguments’.⁵⁵ Interestingly, he takes issue with Greenleaf’s assertion that the Spencerian Individualists contributed significantly to the conservative tradition in the twentieth century. Taylor, in contrast, considers their contribution as neither great nor lasting.⁵⁶ His central and repeated argument is that Individualism, as represented by Spencer and his followers, presented an increasingly conservative intellectual defence of the late Victorian social order against attacks by the New Radicals. Despite their being at great variance with conservative principles, Taylor asserts that the Individualists were conservative theorists in the sense of being defenders of the status quo. His argument contains some validity in relation to Spencer, who retreated from a position advocating land reform and immediate female suffrage, but it comes seriously unstuck in regards to Herbert. Although Herbert’s support of private property ownership and minimal government warrants Taylor’s and, to a lesser extent, Greenleaf’s earlier categorising of his position as conservative, we must remember that Herbert advocated republicanism, universal male and female suffrage, voluntary taxation, Home Rule for Ireland and self-determination for the colonies. To suggest, therefore, that he defended the late Victorian status quo is wrong.

Recently, Taylor concluded that Herbert’s political thought in fact owes comparatively little to the most distinctive aspects of the synthetic philosophy and lacks Spencer’s emphasis

⁵⁴ M. W. Taylor, *Men versus the State: Herbert Spencer and Late Victorian Individualism*, Oxford, 1992.

⁵⁵ Taylor, *Men versus the State*, p. 22.

⁵⁶ *Ibid.*, p. 273.

on evolutionary processes.⁵⁷ Taylor states that while Spencer attempted to demonstrate that freedom of contract and a minimalist state were the outcome of invariable sociological laws, Herbert defended a limited state on a natural rights basis, something which he treats as intuitively obvious rather than as the corollary of biological or sociological theory. A similar comparison was made years earlier by Wilson who observed that Spencer approached political and ethical problems in a scientific spirit and from a biological starting point.⁵⁸ Herbert, in contrast, approached these subjects as an 'intuitive moralist' whose starting point was the 'sentiment of personal dignity and responsibility'.⁵⁹ This thesis agrees on the interpretation made in both sources. However, it has reservations about Taylor's subsequent statement that Herbert's political theory is closer to that of Joseph Priestley than it is to the mainstream of ideas at the end of the Victorian era. It must be remembered that Priestley's theory contained a strong religious component to the extent that political freedom was instrumental in achieving religious ends.⁶⁰ In other words, the perfection of God's world was the primary project and human liberty only part of it.⁶¹ Herbert's political theory contains no similar relationship with religious liberty. Moreover, the expression of many of his political ideas, although not mainstream, frequently demonstrates a shared ethos with other radical Victorian contemporaries.

Spencer and his most prominent adherents appear in a short but comprehensive account of the conflict between negative and positive liberals by David Nicholls in his 'Positive Liberty, 1880-1914'.⁶² Nicholls, noting Spencer's pre-eminence in the second half

⁵⁷ M. W. Taylor, 'Herbert' in *Oxford Dictionary of National Biography*, online, 2004-5, available at: <http://www.oxforddnb.com.ezproxy.auckland.ac.nz> (28 Sept. 2005), p. 2.

⁵⁸ Wilson, *Province of the State*, p. 272.

⁵⁹ *Ibid.*

⁶⁰ Gregory Claeys argues that for Priestley 'theological freedom was a general model for all liberty, not a special case of its application'; Claeys, 'Virtuous Commerce and Free Theology: Political Economy and the Dissenting Academies 1750-1800', *History of Political Thought*, XX, 1, 1999, p. 157.

⁶¹ See, for instance, Joseph Priestley's Preface to *An Essay on the First Principles of Government, and on the Nature of Political, Civil, and Religious Liberty*, in Priestley, *Political Writings*, Peter N. Miller, ed., Cambridge, 1993. See also Miller's Introduction; *Ibid.*, pp. xvi-xvii.

⁶² David Nicholls, 'Positive Liberty, 1880-1914', *American Political Science Review*, 56, 1, 1962, pp. 114-128. Nicholls's references to contemporary material include a summary of the collected individualist essays in *A Plea for Liberty*, edited by Thomas Mackay and introduced by Spencer.

of the nineteenth century, remarks with some justification that he has received less than justice from scholars.⁶³ Significantly also, he considers that the ideas of prominent negative liberals including Herbert and Donisthorpe, are ‘interesting in their own right and not merely echoes of the voice of Spencer’, a point that Bristow quotes.⁶⁴

In the framework that distinguishes conceptions of freedom, Nicholls categorises Spencer as an empiricist, negative dogmatic liberal. Basically, this means a person who holds an individualistic conception of political society that highly values personal liberty with limited state intervention. Nicholls contrasts Spencer’s position with that of Hobbes, a sceptical negative liberal, someone to whom liberty was a desirable adjunct. Spencer, however, believed that non-interference would best achieve the development of human character. Liberty, therefore, held for Spencer a positive value though it departed from the positive liberal’s belief in enhancing individual liberty overall through planned state intervention. Despite acknowledging the positive value that Spencer accorded liberty, Nicholls places his philosophy firmly within the negative liberty category.

This is an important point. Debates on liberty frequently draw the distinction between negative liberty, as ‘freedom from’ restraint or interference, versus positive liberty, or the ‘freedom to’ do or have something. Some critics suggest that these concepts are not so clear-cut. Negative liberty, in fact, entails more than imposing negative obligations on others: the duty not to aggress against anyone else.⁶⁵ In exercising his or her liberty, each individual has a moral claim to a positive: the freedom to act on his or her judgement, to make choices voluntarily and uncoerced. Spencer and Herbert constantly insisted on this fundamental freedom.

A sense of the distinctiveness of Herbert’s thinking as well as the degree of Spencerian influence on it can be found in Eric Mack’s thoughtful essay ‘Voluntaryism: The

⁶³ Spencer, however, is the subject of later studies; see, for instance, David Weinstein, *Equal Freedom and Utility: Herbert Spencer’s Liberal Utilitarianism*, Cambridge, 1998.

⁶⁴ Nicholls, ‘Positive Liberty’, p. 119. Nicholls implies a greater involvement by Herbert in the Liberty and Property Defence League than warranted, as noted above.

⁶⁵ David Boaz, *Libertarianism: A Primer*, New York, 1997, p. 75.

Political Thought of Auberon Herbert', portions of which comprise the introduction to his compilation of Herbert's leading essays.⁶⁶ Mack's article places Herbert's system of 'voluntaryism' or 'thorough' individualism in the context of the intellectual and social ferment of the 1880s and 1890s. It stresses Herbert's strong anti-imperialism and observes that Herbert thought of himself as occupying the extreme left wing of the individualist camp.⁶⁷ The essay provides a useful account of Herbert's political career, although it focuses primarily on explaining the main aspects of his political theory. While this type of analysis of Herbert is seldom found in modern sources, it is a sketch rather than a comprehensive discussion. Mack notes that Herbert, although defending a Lockean-Spencerian conception of rights, offered a variety of arguments for his basic ascription of rights, including that emphasising the moral well-being engendered by self-ownership.⁶⁸ As Mack tellingly points out, Herbert, even though he believed that the free use of human faculties naturally extended to property rights, fails to provide a detailed account of what specific actions produce initial property rights to objects, or what specific actions are crucial to the transfer of property rights.⁶⁹ Mack's concern with the acquisition of property is consistent with his claim about the Lockean features of Herbert's position. While this approach may provide a useful framework for considering some of the philosophical implications of Herbert's theory, it is not one that is relevant to the historical focus on his ideas in this thesis. There is no indication in surviving sources that Herbert specifically engaged with Locke's writings in developing his own position or that he saw himself, or was seen by his contemporaries, as an avid Lockean.

Mack identifies several other distinctive themes in Herbert's political writings. In considering Herbert's critique of force, embracing physical coercion and fraud, he notes how Herbert's treatment of defensive force changed by the time he wrote 'A Voluntaryist Appeal'. He also includes an outline of Herbert's multi-dimensional analysis of power that shows,

⁶⁶ Eric Mack, 'Voluntaryism' pp. 299-309. See also Mack's 'Introduction' in Auberon Herbert, *The Right and Wrong of Compulsion by the State and Other Essays*, Eric Mack, ed., Indianapolis, 1978.

⁶⁷ Mack, 'Voluntaryism', p. 300.

⁶⁸ Ibid., p. 301.

⁶⁹ Ibid., p. 302.

amongst other factors, the way in which Herbert combined Spencerian philosophy with insights of his own to produce a visionary philosophy more optimistic and radical than Spencer's. Another important observation that also applies to other Individualists relates to Herbert's stress on state abuses while neglecting the dangers from well-placed minority factions. However, Mack adds that Herbert opposed foreign interventions as being special interest ventures that advantaged the 'rich' in various ways.⁷⁰ In fact, this thesis argues that Herbert attacked privilege and undeserved hegemony quite frequently. Mack's account of the complex and nuanced debate between Herbert and the anarchist position, as represented by Tucker, appears plausible. Ultimately though, he leaves the question of Herbert's anarchism for the reader to decide.

Herbert and Anarchism

The question of whether Herbert was an anarchist exercised many contemporaries, including those critics familiar with his Voluntaryist theory. While modern critics appear more circumspect, the issue of Herbert's anarchism appears to be unresolved. That the issue still arises suggests that Herbert's position is less straightforward than most critics allow. At times, Herbert's arguments did take him to the brink of anarchism. Herbert rejected charges of anarchism on several occasions.⁷¹ However, the argument becomes more compelling given the diversity of contemporary opinion. Among those who referred to Herbert's position as anarchist were T. H. Huxley, J. A. Hobson and Benjamin Tucker.⁷² Moreover, Morris and Herbert were together described as anarchists in one contemporary periodical.⁷³ While

⁷⁰ Ibid., p. 308.

⁷¹ See, for instance, Herbert's 'The Ethics of Dynamite', pp. 191-226. The essay was first published in the May 1894 issue of the *Contemporary Review*.

⁷² For instance, J. A. Hobson described Herbert's ideas as 'a timid form of rich man's anarchism'; see his 'Rich Man's Anarchism: A Reply to Mr Auberon Herbert', *The Humanitarian*, June 1898, p. 390.

⁷³ The *Sussex Daily News* of 29 March 1892 wrote of Herbert and Morris as instances among 'a band of amiable enthusiasts in England who call themselves Anarchists'; see Harris, *Auberon Herbert*, p. 314.

comments by someone like Hobson must largely be interpreted in the context of the polemical debates of the 1890s, opinions by fellow Individualists are more challenging.

Donisthorpe claimed Herbert, along with Spencer and Levy, as an anarchist ally.⁷⁴ Donisthorpe's comments appeared in an ongoing discussion on anarchy in the pages of the *Westminster Gazette* to which Herbert also contributed. Donisthorpe's contribution shows the contentious nature of ideological debate at this time, even among those professing similar views. It is also noteworthy because it conflated Anarchy and Individualism: 'Anarchy, or Individualism, is a theory of government. Those who accept that theory are Anarchists or Individualists'.⁷⁵ Adding that Anarchists differed about the best course of action to bring about a *régime* of liberty, Donisthorpe declared 'what we Anarchists ask is *to be let alone*'.⁷⁶ His statements, however, do not build a persuasive argument about Herbert's position.

A more considered approach to Herbert's position was presented by J. H. Levy, who thought that Herbert and the Voluntaryists had fallen into anarchism without knowing it. He found several weaknesses in Herbert's philosophy, especially the principles of voluntary taxation and the voluntary state.⁷⁷ More significantly, Levy worried that support for Voluntaryism would split the Individualist 'party' and, thereby, further strengthen the forces of Socialism. Herbert, in contrast, regarded any splits as natural and healthy at the same time insisting that his philosophy was Individualist and not Anarchist.⁷⁸ Levy later maintained that Herbert adopted the term 'Voluntaryism' because he recognised that he was not an Individualist and did not want to be regarded as an Anarchist.⁷⁹

⁷⁴ *Westminster Gazette*, 3 August 1893.

⁷⁵ Ibid. Later, Herbert replied to Donisthorpe and stated that he was neither 'Individualist-Anarchist nor Communist-Anarchist'; *Westminster Gazette*, 7 August 1894, p. 2.

⁷⁶ Ibid.

⁷⁷ The ongoing, strenuous and increasingly polemical debate between Levy and Herbert appears in J. H. Levy, ed., *Taxation and Anarchism: A Discussion between Auberon Herbert and J. H. Levy*, London, 1912. More detailed discussion of their exchange on voluntary taxation appears in Chapter 2.

⁷⁸ Ibid., pp. 52-53. Edward Carpenter welcomed a similar diversity in socialist politics and called for 'large-minded' Socialism'; Chushichi Tsuzuki, *Edward Carpenter 1846-1929: Prophet of Human Fellowship*, Cambridge, 1980, p. 118.

⁷⁹ Ibid., p. 55.

Other contemporaries found similarities between Herbert's position and that of other anarchist theorists. E. V. Zenker regarded Herbert as an anarchist theorist of 'a higher type' who, like Bakunin and Kropotkin, was born into the nobility.⁸⁰ Zenker interpreted 'Voluntarism' as Herbert's own individualist anarchism based on his concept of the voluntary state. The freedom of individuals to leave the voluntary state and to withdraw financial support from it, Zenker concluded, was really Proudhon's federation of groups in its strictest form, and perhaps even the practical outcome of Stirner's Union of Egoists. Earlier, Huxley concluded that Herbert's position closely resembled that of Max Stirner and Mikhail Bakunin.⁸¹ Despite Herbert's disavowals of Anarchism, Zenker considered that 'carried into practice, Voluntarism would be as like Anarchism as two peas'.⁸² While this thesis rejects Zenker's categorisation of Herbert, the association he made with Herbert's voluntary state and the ideas of Proudhon and Stirner is salient and will be taken up in Chapter Two.

Another contemporary who had no doubt about Herbert's anarchism was the prominent American anarchist Benjamin Tucker, with whom Herbert corresponded in the pages of Tucker's journal *Liberty*. Announcing Herbert's death in *Liberty*, Tucker wrote:

Auberon Herbert is dead. He was a true Anarchist in everything but name. How much better (and how much rarer) to be an Anarchist in everything but name than to be an Anarchist in name only!⁸³

Herbert's association with Tucker has been examined by a few modern scholars. Herbert appears in Carl Watner's engaging account of the English Individualists who contributed to the American anarchist journal *Liberty*.⁸⁴ He discusses the importance of *Liberty* as a clearing-house of libertarian ideas that also reported on and editorialised on the politics of the Individualist Movement. Watner illustrates the diversity among the English individualists, anarchist or libertarian, and between them and their American counterparts. Every one of the

⁸⁰ E. V. Zenker, *Anarchism: A Criticism and History of the Anarchist Theory*, London, 1898, p. 193.

⁸¹ T. H. Huxley, 'Government: Anarchy or Regimentation', *Nineteenth Century*, XXVII, 1890, pp. 858-859.

⁸² *Ibid.*, pp. 196-197.

⁸³ *Liberty*, XV, 6, 1906, p. 16.

⁸⁴ Carl Watner, 'The English Individualists as They Appear in *Liberty*', *The Journal of Libertarian Studies*, 6, 1, 1982, pp. 59-82.

contributors, he notes, also had minor differences with *Liberty's* editor Tucker. Several of them, including Herbert, refused to call themselves anarchists although their doctrines, Watner observes, were 'perilously close to anarchism'.⁸⁵ Inclusion of Donisthorpe's criticism of Herbert's account of self-ownership and rights demonstrates that the most searching examination of Herbert's ideas often came from fellow Individualists. Most useful is Watner's discussion of the debate between Herbert and J. H. Levy, mentioned above, concerning the definition of individualism and anarchism, particularly in relation to voluntary taxation. He points out that Herbert held compulsory taxation to be coercive, fundamentally opposed to the principles of individualism, and that the two were irreconcilable. Levy, in contrast, believed that taxation was the traditional essence of government and not, as Herbert argued, the retention of a central defence agency supported voluntarily. Watner, like Levy, also considers Herbert's theory flawed because it does not adequately address the issue of competing defence agencies within one geographical area, a situation that Herbert thought unlikely to arise.⁸⁶ Yet, by presenting Herbert's philosophy dissected in this way, Watner clearly highlights his distinctive form of individualism. However, while his conclusion that Herbert was a hybrid, fully acceptable neither to the prominent individualist Levy, nor to Tucker, the American anarchist, may be true, it does not constitute an adequate characterisation of his position.⁸⁷

Another author who discusses the communication between the British Individualists and Tucker is Wendy McElroy.⁸⁸ In her overview of Individualist Anarchism, she suggests that Herbert's *Free Life*, quoted in *Liberty* nineteen times, was perhaps the most prominent British Individualist periodical.⁸⁹ More importantly, McElroy highlights the essential differences between the Spencerian Individualists and the American Anarchists, commenting

⁸⁵ Watner, 'The English Individualists', p. 60.

⁸⁶ Examination of this point appears in Chapter 2.

⁸⁷ Watner, 'The English Individualists', p. 69.

⁸⁸ Wendy McElroy, *The Debates of 'Liberty': An Overview of Individualist Anarchism, 1881-1908*, Lanham, Md, 2003.

⁸⁹ Donisthorpe, however, became the British correspondent of *Liberty* and its most frequent contributor; *Ibid.*, pp. 6-7.

that most shied away from Anarchism and did not widely accept the labour theory of value, certainly a point of difference between Tucker and Herbert.⁹⁰ Tucker's abandonment of natural rights in favour of 'philosophical egoism' marked another significant contrast with several of the Spencerians, particularly Herbert. Tucker adopted the controversial philosophy of Stirner, which proclaimed the acting individual only should be the beneficiary of his or her own actions, with his or her own welfare being of the highest value. All other laws were manifestations of the might of other people and as such had no real authority to bind the self-enlightened individual, a position which greatly differed from Herbert's. McElroy succinctly explains Tucker's ideological shift away from the concept of natural rights, which implied to him corresponding natural wrongs. Overall, she provides an insightful account of the major debates among libertarians of the day, amongst them Herbert.

A modern critic who provides some useful insights on Herbert's anarchist position is Mack, cited earlier. He suggests that Herbert's demand for a 'voluntary state', that is, one devoted to the protection of Lockean-Spencerian rights and funded voluntarily, along with his continual attacks on existing state activities, led to this common perception. Mack adds that not only the hostile or ignorant took this inference but well-informed critics like J. A. Hobson, Huxley and, of course, Tucker. In discussing the anarchist aspects of Herbert, Mack makes the important distinction between Herbert's denunciation of 'coercive collectivizing' or terrorism, and his support for the existence of voluntary associations in competition with, or operating separately, from a single government.⁹¹ However, he concludes that whether we classify Herbert as an anarchist depends on our interpretation of the status of these alternative associations and the right of individuals to hold support from the state. Also, Mack asks, do Herbert's doubts about the likely formation of these splinter associations show that he preferred a central state? These significant points are discussed in Chapter Two.

⁹⁰ For instance, see the article 'An Unwarranted Question' in Benjamin Tucker's *Instead of a Book: A Fragmentary Exposition of Philosophical Anarchism*, 1893, reprint, New York, 1972, p. 209.

⁹¹ Mack, 'Voluntaryism', pp. 305-307.

Herbert and Utopianism

Although modern writers tend to subsume Herbert's politics under Individualism, Conservatism, or Anarchism, some also comment either on their utopian nature or, in some way, disparage Herbert's idealism. Judgements of this kind tend to be dismissive and most appear to be derived from Beatrice Webb's account of Herbert. Webb, a Fabian socialist, regarded Herbert as a refined eccentric and intellectual dreamer whose 'proposals seem manifestly absurd in inadequacy of means to ends'.⁹² Webb, despite her dismissal of his politics, enjoyed Herbert's company sufficiently to document it.⁹³ However, her colourful but belittling opinion of him appears to have prevailed in modern sources. Her phrase describing him as 'the Don Quixote of the nineteenth century' is quoted in secondary sources mentioning Herbert.⁹⁴

Derisory comments from contemporary political opponents such as Webb can be attributed largely to the polemics of the period. At the same time, there exists a visionary component in Herbert's politics that deserves serious consideration.⁹⁵ Herbert's Voluntarism in some respects resembled the ideas of his socialist contemporaries Morris and Carpenter.⁹⁶ Moreover, Morris and Carpenter, in particular, were regarded as representing a more idealistic, even eccentric, Socialistic ethos.⁹⁷ Although Herbert produced nothing similar to Morris's *New from Nowhere*, passages of his major works also reflect the possibilities of a society fundamentally transformed into a peaceful, co-operative and prosperous one.⁹⁸

⁹² Webb, *My Apprenticeship*, p. 190.

⁹³ For an account of Beatrice Potter's stay with Herbert at the 'Old House' in the New Forest before her marriage to Sidney Webb see *My Apprenticeship*, pp. 187-190. For reference to a later visit to Herbert in Scotland by both Webbs see Beatrice Webb, *Our Partnership*, Barbara Drake and Margaret I. Cole, eds, London, 1948, p. 32.

⁹⁴ For instance see Greenleaf, *British Political Tradition, II*, p. 277, and Edward Bristow, *Individualism and Socialism*, p. 198.

⁹⁵ Lynd, for example, quotes Sidney Webb's remark on Herbert as serving the function of a stick on the side of a glacier to measure progress; Lynd, *England in the Eighteen Eighties*, p. 74.

⁹⁶ Greenleaf notes that Sidney Webb, giving lip service to concerns about regimentation under a Socialist state, acknowledged that Morris and Herbert opposed a rigidly centralised state and thought moral regeneration impossible under it; see Greenleaf, *British Political Tradition*, p. 415.

⁹⁷ *Ibid.*, p. 357.

⁹⁸ For instance, Herbert, writing of the future conduct of common life, referred to the 'purifying and beautifying the life of our towns; see 'Principles of Voluntarism', p. 416.

One of the few modern writers to have identified a utopian aspect to Herbert's politics independently of Beatrice Webb's opinion is Chris Tame, who writes from an openly libertarian perspective. He comments that Herbert held aloft the utopian ideal of a fully 'Voluntaryist' social order while many liberals lapsed into defending the status quo.⁹⁹ This is a particularly salient point because it acknowledges the distinctiveness of Herbert's position in contrast to those critics, already cited, who imply it to have been a quasi-reactionary one.¹⁰⁰ Tame, who considers Herbert to have probably been the leading English Libertarian between the early 1880s and 1906, decries his neglect. In summarising the main aspects of Herbert's position, he notes Herbert's dedication to international peace, also a point frequently overlooked by critics. Tame maintains that Herbert never composed a systematic exposition of his ideas but consistently pointed the direction in which libertarian ideology had to develop in order to successfully combat both old-fashioned statism and new state socialism. Unfortunately, Tame does not explain his use of 'systematic'. Herbert did present a theory based on specific principles whereby society might be transformed, although he derived it largely from Spencerian philosophy. It is also true that he expounded his philosophy in more than one work, although he explained his position logically and at some length. If, however, Tame refers to a comprehensive philosophy resembling Spencer's, then he is correct that Herbert never composed such a systematic account or attempted to do so. Nonetheless, Tame's view on the visionary component in Herbert's politics warrants full examination.

In correctly noting the distinctiveness of Herbert's position in comparison with other contemporary libertarians, Tame appears to conflate the notions of 'ideal' and 'utopian', which (as J. C. Davis points out) are different concepts of political philosophy.¹⁰¹ Davis's definition of utopia suggests that it shares elements with other alternative modes of visualising social perfection, such as a rejection of the status quo or the desire for fundamental

⁹⁹ Chris R. Tame, 'The Libertarian Tradition No. 1: Auberon Herbert', *Free Life: The Journal of the Libertarian Alliance*, 1, 2, 1980, online, available at: <http://www.la.articles.org.uk/FL-1-2-1.pdf> (1 June 2004).

¹⁰⁰ For instance, see Taylor, *Men versus the State*.

¹⁰¹ J. C. Davis, *Utopia and the Ideal Society: A Study of English Utopian Writing 1516-1700*, Cambridge, 1981.

change. However, utopia, he concludes, differs distinctly from other ideal societies in that it represents, above all, social organisation and control. While accepting human failings and the deficiencies of nature, utopia strives to contain them through organisational controls and sanctions. Davis also suggests that utopia comprises three cardinal and interrelated characteristics: totality, order and perfection.¹⁰² The level of detail frequently included in accounts of utopian societies indicates that it is a total scheme. Utopia also emphasises order to overcome human deficiencies and to reach social perfection. Furthermore, Davis explains that because freedom carries the possibility of disorder, utopia disallows debate or conflict over values or institutions. For this reason, utopia becomes totalitarian and the enemy of pluralism.

On this definition, it is clear that Herbert's Voluntaryism is not utopian. It emphasises the primacy of individual freedom and experimentation. It rejects compulsion: public or private. It places little emphasis on the form of social organisation. Social order, however, receives general consideration because Voluntaryism stresses the necessity of moral individuals acting freely but peacefully and co-operatively. While social duty is encouraged among citizens, it remains voluntary. Finally, Voluntaryism, although a blueprint for future society, contains little detail about how this society will actually function.

How does Herbert's position stand against other critics who write differently about utopianism and find conclusions such as those reached by Davis unsatisfactory? Barbara Goodwin and Keith Taylor's broad study of the subject questions the assumptions of those who view utopia as totalitarian.¹⁰³ Their defence of utopian political thought is largely based on a rejection of what they regard as a liberal democratic world view, in which utopia is frequently regarded as excluding free choice, representing elite or dictatorial government and implying violence or coercion.¹⁰⁴ However, Goodwin and Taylor argue that utopians need be

¹⁰² Davis, *Utopia and the Ideal Society*, pp. 37-39.

¹⁰³ Barbara Goodwin and Keith Taylor, *The Politics of Utopia: A Study in Theory and Practice*, London 1982.

¹⁰⁴ Goodwin and Taylor claim that the liberal democratic perspective is basically informed by an empiricist epistemology that dictates scepticism of any claim to exclusive and final truth; *Ibid.*, p. 99.

no more coercive initially than were the founders of the welfare state, a comparison which may be true.¹⁰⁵ Also, they allow the possibility of debate and expressions of individuality, particularly in smaller utopias or communitarian projects. To them, utopia is authoritative by nature but no more than this. In defending utopianism, Goodwin and Taylor constantly stress that it represents a different concept of freedom which emphasises social organisation and the diminution of traditional politics. They also argue that political power in utopia is not necessarily conflictual but often rests on acquiescence, delegation or agreement.¹⁰⁶ Interestingly, this was also a feature of Herbert's state of pure voluntaryism. Goodwin and Taylor, however, preclude individualist projects. Furthermore, although some of their criticism of liberalism may be valid, the authors emphasise its materialism but place too little credence on its moral aspect: the freedom of individual conscience and judgement. This oversight is significant and especially relevant to Herbert who constantly reiterated the moral argument for individual freedom stating that 'freedom must come first, and all services, however important, must come second'.¹⁰⁷ Clearly then, he was not a utopian as defined either by Goodwin and Taylor or Davis.

¹⁰⁵ Ibid., p. 106.

¹⁰⁶ Ibid., p. 36.

¹⁰⁷ Auberon Herbert, 'A Voluntarist Appeal', *Humanitarian*, XII, May 1898, p. 319.

Conclusion

Herbert's political position was much more complex than most critics allow. While his theory of Voluntaryism must be closely associated with Spencerian Individualism, it cannot be totally subsumed by this category because of significant intellectual differences between Spencer and Herbert. Also, despite Herbert's alliance with conservative defenders of property, his cannot be regarded as a conservative ideology because of the radical reforms it advocated. Some aspects of Voluntaryism, particularly the allowance of alternative political associations, strongly indicate an anarchist perspective. However, this thesis argues that overall Herbert's position was not that of an anarchist but an extreme libertarian. While there is a strong idealism running through Voluntaryism, it is not utopian as defined in the literature. Voluntaryism was not a blueprint for future political society because it invited, amongst other things, continual experiment. Furthermore, although it advocated peaceful co-operation and a severe diminution of traditional politics, it placed individual liberty uppermost.

Biography of Auberon Herbert (1838-1906)

The Honourable Auberon Edward William Molyneux Herbert was born in London on 18 June 1838 and died in Hampshire on 5 November 1906. He was the youngest son of the third Earl of Carnarvon, who died when Auberon was eleven. Following family and class tradition, Herbert attended Eton and St John's College, Oxford where he was elected to a founder's kin scholarship in 1855. After taking a second in classical moderations in 1857, he suspended his academic studies by purchasing a cornetcy in the 7th Hussars. In 1859 he purchased a lieutenant's commission, and served in the British army until 1861. Returning to Oxford, he took a Bachelorship in Civil Law in 1862, became President of the Oxford Union, and, in 1865, took a Doctorate in Civil Law. As a law fellow at St John's, he briefly lectured in history and jurisprudence. In 1869 he finally left Oxford, resigning his fellowship. Earlier, he had unsuccessfully contested the Newport seat for the Conservative Party in the general election of 1865. The following year he became the private secretary of Sir Stafford Northcote, the Conservative president of the Board of Trade. In 1870, however, Herbert stood successfully for the Nottingham seat in a by-election and sat as a Liberal Member until the dissolution in 1874. Herbert's brief parliamentary career demonstrated an increasing radicalism that saw him espouse republicanism, female suffrage, the unionisation of agricultural workers and compulsory non-sectarian education. During this time he met Herbert Spencer, whose influence led him to embrace libertarianism and develop a position more radical than Spencer's. In 1885, Herbert founded the short-lived Party of Individual Liberty. He established the periodical *Free Life* that appeared between 1890 and 1901.¹⁰⁸ Through his writing and political activism, he became one of the most prominent English libertarians of the late nineteenth century. Herbert married in 1871 Lady Florence Cowper,

¹⁰⁸ Sources use the title *Free Life*, although the periodical began as *The Free Life* and later changed but usage was never entirely consistent.

daughter of the sixth Earl Cowper. They had had four children together, although only two survived Herbert.¹⁰⁹

Herbert's military interests took him abroad several times during his early adulthood, beginning with brief army service in Umballa, India. His Indian service, immediately after the Indian Mutiny, also furnished him with direct experience of British colonialism. In 1864, he visited the scene of the Prusso-Danish War near Sönderberg. During one skirmish at the front, Herbert, no longer a combatant, volunteered to be a stretcher bearer and retrieved wounded Danish soldiers under fire. In recognition for this bravery, he was made a knight of the Order of the Danneborg. The accompanying citation from the Danish Legation referred to his 'gallant and humane conduct'.¹¹⁰ Although 'only a visitor and civilian' during the engagement at Dybbøl, he had risked his life. Towards the end of the same year, a further opportunity to extend his knowledge of military matters prompted Herbert to accept an invitation to join a group to visit the scene of the American Civil War.¹¹¹ He travelled to the Union army headquarters at the front, visited occupied Baltimore and witnessed Richmond under siege by the Unionist army.

The Franco-Prussian War of 1870-1871 was the last occasion on which he directly observed an armed conflict. At the onset, Herbert, now an MP, travelled with fellow MP Sir Charles Dilke and his party.¹¹² Like Dilke, Herbert was officially attached to the Prussian ambulance and helped tend the wounded.¹¹³ Although initially supportive of Prussia, they came to support republican France. In 1871, Herbert made a second visit to France as a member of the Red Cross. He was one of the first to enter Paris after the siege by managing to slip through the Prussian barrier. On this feat he wrote to his mother: 'I got in today—

¹⁰⁹ Lady Florence Herbert died in 1886. Their elder son Rolf died in 1882 and elder daughter Claire died in 1893.

¹¹⁰ Highclere Castle Archives, Auberon Herbert papers, A24/2: Citation (Star of the Danneborg), 12 April, 1864.

¹¹¹ The short duration of the Prusso-Austrian War of 1866 frustrated Herbert's intention to witness it; Sidney Lee, ed., *The Dictionary of National Biography*, 2nd suppl., 2, London, 1912, p. 251.

¹¹² In Dilke's account of the first visit, he referred to Herbert as 'physically brave, and politically the bravest, though not politically the strongest man of our times...'; Stephen Gwynn and Gertrude M. Tuckwell, *The Life of Rt. Hon. Sir Charles Dilke*, 2 vols, London, 1918, p. 104.

¹¹³ Both Dilke and Herbert recorded the impressive mobilisation of the Prussian army. For Herbert's observations; see Harris, *Auberon Herbert*, pp. 101-103.

defeating the great German army—strictly against orders—but fortunately got a golden opportunity ... I believe I am the first in Paris—though not sure’.¹¹⁴ He remained in that city during the Commune with his second brother Alan Herbert, a medical practitioner and resident of Paris, who presided over the British Charitable Fund that distributed relief to distressed British citizens affected by the war in France.

Herbert’s military experiences represented more than mere heroic adventurism.¹¹⁵ They provided him with informed knowledge of military procedures as well as a sounder understanding of international affairs. As someone who exhibited such an enthusiastic interest in armed conflicts, it might be expected that Herbert’s political ideas would reflect a certain militaristic outlook. However, he recoiled from this ethos and had begun to question the morality of compulsory conscription when serving in India.¹¹⁶ Yet, the knowledge gained abroad proved useful to Herbert when he entered public life. More significantly, it contributed to the development of his political views. Among his later recommendations for military reform was that barrack life be abolished for home service soldiers. Herbert’s reaction against escalating European militarism also led him to strongly embrace the cause of world peace. All war, he later pronounced, was a crime, ‘a mischievous folly’, and, as such, largely avoidable.¹¹⁷ On this conviction he actively campaigned against growing English jingoism and was one of the chief organisers of a protest meeting in Hyde Park, in 1878, against war with Russia. Later, he opposed British intervention in both Egypt and the Boer War.

Few biographical accounts omit reference to Herbert’s heroism, initially displayed at the front in Denmark. This physical fortitude notably re-emerged on two other occasions, during the 1860s, when he was commended as a civilian for personal bravery. In 1867, he

¹¹⁴ Herbert to the Dowager Countess of Carnarvon, 31 January 1871, Carnarvon Papers, Add. 61052, fol. 59, British Library Manuscripts, London.

¹¹⁵ Herbert, particularly in his love of travel, is thought to have resembled his father in temperament; Arthur Hardinge, *Life of Henry Howard Molyneux Herbert, Fourth Earl of Carnarvon 1831-1890*, 3 vols, London, 1925, 3, p. 45.

¹¹⁶ A combination of myopia and growing moral reservations about compulsory conscription appear to have persuaded him in India against continuing a military career.

¹¹⁷ Auberon Herbert, ‘A Plea for Voluntaryism’, p. 355. This essay was completed shortly before Herbert’s death as a series of lectures for the British Constitution Association. It was published posthumously in the *Voluntaryist Creed*, Oxford, 1908.

volunteered to help crew a lifeboat in a rescue off the Norfolk coast at Cromer. The following year, he saved an Austrian seaman from drowning when his ship was wrecked off the Devon Coast. This act of valour brought him an Imperial Austrian Iron Crown, third class.

Herbert continued to demonstrate a less heroic keenness for physical vigour throughout the rest of his life. Once an ardent climber, he became a sailor, enjoying sailing a small craft on coastal waters.¹¹⁸ He was also an early bicycle enthusiast who cycled to Paris in 1876. Later, he referred to the bicycle as ‘that true instrument of social progress for men and women’ being the means of cheap popular travel accessible to the less privileged.¹¹⁹ These were the words of a practitioner as well as a theorist. As late as 1896, Herbert and his daughter Nan cycled together through much of Eastern Europe. Herbert also promised to be a motorcycle enthusiast having acquired his own machine in his late sixties.

Herbert wrote prolifically throughout his life and on many varied subjects, although political writing predominated.¹²⁰ As well as copious letters to family, friends and acquaintances, he wrote several books and many essays, addresses and articles. A youthful Herbert produced a book of verse and a children’s storybook, both of which appeared under pseudonyms.¹²¹ Much later, he published another small book of verse entitled *Windfall and Waterdrift*, which was well received by the critics when it appeared in 1894. Herbert’s literary output also included numerous letters to the daily newspapers. Most significant are his letters to the *Times* that provide an almost unbroken chronicle of the public expression of his political views.

As a young man, Herbert found publishers interested in recording his experiences abroad.¹²² His account of the Prusso-Danish war, for instance, began as a series of letters

¹¹⁸ Herbert was a member of the Alpine Club from 1863 to 1872; see *Dictionary of National Biography*, p. 252.

¹¹⁹ ‘Plea for Voluntaryism’, p. 350. Cycling became more popular in the 1890s.

¹²⁰ Herbert’s parents encouraged early literacy in their children and all inherited a facility for writing. His mother, it is reported, could read from a newspaper at the age of four; see Hardinge, *Life of Henry Herbert*, 1, p. 27.

¹²¹ These works are, respectively: Baumorè Berthèr, *Joan of Arc and Other Poems*, London, 1859; Edward Sallesbury, *The Children of the Lake*, London, 1867.

¹²² Herbert’s literary career had begun in India where he published a literary journal, typical of its kind, entitled *The Crusader*; see Harris, *Auberon Herbert*, p. 29.

written home that he later revised and published as *The Danes in Camp*.¹²³ His expedition to North America during the Civil War was encouraged by his publishers.¹²⁴ On that occasion, Herbert, who also travelled to parts of Canada, contributed as a war correspondent and as a travel writer. His American letters reveal the degree of diplomacy required when travelling through Northern and Southern areas. They also contain his philosophical analysis of the causes of the War.¹²⁵ His North American excursion included visits to several educational institutions of professional and political interest, such as the Gerrard College in Pennsylvania, a Sunday and Convent School in St Hilaire, near Montreal, and Harvard College, in Massachusetts.¹²⁶ Not long after, Herbert acted as a newspaper correspondent during the Franco-Prussian War. In 1870 also, he appeared in the columns of the *Times* newspaper as a co-organiser of the Workman's International Exhibition visited by members of the royal family.

Undoubtedly, much of Herbert's appeal to the newspaper at this time lay with his family connections and with his being an MP. Several years later, however, a *Times* editor declined to publish his criticisms of government policy in Egypt. Even then Herbert retained a public voice because the editor of the *Pall Mall Gazette* welcomed his contributions despite disagreeing with his politics.¹²⁷ Soon after, he returned to favour as a regular contributor to the *Times* now under new editorship. Generally, the combination of journalistic skill and political activism became an enduring characteristic of Herbert's political career. His literary talent and writing experience helped lay a platform for public life. When he began to present his political philosophy in the 1880s, he was already an established writer with an audience. Some of his most radical work from this time was published either by major houses or in

¹²³ Auberon Herbert, *The Danes in Camp: Letters from Sönderborg*, London, 1864.

¹²⁴ Harris, *Auberon Herbert*, p. 54.

¹²⁵ Herbert regarded the situation as a complex one that involved questions of individual state autonomy and aristocratic influence; see Harris, *Auberon Herbert*, pp. 64-65.

¹²⁶ The St Hilaire school was part of a joint parish and government supported system that supported separate Protestant and Roman Catholic schools; see *Ibid.*, p. 66. Herbert maintained an interest in American affairs, particularly in its education system, and in the general effect of that nation's growing material wealth, although he did not return to America until 1902; see *Times*, 23 June 1903, p. 14.

¹²⁷ Harris, *Auberon Herbert*, p. 244.

leading periodicals, a point which testifies to the strength of Herbert's profile in late Victorian England, as well as to the polemical nature of the times. Many expressions of Herbert's ideas first appeared in the periodical press, particularly in the late 1880s and early 1890s. Notable contemporary periodicals, such as the *Contemporary Review*, *Fortnightly Review*, *The Humanitarian* and *The Nineteenth Century*, became public forums for intense political debate. As such, they frequently determined the content and, to an extent, the delivery of Herbert's political writing.

As reflected by his literary output generally, Herbert's interests were broad, a point which some critics have attributed to eccentricity rather than a particular approach to life shared by other Victorian contemporaries.¹²⁸ Many of Herbert's interests and activities suggest that he was part of a progressive ethos that emerged in the latter part of the nineteenth century and which anticipated widespread cultural and social change. The new attitude addressed issues of personal lifestyle and environmental health, along with specific political reforms such as universal suffrage. Herbert's enthusiasm for physical exercise, fresh air and advocacy of greater social mobility, and so on, must be interpreted in this light. His progressive outlook also aligned him with several thinkers and activists of otherwise different political persuasions, including Morris and Carpenter.¹²⁹ Like them, Herbert adopted an unconventional lifestyle.

Herbert and Lady Florence endeavoured to live simply and in a large degree of nonconformity, particularly in comparison to the manner of their upbringing. At their farm at Ashley Arnewood near Lymington, Herbert began experimental farming. He had purchased the farm, on the edge of the New Forest in Hampshire, just prior to his retirement from parliament in 1874. Herbert and his family mainly resided there, apart from a break in the late

¹²⁸ Some modern sources attribute Herbert's wide-ranging interests to his inheritance. Greenleaf, for instance, states that Hebert 'was in the true line of aristocratic eccentrics, interested in a whole range of things...' To be fair, however, he also refers to the eccentric stands that went to make up the Socialist ethos in Britain around the same time; see Greenleaf, *British Political Tradition, II*, p. 277, 357.

¹²⁹ Morris and Herbert campaigned together on the Eastern Question in 1876, see William Morris, *The Collected Letters*, Norman Kelvin, ed., Princeton, 1984-1987, 1, pp. 338-339.

1870s, until Lady Florence's death in 1886. The Herberts' farmhouse has been described as of simple construction, small but comfortable.¹³⁰ But the family's intention to live a simpler lifestyle did not always succeed. An attempt, for instance, to insist that the domestic servants dine with them as part of the household prompted a threat of mass resignation and a return to a more conventional routine.¹³¹ An illuminating comment from Henry Herbert supports further the notion of Auberon's unconventionality. In 1876, he wrote describing his brother's and sister-in-law's unusual 'manner of arrival' at Highclere Castle, the Carnarvon estate, in a pony cart without luggage and looking dusty, sunburned and rural.¹³² In summer, Auberon and his family ventured deep into the New Forest and lived under canvas for several weeks, thus inadvertently anticipating the modern camping holiday.

Herbert's fondness for rural and woodland life had prompted the move to Ashley Arnewood and later to the 'Old House', Burley, further into the New Forest.¹³³ He was an early conservationist whose intimate knowledge of the English countryside informed his contribution to parliamentary legislation protecting wild birds. This lasting affection features in his writing. A late work entitled 'The Last Bit of Natural Woodland', for instance, reveals the author as someone very familiar with the woodland environment of the New Forest. It is also a conservationist's plea in which Herbert urged that the ancient woodland be preserved and not be sacrificed to state forestry methods.¹³⁴ Throughout the 1890s, he vigorously campaigned with others to preserve the historic character of the New Forest, including the submission of evidence before the Select Committee on Woods and Forests and Land Revenues of the Crown.

As well as advocating nature conservation, Herbert was also keen to preserve evidence of human prehistory and retained a serious interest in archaeology. He carried out his first excavations in the 1870s and resumed them in the greater leisure of his final years. However,

¹³⁰ W. H. Mallock described the dwelling from a visit made there; *Memoirs*, pp. 92-93.

¹³¹ Mallock related this, although he admitted it occurred before his acquaintance with Herbert; *Ibid.*, p. 92.

¹³² Hardinge, *Life of Henry Herbert*, 2, p. 76.

¹³³ After Lady Florence's death, in 1886, Herbert built 'The Old House' after a pre-existing building.

¹³⁴ Auberon Herbert, 'The Last Bit of Natural Woodland', *Nineteenth Century*, September 1891, pp. 346-360.

he was not content merely to potter but organised the first Figure Stone exhibition in England, held at the Langham Hotel, London, in 1903.¹³⁵ A few of the exhibits were his flint specimens.¹³⁶

Herbert's concerns for nature conservation and heritage preservation anticipated social and environment concerns of the later twentieth century. Although other voices, including Henry Fawcett and Morris, expressed similar concerns, they were in a minority.¹³⁷ Moreover, Herbert's reforming zeal extended to the more immediate issue of improving the quality of the everyday environment. In *Bad Air and Bad Health*, a publication co-authored with Harold Wager, he addressed the benefits to humans of good ventilation, fresh air and healthier clothing.¹³⁸ Herbert, like other contemporaries such as Carpenter, Morris and George Bernard Shaw, demonstrated a modern approach to personal health that included the wearing of comfortable clothing. Like Shaw and other members of the intellectual avant-garde, Herbert applied the theories of Dr Gustave Jaegar who advocated the health advantages of woollen clothes and bedclothes.¹³⁹ By the 1890s, Herbert's appearance had become increasingly unconventional. An observer at one of his Old House Teas (open to allcomers 'as long as the tea-pot lasts') described him as 'a most unconventional host, clad in baggy, homespun trousers, loose woollen shirt, and shapeless coat'.¹⁴⁰ He was also remembered in the neighbourhood for a fondness of sleeping in an eyrie on the roof of his house in order to breathe fresher air.

As well as advocating improved physical health, Herbert encouraged people to be more mobile. He was a keen cyclist and, after visiting a French automobile factory late in life,

¹³⁵ Harris, *Auberon Herbert*, p. 355.

¹³⁶ Mallock recalled a room in Herbert's house devoted to his archaeological discoveries; *Memoirs*, p. 92. Herbert corresponded with Sir Julius von Haast in New Zealand offering to send him some prehistoric flint specimens; Herbert to von Haast, n.d., Haast Family Papers, MS-Papers-0037-084, Alexander Turnbull Library, Wellington.

¹³⁷ Fawcett campaigned against the destruction of the New Forest. See, for instance, his 1871 parliamentary speeches in *Hansard*, CCV, 15 March-1 May 1871. Morris campaigned to preserve Epping Forest. See Fiona MacCarthy, *William Morris: A Life for Our Time*, London, 1994, p. 15.

¹³⁸ Harold Wager and Auberon Herbert, *Bad Air and Bad Health*, London, 1894.

¹³⁹ MacCarthy, *William Morris*, p. 498. Harris quotes Lord Howard of Penrith's recollection of Herbert's mania for woollen clothing and special Jaegar travelling blankets; see his *Auberon Herbert*, p. 293.

¹⁴⁰ F. Hardcastle, *Records of Burley: Aspects of a New Forest Village*, rev. edn, Spalding, Lincs, 1987, p. 126.

began to realise the industrial and social potential of automobiles. Motor cars, he thought, could be a means of great social progress. He publicly lobbied, in the press and among government representatives, for the establishment of an English motor industry and for legislation to allow ‘motor carriages’ on the roads.¹⁴¹ Herbert, although not an isolated supporter of new mechanised transport, probably anticipated many of the implications of its introduction earlier and more thoroughly than most of the country’s administrators.

If Herbert’s outlook was progressive, then it was also humanitarian. In December 1874, he sheltered at his farm several members of a nearby religious community commonly known as Shakers. They had been evicted from their homestead during inclement winter weather, largely because of local religious intolerance. In February 1875, however, he was informed that because his barn was now overcrowded, he would be prosecuted under the Nuisances Removal Act unless the Shakers left.¹⁴² They did so. His action on their behalf, however, raised sympathy and donations of money for their relief. It also brought an official explanation, published in the *Times*, from the Sheriff’s Officer concerning the wholesale disposal of the Shakers’s assets and the withholding of payment to them.¹⁴³

Herbert’s anger at persecution of the weak by the strong extended to animal welfare. His concern for the mistreatment of animals undergoing medical and scientific experiment led him to join the vanguard of the campaign to regulate vivisection. The subject of vivisection exercised many Victorians, the Queen among them.¹⁴⁴ The anti-vivisection cause united several members of Herbert’s family. Lord Carnarvon, who steered the regulating bill through

¹⁴¹ Harris, *Auberon Herbert*, pp. 332-333.

¹⁴² *Ibid.*, p. 160.

¹⁴³ See *Times*, 28 December 1874, p. 5. Herbert did not totally sever his contact with members of the community and employed two former Shakers when he moved to the ‘Old House’, Burley; see Webb, *My Apprenticeship*, p. 188.

¹⁴⁴ Carpenter, along with many prominent socialists and trade union leaders, also actively opposed vivisection, although H. M. Hyndman and the Webbs notably supported it in the interest of science and progress. See Tsuzuki, *Edward Carpenter*, p. 113.

the Houses of Lords and Commons, played the chief role with Herbert acting as a publicist for the cause in the *Times*.¹⁴⁵

It is interesting to note that, although a keen fisherman, Herbert disliked game hunting and refrained from participating in shooting-parties at Highclere. W. H. Mallock, also a non-shooter, recalled the occasion upon which Herbert, who accompanied him on a walk around the park, declared to him that modern castles which stood for nothing but the slaughter of half-tame birds were examples of a civilisation completely gone astray.¹⁴⁶ This statement reveals the degree to which Herbert's political beliefs had departed from the conventional Conservatism of the senior members of his family. Regular shooting-parties on estates such as Highclere represented part of a calendar of activities pursued by the landed aristocracy and other members of the ruling classes who chiefly governed the country for most of the century.¹⁴⁷

Herbert's political career chronicles the passage of an independent, progressive and increasingly politically extreme individual. In a letter written to Henry Mansel after his return to Oxford, when considering a future career, he confessed: 'I am in inclination and in determination "a political adventurer"'.¹⁴⁸ The statement, although a youthful one, is telling given the often controversial nature of his future politics. At Oxford he was staunchly Conservative and founded two Conservative debating societies, the Canning and Chatham Clubs. He wrote for the Conservative weekly publication *The Press* and discussed proposals for its future development. While at Oxford, too, he decided to seek election to Parliament and made several attempts to become an MP. After his defeat as a Conservative candidate for Newport, he sought selection in 1866 as a 'Liberal Conservative' for West Somersetshire,

¹⁴⁵ Carnarvon's biographer records the successful carriage of an amended Bill through Parliament in June 1876 as the Act to Amend the Law relating to Cruelty to Animals. He also notes that elder sister, Lady Portsmouth, was the chief promoter of an Anti-Vivisection Hospital, and both Auberon and Lady Gwendolen Herbert were vegetarians on principle; see Hardinge, *Life of Henry Herbert*, II, pp. 110-111. Also, the third Earl had been President of the Royal Society for the Prevention of Cruelty to Animals.

¹⁴⁶ Mallock, *Memoirs*, p. 92.

¹⁴⁷ Herbert's criticisms of the upper classes and their under-utilised great houses feature in later chapters.

¹⁴⁸ Herbert to Mansel, 20 January 1862, Carnarvon Papers, Add. 60834, fol. 60, British Library Manuscripts, London.

having resigned from the Canning Club. On his politics around this time he wrote: 'I am, as you know moderate in my opinion, but I believe myself to be a really sound conservative on all the leading questions—and to opposed heart & soul to what I believe to be the very onesided & narrow views of the extreme liberals.'¹⁴⁹

Yet, in the same letter, he noted that his views on the Irish Church represented a point of departure from the official Conservative position. It appears that his support for the endowment of the Irish Roman Catholic clergy largely cost him the West Somerset selection.¹⁵⁰ Reconciling his personal convictions with an official party position troubled Herbert from the outset.¹⁵¹ On several occasions he expressed his willingness to fund his own election campaign rather than 'sacrifice my fancies' or relinquish a certain independence of thought. Although his first attempt to win election as a Liberal failed in Berkshire in 1868, two years later he won Nottingham. The electoral success was partly due to A. J. Mundella, the Liberal MP for Sheffield, who, for a short period, became his political mentor.¹⁵² By this time, Herbert appeared to be joining the 'extreme liberals' he had once opposed.¹⁵³

Herbert's Parliamentary career was short-lived, controversial and marked by an increasing radicalism. He delivered his maiden Parliamentary speech during the passage of the education bill of 1870, which he supported in principle provided that all schools were secular or unsectarian. He criticised, in another speech, the action of the House of Lords in rejecting the abolition of the purchase system in the army. He was also among a group of backbench Liberal MPs who supported women's suffrage and proportional representation. He

¹⁴⁹ Herbert to Lady Elsie Carnarvon, 12 April 1866, Herbert Family of Pixton Park, Dulverton, DD/DRU/2/31, Somerset Archive and Record Service, Taunton.

¹⁵⁰ In a letter to Lord Carnarvon, Herbert explained how the Irish issue arose at a selection meeting; Herbert to Carnarvon, 3 January 1866, Herbert Family of Pixton Park, Dulverton, DD/DRU/2/3, Somerset Archive and Record Service, Taunton.

¹⁵¹ Christopher Harvie notes the difficulties that academics like Herbert found adapting to the mores of the mid-nineteenth century electoral system. See his *The Lights of Liberalism: University Liberals and the Challenge of Democracy 1860-86*, London, 1976, p. 177.

¹⁵² Harris, *Auberon Herbert*, p. 98.

¹⁵³ In a campaign speech, Herbert admitted to being an 'advanced Liberal'; *Times*, 8 July 1868, p. 12. A contemporary writing about notable Radicals at the time included Herbert as one of the "Men of the Left" whom he regarded 'as the salt of our political world'; see J. Morrison Davidson, *Eminent Radicals in and out of Parliament*, London, 1880, p. i. Davidson also cited Herbert's 1864 visit to America as influencing his future politics; *Ibid.*, p. 245.

became almost infamous in 1872 when, in support of Dilke's motion for an inquiry into the expenses of the civil list, he declared himself a republican.¹⁵⁴ Mundella particularly regretted Herbert's 'extravagant' behaviour and considered him 'politically dead'.¹⁵⁵ Herbert's most substantial contribution to parliamentary legislation, however, was his work on the Wild Birds Protection Act that provided protection for birds during the breeding season.¹⁵⁶

While an MP, Herbert had not been content to confine his activities to Westminster and his constituency. In 1870, for instance, he was primarily responsible for organising the International Workmen's Exhibition that aimed to increase the esteem of the manual labourer as well as to promote class and international unity in the production of works of industry and art. The Exhibition held at the Agricultural Hall, Islington, which had been previewed by Queen Victoria the previous week, was officially opened by the Prince of Wales on 16 July 1870.¹⁵⁷

Herbert was also among the first of those in the 'upper classes' to publicly demonstrate his support for unionisation among agricultural labourers. In 1872, he presided at a public meeting in Leamington to support the formation of the Warwickshire Agricultural Labourers' Union, the body at the forefront of the movement.¹⁵⁸ Although he was unable to attend a congress convened by the Union later in the same year, he wrote a letter publicly supporting the establishment of a National Union.¹⁵⁹ Herbert always strongly supported the combination of the agricultural workers as an example of collective self-help. He also became well acquainted with Joseph Arch, the leader of the Agricultural Labourers Union. When Arch travelled through Hampshire to speak at local meetings, he stayed at the Herbert farm at

¹⁵⁴ Dilke's and Herbert's public republican stand caused a clash of views in the Radical Club; see Harvie, *Lights of Liberalism*, p. 187.

¹⁵⁵ W. H. G. Armytage, *A. J. Mundella 1825-1897: The Liberal Background to the Labour Movement*, London, 1951, p. 118.

¹⁵⁶ The passage of this Act owed much to Herbert's support; see his 'Obituary', *The Times*, 6 Nov. 1906, p. 10.

¹⁵⁷ *The Times*, 18 July 1870, p. 6. Further discussion of the Exhibition appears in Chapter Six.

¹⁵⁸ Joseph Arch, *Autobiography*, John Gerard O'Leary, ed., 1898, reprint, London, 1966, p. 51.

¹⁵⁹ Pamela Horn, *Joseph Arch (1826-1919): The Farm Workers' Leader*, Kineton, 1971, p. 63.

Ashley Arnewood and addressed a large agricultural meeting there.¹⁶⁰ Given that Herbert was a landowner, his advocacy of Arch is particularly significant.

During the 1860s and the early 1870s, Herbert had been exposed to a wide range of intellectual and political views but lacked any consistent set of political principles.¹⁶¹ Apart from his former Conservative acquaintances, he had met John Ruskin and became acquainted with J. S. Mill. Although they were not Liberal MPs at the same time, evidence suggests that Herbert valued Mill's opinions and sought his advice.¹⁶²

The most decisive influence on Herbert, however, proved to be that of Spencer, whom he first met when he was an MP and Spencer's philosophical reputation high. Their meeting proved greatly significant in Herbert's political career as he became a life-long supporter of Spencer's and, on specific occasions, a defender of Spencerian philosophy.¹⁶³ When Spencer died in 1903, Herbert acted as one of his literary trustees and sat on the management board of the Spencer Lectures. Given the existence of these formal arrangements, Spencer's omission of Herbert from his autobiography is most curious.¹⁶⁴ However, Spencer's biography and published letters reveal more on the nature of the communication between the two, including Spencer's explanation to Herbert of his altered position on the land question.¹⁶⁵

Testimony of Spencer's lasting philosophical influence appears in Herbert's account of their meeting in the early 1870s. He recalls how he once believed in the power of

¹⁶⁰ Harris, *Auberon Herbert*, p. 176; J. Penne, 'The Late Hon. Auberon Herbert', *Ringwood Almanac 1907*, p. 40.

¹⁶¹ However, many of Herbert's actions and statements during this time can be read as harbingers of his later consistent libertarianism; see Mack, 'Introduction' in Herbert's *The Right and Wrong of Compulsion by the State*, p. 12.

¹⁶² For instance, Herbert was Secretary of Mill's Dominican's Club, founded in 1865. In late 1871 and early 1872, he corresponded with Mill about the viability of intellectual centres for working men. Herbert and Lady Florence also dined with the Mills; see J. S. Mill, 'Additional Letters', in *Collected Works*, John M. Robson, gen. ed., 33 vols, Toronto, 1963-1991, XXXII, pp. 235-6 and 1945. (Henceforth, Mill's *Collected Works* will be abbreviated to *CW*.)

¹⁶³ For example, Herbert wrote 'Lost in the Region of Phrases', in reply to J. A. Hobson, partly to counter the New Liberals contesting Spencer's interpretation of society as an organism. The essay first appeared in the May 1899 issue of *The Humanitarian*.

¹⁶⁴ The index contains only one reference to Herbert that pertains to a foreword note by him on the publication's format; see Herbert Spencer, *An Autobiography*, 2 vols, London, 1911.

¹⁶⁵ David Duncan, *Life and Letters of Herbert Spencer*, London, 1908, pp. 247-248.

parliamentary legislation to improve the common welfare. But after talking to Spencer and studying his works, he:

lost ... faith in the great machine; 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.¹⁶⁶

Spencer became the catalyst in Herbert's producing probably his best contemporarily known book *A Politician in Trouble about his Soul* written in the early 1880s.¹⁶⁷ This work, which critically examined the shortcomings and corrupting influences of the contemporary political system, symbolically chronicles Herbert's transition from a disillusioned Liberal MP into an ardent Spencerian libertarian. The final part entitled 'A Politician in Sight of Haven' indicates this enthusiasm. Yet, even at this point he had departed sufficiently from Spencer on the issue of voluntary taxation to include a footnote disassociating Spencer with it. The subject remained a contentious one between the two thinkers.¹⁶⁸

Herbert, inspired by the concept of self-help and minimal government as expounded by Spencer, co-founded the Personal Rights and Self-Help Association in 1877. This organisation aimed to protect personal liberty and personal rights and to oppose the multiplication of laws that tended to control and direct the affairs of people.¹⁶⁹ Just as he had established or joined Conservative organisations, the libertarian Herbert was actively involved, either as supporter or co-founder, in a loose network of organisations pledged to defend personal rights. The members of these groups frequently included other strong supporters of Spencer. Such organisations included the Vigilance Association for the Defence

¹⁶⁶ Auberon Herbert, 'Mr Spencer and the Great Machine', p. 260. (Delivered as the Herbert Spencer Lecture at Oxford University on 7 June 1906, this essay was published in 1908 as part of *The Voluntaryist Creed*.) Mundella, in contrast, regarded Herbert's association with Spencer as ruinous to his political career. He claimed that Herbert was 'lost to name and fame' for having absorbed the 'crudities and flatulences of Spencerism'; Armitage, *A. J. Mundella*, p. 193.

¹⁶⁷ Herbert's *A Politician in Trouble about his Soul* was reprinted in 1884 with additions from its original serialised form in the *Fortnightly Review*.

¹⁶⁸ Herbert, in 1877, found 'a constant undertone of cynicism' in Spencer's writing and felt that the moral argument for liberty had never been treated with full justice; see Harris, *Auberon Herbert*, p. 248. Later, Spencer expressed to Herbert fears that Herbert's advocating voluntary taxation was prejudicial to the individualist doctrine, generally; see Duncan, *Life and Letters*, p. 301. The two thinkers also disagreed over self-determination for Ireland (see Chapter Four).

¹⁶⁹ Harris, *Auberon Herbert*, p. 189.

of Personal Rights, the London Liberty Club and, lastly, the British Constitutional Association.¹⁷⁰

Failure in 1879 to win the Nottingham candidature appears to have finally persuaded Herbert to relinquish hopes of a parliamentary career. From this point, he concentrated instead on further analysis of Spencer's works and on developing his own political philosophy drawn heavily from Spencerian principles. By the late 1880s, he had termed his philosophy 'Voluntaryism'.

In 1885, he founded the short-lived Party of Individual Liberty that promoted self-ownership, self-direction and voluntary co-operation to replace most state intervention and regulation. An exposition of the Party's principles appeared first as serialised articles published in the *Newcastle Weekly Chronicle* with the support of its proprietor Joseph Cowen, a libertarian and strong supporter of the Co-operative movement and Mechanics Institutes. Herbert focussed his party's election campaign on Newcastle, Manchester and Leeds, all places where the Co-operative Movement was strongest. He delivered a series of political addresses at Co-operative Halls throughout the Midlands and in the North of England.¹⁷¹

Herbert revised and reprinted his party's principles under the title of *The Right and Wrong of Compulsion by the State*. Although the subtitle *A Statement of the Moral Principles of the Party of Individual Liberty and the Political Measures Founded upon them* suggest merely a political party manifesto, the work is a distinctive argument of political philosophy that proposes to reconstruct political society upon the principles of self-ownership, self-direction and peaceful cooperation. Herbert argued that this system of individual liberty built on common respect for the rights of others would best achieve happiness, prosperity and peace, something that the present system of majoritarian force, as sanctioned by the state, could not deliver. His philosophy, apart from proposing voluntary taxation and self-

¹⁷⁰ See Bristow, *Individualism and Socialism*, pp. 175-183.

¹⁷¹ Harris, *Auberon Herbert*, p. 278.

determination for Ireland, included other radical reform measures such as the abolition of the House of Lords, the conversion of the monarchy into a republic and universal suffrage.

In 1885, Herbert applied his political beliefs to setting up a scheme that facilitated access to agricultural land. The Small Farms and Labourers Holdings Company that he established was intended to offer a practical alternative to land nationalisation, a growing political issue. His intention was to enable people of limited means to either purchase or rent small holdings of agricultural land. He offered small holdings on his own land and encouraged others to follow his example. Despite agricultural and economic depression, the Company operated until 1901.

The decade of the 1890s saw Herbert co-ordinating the loosely grouped Voluntaryist Movement that superseded the Party of Individual Liberty. He had accepted by this stage that his minority politics were more realistically suited to a broad political movement rather than to a parliamentary party. During this period, too, he felt compelled to defend his own political position against accusations of anarchism, particularly those made in the daily press.¹⁷² The *Daily News*, for instance, regarding Herbert's brand of individualism as differing 'only in its transparent purity of purpose from some of the choicest morsels of Anarchist doctrine', remonstrated with him for appearing to countenance the ideology.¹⁷³ Nevertheless, he contributed material on several occasions to *Liberty*, the American Anarchist publication.¹⁷⁴ Overall, Herbert concentrated on influencing opinions through his writing and, on occasions, public speaking. He believed that Voluntaryism offered a credible alternative to increasing state intrusion and centralisation: the hallmarks of the onset of state socialism.

Herbert found the same characteristics of centralisation, coercion and monopoly in the new trade union movement. Although New Unionism might appear of immediate benefit to workers, ultimately it would fail because of its retrogressive nature. He pleaded his alternative

¹⁷² The extent to which the press and critics confused Herbert's Voluntaryism with Anarchy is discussed by Harris in his *Auberon Herbert*, pp. 319-321.

¹⁷³ 'The Gospel of Dynamite', *Daily News*, 29 Mar. 1892, p. 4.

¹⁷⁴ For instance, Herbert's 'An Alleged Flaw in Anarchy', dated November 1890. See Tucker, *Instead of a Book*, pp. 209-210.

ideas on voluntary industrial co-operation in the essay ‘The True Line of Deliverance’, included in the compilation of libertarian essays entitled *A Plea for Liberty*.¹⁷⁵

Another issue of compulsion upon which Herbert voiced strong views was state education. Although his views on the subject altered over time, education remained a subject of high personal interest to him and one that he addressed from personal experience. Like J. S. Mill writing earlier in *On Liberty*, Herbert thought that human intelligence required diversity and stimulation and that the official system stultified and brutalised children without really educating them.¹⁷⁶ Better, he thought, to decentralise and diversify the provision of education according to local needs. His rationale for opposing the state system and his ideas for alternative education appear in the essay ‘State Education: a Help or Hindrance’, which was first published in the *Fortnightly Review* in 1880.

Despite pressure to contribute to the more public debate on issues such as state education, Herbert sought an independent vehicle for radical libertarian ideas and, thus, greater control over his authorship. In 1890, he established a small weekly paper *Free Life* that was initially included in the independent liberal periodical *Political World*, but after a few months the latter separated from its more uncompromising supplement. *Free Life* continued as a weekly publication until 1894 when it became a monthly.¹⁷⁷ This publication, which enjoyed greater longevity than Herbert’s Party of Individual Liberty, continued until 1901. That it enjoyed a longer life was largely due to Herbert’s financial support and huge intellectual input. In 1901, he announced that the paper was entering a period of ‘suspended animation’ and admitted that any future resurrection of it would entail a big undertaking.¹⁷⁸

Although Herbert reduced his political activism in his final years, his commitment to Voluntaryism remained with him to the last. He continued to acknowledge his debt to

¹⁷⁵ Auberon Herbert, ‘The True Line of Deliverance’, in Thomas Mackay, ed., *A Plea for Liberty*, 3rd edn, London, 1892, pp. 294-322. Fuller discussion of this essay appears in Chapter Six.

¹⁷⁶ That Herbert’s views on education reflect J. S. Mill’s influence, as much as Spencer’s, is addressed in Chapter Seven.

¹⁷⁷ Spencer, never enthusiastic about Herbert’s re-directing his energy into the paper, criticised what he viewed as a deterioration in the standard of its presentation; see Duncan, *Life and Letters*, p. 301.

¹⁷⁸ *Free Life*, August 1901, p. 57.

Spencer, although his political philosophy differed in key areas. Herbert's most comprehensive tribute to the philosopher appears in his 'Mr Spencer and the Great Machine', delivered in 1906 as the second Herbert Spencer Lecture at Oxford. Shortly after, he delivered a version of the same lecture at a meeting of the newly formed British Constitutional Association, in London. Just before his death in November 1906, Herbert completed his final essay 'A Plea for Voluntaryism' that expanded the philosophical principles outlined in *The Right and Wrong of Compulsion by the State*.

CHAPTER ONE

“THE SYSTEM OF LIBERTY, PEACE AND FRIENDLINESS”: HERBERT’S POLITICAL THEORY

Herbert defined his political theory of Voluntaryism as the ‘system of liberty, peace and friendliness’.¹ Although the specific term ‘Voluntaryism’ was lacking in his initial theoretical works, the fundamental principle of individual self-ownership appeared from the outset. Herbert believed that his natural rights based ‘system’ of complete individual liberty was morally justified and a prerequisite for social happiness. Furthermore, a political philosophy that placed personal liberties, of body, mind and property, foremost would best serve the common interest and public good. Government existed only to safeguard individuals against internal and external violence, against fraud, and to act as the national agent in international matters. As a body delegated by individuals to serve them, government enjoyed the same rights as the individuals who created it but could have no additional rights and powers. Apart from its specific role as protector, it could not coerce its citizens in other areas, such as compulsory education or military conscription. Ideally, government would compete with other voluntary bodies to advise and instruct in matters such as sanitation, industrial safety, agriculture and education. Ultimately, Herbert saw the state as mainly decentralised, existing largely on a voluntary basis and supported by voluntary taxation. The following critical examination explores the main aspects of Herbert’s Voluntaryism as an expression of extreme libertarianism. It appraises its chief philosophical elements, particularly its natural rights basis and the moral arguments offered to support individual liberty. Fuller analyses of the main implications of Voluntaryism appear in subsequent chapters. Before examining Herbert’s political theory, however, it is helpful to briefly consider the place of ‘voluntaryism’ in the libertarian tradition of which Herbert became a part.

¹ Auberon Herbert, ‘The Principles of Voluntaryism and Free Life’, p. 388.

Voluntaryist and Liberal Heritage

The concept of Voluntaryism has been described as the final goal of all libertarians, and libertarianism as the doctrine that all the affairs of people, both public and private, should be carried out by individuals or their associations.² The origin of the voluntaryist principle, Watner suggests, can be largely traced to the political philosopher Etienne de la Boetie's *Discourse on Voluntary Servitude* written around the middle of the sixteenth century. In his *Discourse* la Boetie analysed the question of civil obedience and the reasons why the majority of people, although born into natural liberty, acquiesced to their own subjection.³ La Boetie, Watner adds, was the first political philosopher to move from an emphasis on the importance of consent to the strategic importance of toppling tyranny by the withdrawal of public consent. During the religious controversies of the sixteenth and seventeenth centuries in England, the term 'voluntaryism' represented the position of those who advocated complete separation of Church and State. During the nineteenth century voluntaryism again came into common usage in the Scottish disputes between Churchmen and dissenters. The English nonconformists also used the term during the 1830s when agitating against the state control of education. This usage became frequent from 1850, according to the *Oxford English Dictionary*. It is likely that Herbert, later campaigning in areas strongly nonconformist, would have been familiar with the term's religious connotations. As someone who came to oppose compulsory and centrally directed education, he referred to working class parents, presumably nonconformist, moving towns to avoid persecution under the new education laws.⁴ Herbert, according to Watner, attempted to repopularise the term 'voluntaryism' during the 1880s and

² Carl Watner, 'Voluntaryism in the Libertarian Tradition', in Watner, Carl, George H. Smith and Wendy McElroy, *Neither Bullets nor Ballots: Essays in Voluntaryism*, Orange, Calif., 1983, p. 29.

³ *Ibid*, pp. 30-31. A recent body of research makes a strong case for attributing authorship of *On Voluntary Servitude* to Montaigne; see David Lewis Schaefer, ed., *Freedom over Servitude: Montaigne, La Boetie, and 'On Voluntary Servitude'*, Westport, Conn., 1998. The book also contains Schaefer's translation of *On Voluntary Servitude*.

⁴ See Herbert's 'The Ethics of Dynamite', p. 224.

1890s in his journal *Free Life*.⁵ The word appears frequently in its pages, as well as in the Voluntaryist pamphlets produced around the same time. His promotion of the term was timely because, according to the *OED*, the broad meaning of ‘voluntaryism’ as any system which rests upon voluntary action or principles came into usage about 1883.

Herbert, it may be concluded, was well aware of the political connotations of the term ‘voluntaryism’ and consciously drew on its traditions in his writing. Evidence of this appears, for instance, in the essay ‘The Ethics of Dynamite’ in which he stated:

we inherit splendid traditions of voluntaryism, which hardly any other nation has inherited; and it is to voluntaryism, the inspiring genius of the English character, that we must look in the future, as we did in the past, for escape from all difficulties.⁶

Compared with other European nations, England was relatively free from state compulsion and intrusive officialism. Only by resorting to the tradition of Voluntaryism, Herbert believed, would it remain so. His reference to English tradition here is also interesting because, at this particular point, he was refuting accusations of being an anarchist, or at least encouraging the dissemination of anarchist ideas. By associating Voluntaryism with a wider national inheritance, he could argue that his theory was neither revolutionary nor foreign. Nor was it anarchism.

Herbert formulated his political theory by drawing on a number of intellectual influences. His familiarity with a number of Western philosophers appears, for instance, in the essay ‘The Ethics of Dynamite’ questioning the nature of power and authority. Here, he named Emerson, Mill, Von Humboldt, Buckle, Bentley and Dumont as part of a line of critical philosophers ‘running back, if we choose, to Milton himself’.⁷ Although this is a fairly conventional device to add weight to his thesis, Herbert again consciously drew on an intellectual tradition that placed particular emphasis on the English Milton, also a republican.

⁵ Watner, ‘Voluntaryism’, p. 32.

⁶ ‘Ethics of Dynamite’, p. 224.

⁷ *Ibid.*, p. 201.

Yet, the two philosophers who appear to have most shaped his libertarianism were Herbert Spencer and J. S. Mill.

Influence of J. S. Mill

Herbert met Mill in the last years before Mill's death and Herbert drew inspiration from him. He regarded Mill as 'an earnest and eloquent advocate of individual liberty', whose book *On Liberty* 'remains a monument of clearer sight, a higher faith, and nobler aspirations than those which exist at the present time ...'⁸ He thought Mill's strong emphasis on the mental independence of humans in political society particularly noteworthy because the argument for individual freedom of conscience and expression transcended church, party and society. In other words, it was non-sectarian and non-partisan. He also agreed with Mill's stress on the need for pluralism, experimentation and the avoidance of uniformity in society. A particular lesson he took from Mill was the need to test the soundness of a particular position by free and open debate.⁹ Herbert acknowledged Mill's contribution to political philosophy in several of his essays and cited him probably most after Spencer. The title of Herbert's first Anti-Force pamphlet, '*The Free Mind in the Free Body*', took its name from Mill's statement that 'over himself, over his own body and mind, the individual is sovereign'.¹⁰ Herbert wrote elsewhere that the philosophy of Mill, with that of Spencer, helped 'individualize the individual' and that both thinkers hoped true permanent good would result from a system of individual liberty, 'self-restraining and self-guiding'.¹¹ Mill, he suggested, took a moral perspective while Spencer contrasted the intellectual and material consequences of the two opposed systems: self guidance and guidance by others. Herbert's interpretation in this late essay is

⁸ Herbert, *RWCS*, p. 123.

⁹ Herbert acknowledged the value of this truth from Mill in a letter to Helen Taylor, Mill's step-daughter; see Herbert to Taylor, 4 December 1889, Mill-Taylor Correspondence, Vol. 15, Item no. 93 fol. 170, London School of Economics Library.

¹⁰ John Stuart Mill, 'On Liberty', in *On Liberty: With 'The Subjection of Women'; and Chapters on Socialism*, Stuart Collini, ed., Cambridge, 1989, p. 13.

¹¹ 'Mr Spencer and the Great Machine', p. 271.

pertinent because it illustrates the nature of Mill's enduring influence on him. Ultimately though, Herbert believed Mill a less comprehensive philosopher than Spencer.

Influence of Spencerian Philosophy

Indisputably, the greatest intellectual influence on Herbert's politics was the thinking of Spencer. Herbert was by no means alone in falling under Spencer's influence as the philosopher's reputation was still considerable when they met in the early 1870s. Few, however, described Spencer's effect on them as dramatically as Herbert: 'as I read and thought over what he taught, a new window was opened in my mind'.¹² This influence is particularly apparent in Herbert's early works but Spencer's presence becomes less dominant in his later writing. However, sufficient comprehension of Herbert's political theory cannot be reached without some understanding of Spencerian philosophy, especially Spencer's early works. It is useful, therefore, to consider the main elements of Spencer's philosophic 'system'.

The comprehensive system that Spencer eventually termed the 'Synthetic Philosophy' attempted to unify systematically all knowledge relating to the natural world, including human society. Spencer believed that phenomena could be explained using a single set of scientific laws from which first principles could be deduced. Evolution provided the basis of his philosophy because it was a natural process and universal. Spencer formulated a theory of evolution around which he aimed to unify and harmonise previously disparate knowledge. Owing to the centrality of evolution in his system and his desire to escape Comtean associations, Spencer briefly termed his philosophy 'Evolution Philosophy' before deciding on Synthetic Philosophy.¹³ Embedded in his theory of evolution lay the notion of progress; development from the simple to the more complex. Progress or evolution could measure

¹² Ibid., p. 260.

¹³ John Fiske, *Life and Letters of Edward Livingston Youmans*, London, 1894, p. 290.

equally the biological development of organisms or moral progress in human society.

Spencer's thinking on the latter found voice in his political theory.

Spencer's most cited works of political theory are his *Social Statics*, first published in 1850, and *Man versus the State*, published in 1884. Even allowing for the nearly thirty-five years between them, they are very different books. Each, however, expresses strong individualist principles within a supposedly scientific framework. That Spencer elaborated his ideas in this manner indicates, as commentators observe, the power of science and scientific models to influence mid and late Victorian political discourse.¹⁴

Social Statics is a comprehensive work of political philosophy in which Spencer attempted to establish principles for a system of equity by applying scientifically the principles of evolutionary theory to the development of human society. In so doing, he addressed subjects such as justice, equality, human happiness and government. There is some evidence to suggest that this book influenced Herbert's political philosophy more than much of Spencer's later work. In a letter to W. T. Stead, probably written around the early 1890s, Herbert comments that Spencer's 'creed' as found in *Social Statics* was 'one thing that commends itself to me'.¹⁵ But since that earlier 'period', he thought that Spencer had drifted away 'in an indefinite manner'.¹⁶ That Herbert did not closely follow Spencer's 'Synthetic Philosophy' in *Voluntaryism* is a point emphasised in this thesis. Moreover, Herbert's theory had chiefly been formulated before Spencer's later *Man versus the State*.¹⁷

In *Social Statics*, Spencer argued that society, through evolution and adaptation to the surrounding circumstances, developed gradually from a state of simplicity and uniformity to one of greater complexity and variation.¹⁸ Human development, as well as the continuation of

¹⁴ See, for instance, Theodore K. Hoppen, *The Mid-Victorian Generation 1846-1886*, Oxford, 1998, 2003, pp. 475-476.

¹⁵ Herbert to Stead, nd, Papers of William T. Stead, STED 1/39, fol. 21b, Churchill Archives Centre, Cambridge.

¹⁶ *Ibid.*

¹⁷ In a footnote to *The Right and Wrong of Compulsion by the State* (1885), Herbert advised all persons to read Spencer's *Man versus the State*, *Introduction to Sociology*, *Social Statics*, *Data of Ethics*, and *First Principles*; *RWCS*, pp. 123-124.

¹⁸ Spencer's term 'survival of the fittest' is absent in *Social Statics* but appears in later works. See, for instance, 'The Sins of the Legislators' in *Man versus the State*, London, 1884, p. 68.

the species, also required that each individual be allowed maximum liberty in order to fully exercise his or her faculties; a 'natural' process which Spencer termed the law of equal freedom. Spencer argued that humans, as a higher life form, were better suited to individuation but conceded that they were also mutually dependent. Opponents seized upon this point to argue that Spencer's evolution of the social organism in fact supported the notion of positive freedom; that is, the assistance by government to realise political freedom, as opposed to merely the absence of interference by other people or the state.¹⁹ It must be noted, however, that human interdependence does not preclude the social benefit of individual freedom. Nor does advocating individual freedom preclude awareness of society but instead requires an elaborate form of mutual dependence, as Spencer pointed out.²⁰

The determinist implications in Spencer's political theory were harder to refute. As Francis and Morrow point out, Spencer's determinist social evolution left no place for rational choice on the part of the individual, a paradoxical outcome given his strong individualism.²¹ He defended the goals of justice, equity and happiness for humans as a species but not specifically for individuals. Spencer thus undermined his arguments by using naturalistic accounts borrowed from the sciences, although his use of naturalistic imagery in *Social Statics* tended to be metaphorical rather than purely scientifically informed.²²

Spencer's consideration of how socially adapted humans might live together in advanced political society rested on several presuppositions. First of all, he inquired, if human happiness is intended by the Divine Will, then how can it be best constituted? Spencer concluded that happiness is reached through the faculties of individuals, which presupposes universal freedom of action providing it does no violence to others. Therefore, the first requirement of political society is the right to liberty, or the law of equal freedom: 'every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other

¹⁹ David Nicholls, 'Positive Liberty, 1880-1914, *American Political Science Review*, 56, 1, 1962, pp. 122-124.

²⁰ David Duncan, *The Life and Letters of Herbert Spencer*, London, 1908, p. 353-354.

²¹ Mark Francis and John Morrow, *A History of English Political Thought in the Nineteenth Century*, London, 1994, pp. 220-221.

²² Francis and Morrow, *History of English Political Thought*, p. 223.

man'.²³ As the law of equal freedom equated with the law of nature, it represented to Spencer the primary law of right relationships between humans. On the same basis of equity, therefore, he rejected the individual right to land ownership.²⁴ This conclusion is often regarded as best representing Spencer's early radicalism. Later, he would defend his departure from this position as a difference between remoter 'absolute ethics' and 'relative ethics' that considered existing arrangements.²⁵ He justified distancing himself from earlier support of female suffrage on similar grounds.

Spencer also provided a second and desert-based principle of justice: the law of conduct and consequence. Most systematically outlined in his later *Principles of Ethics*, the law held that 'each individual ought to receive the benefits and evils of his own nature and consequent conduct'.²⁶ This, Spencer explained, was the primary principle of sub-human justice. However, as humans developed through co-operation they required a higher form of justice: the law of equal freedom. A negative element of justice had to be added to the positive formulation that demanded apportionment of benefits to deserts. Individuals, while they must be allowed to act, must do this under restraint imposed by the presence of others with like claims.²⁷ Spencer's formula of sub-human justice, as Taylor notes, became problematic to his later change of position on land ownership, as well as to the debate on productive versus unproductive labour.²⁸ Neither desert nor the free market delivered, his critics argued, just reward to the labourer. Moreover, as fellow Individualist Henry Sidgwick pointed out, Spencer's theory of justice, either its rights-based or desert-based forms, provided a better statement of the socialist cause than as a justification of the free market,

²³ Herbert Spencer, *Social Statics: Or, the Conditions Essential to Human Happiness Specified, and the First of Them Developed*, 1850, reprint, London, 1868, p. 121.

²⁴ Spencer, *Social Statics*, p. 132.

²⁵ Spencer explained the change in his views on land tenure in a letter to Herbert; see Duncan, *Life and Letters of Herbert Spencer*, pp. 247-8. Further discussion of land tenure appears in Chapter Five. In a letter to the *Times*, Spencer referred to 'absolute political ethics, or that which ought to be, as distinguished from relative political ethics, or that which is at present the nearest practicable approach to it'; *Times*, 7 November 1889, p. 12.

²⁶ Herbert Spencer, *Principles of Ethics*, II, p. 17.

²⁷ *Ibid.*, p. 45.

²⁸ M. W. Taylor, *Men versus the State: Herbert Spencer and Late Victorian Individualism*, Oxford, 1992, pp. 234-236.

competitive system.²⁹ Although Herbert mentioned desert less frequently, he often referred to Spencer's law of equal freedom but not necessarily by this name.³⁰

The shift in Spencer's later thinking is evident in *Man versus the State*, first published in 1884. The work also engages in contemporary political debate in a manner absent in *Social Statics*. In *Man versus the State*, Spencer employed the opposing principles of militant and industrial types of organisation to explain his politics. Social organisation, he explained, passed from the militant to the industrial. Militant society was relatively primitive, hierarchical, heavily centralised, regimented and strictly regulated. In contrast, the more progressive industrial society was diverse, fluid and tolerant. Industrial society emphasised individuality accompanied by greater self-restraint. Free association and spontaneous voluntary cooperation marked social enterprise within it. Its government was democratic, strictly limited and diffuse. The notion of contrasted societies, however, did not originate with Spencer. The conceptual distinction between 'militancy' and 'industrialism' was fairly commonplace in nineteenth century England.³¹ Other intellectual contemporaries employed the notion of transformation from rigid 'status' societies into more flexible 'contract' societies.

Using the antinomies described above, Spencer analysed the contemporary political state, which he thought increasingly overrode individual liberty and individual choice. The present Liberal Government was really a new form of Toryism because it embodied the coercive state and not individual freedom, the value Liberalism once represented.³² Although legislators intended social good, often they could not foresee the consequences of legislation so that new corrective laws were called for, and so on. State intervention, Spencer argued, becomes an ever-expanding habit. The corresponding growth of officialdom itself becomes a

²⁹ Ibid., pp. 233-234.

³⁰ See, for instance, Herbert's 'A Politician in Sight of Haven', p. 97. Later, Herbert referred to 'the Herbert Spencer limit on liberty'; *Free Life*, October 1893, p. 291.

³¹ David Weinstein, *Equal Freedom and Utility: Herbert Spencer's Liberal Utilitarianism*, Cambridge, 1998, pp. 21-22.

³² Herbert Spencer, *The Man versus the State*, London, 1884, pp. 15-17.

powerful and self-interested social element, a tendency also noted by Wilhelm von Humboldt in his *The Limits of State Action* written in the previous century.³³ Humboldt also warned that as the bureaucracy burgeoned it lost sight of the essential object and concentrated on mere form. Eventually, official business became merely mechanical and its officials relapsed into machines. Thus, the unimpeded growth of bureaucracy harmed its functionaries and a country's subjects whose liberties decreased in proportion to the increase of officialdom. Spencer expressed a very similar view, as did Herbert.

Spencer warned that the combined outcome of growing state coercion and officialdom was socialism and slavery; a situation that indicated social regression not social progression.³⁴ But Spencer's doubts about the possibility of relapse were never systematically integrated into his social evolutionary theory, as Weinstein notes.³⁵ Spencer did allow an inherent malleability of human character that he attributed to Lamarckianism, or 'use inheritance', but this moral modification generally applied to progress towards liberal institutions and liberal morality rather than a retreat from them. Spencer held that social progress was possible only if its individual members were free from constant restraint and compulsion. He expressed it thus: 'the prerequisite to individual life is also the prerequisite to social life'.³⁶ Although his philosophical emphasis had shifted somewhat from matters of equity, he defended non-interference by government on moral grounds. As interference hurt vital life, legislation had no ethical sanction. Herbert, as shown below, opposed most legislation sanctioning state interference on the same principle.

The belief in the interrelationship between moral and social improvement, Bristow observes, was commonly held by all shades of late Victorian liberal.³⁷ What they contested, however, were the means of best achieving this aspect of social progress. Spencer, now less

³³ Humboldt, Wilhelm Von, *The Limits of State Action*, J. W. Burrow, ed., Indianapolis, 1993. Von Humboldt wrote this in 1791 but it was not fully published until 1851. Although its 1854 translation made an impact in England, Spencer purported never to have read it; see Nicholls, 'Positive Liberty', p. 117.

³⁴ Spencer, *Man versus the State*, p. 33. Spencer also expressed this view later in his 'From Freedom to Bondage' in Thomas Mackay, ed., *A Plea for Liberty*, 3rd edn, London, 1892, p. 22.

³⁵ Weinstein, *Equal Freedom and Utility*, p. 23.

³⁶ Spencer, *Man versus the State*, p. 102.

³⁷ Bristow, *Individualism versus Socialism*, p. 198.

optimistic about humankind, believed that true progress would take much longer to occur. He wrote pessimistically to Herbert:

Will you forgive me if I say that you do not sufficiently bear in mind the *organic* badness of existing human nature and the resulting *organic* badness of any society organized out of existing human nature. As I have elsewhere said, you cannot get golden conduct out of leaden instincts; and men's instincts are at present in large measure leaden.³⁸

Herbert, in contrast, remained more optimistic about fundamental change conveying the sense that aspects of Voluntaryism could be implemented immediately. Also in contrast to Spencer, Herbert constantly sought areas in which to apply his principles, something which becomes apparent throughout this study.

Herbert's Political Essays

There is no single source in which Herbert expounded his political philosophy. Several key works provide the most comprehensive accounts of it and illustrate the manner in which it evolved. Probably the earliest form of what developed into Voluntaryism appeared in two separate essays in 1880. 'The Choices between Personal Freedom and State Protection' basically asserts negative liberty. In contrast, 'State Education: A Help or Hindrance?', although rejecting state involvement in education, also presents a practical alternative to it. They are heavily derivative of Spencer. Similarly, 'A Politician in Sight of Haven', written in 1884, is almost a gloss of Spencer. Yet Herbert's 'A Plea for Voluntaryism', completed in 1906, directly mentions Spencer only once. The last work is also significant because it expands some of the arguments presented in Herbert's better known text *The Right and Wrong of Compulsion by the State*, published in 1885. The two works provide the most comprehensive accounts of his philosophy. Combined with arguments for Voluntaryism, a more subversive social commentary is the satirical conversation piece 'Under the Yolk of the Butterflies', of 1891 and early 1892. 'A Voluntaryist Appeal', in contrast, is more of a

³⁸ Duncan, *Life and Letters of Herbert Spencer*, pp. 301-302.

political tract. Published in 1898, this work most clearly explains Herbert's philosophy that by now clearly exhibits an independence from Spencer. It also contains his ideas on specific issues such as land nationalisation, state socialism and anarchy. Published the previous year, 'The Principles of Voluntaryism and Free Life' presents Herbert's thoughts on compulsory taxation and labour. It also summarises the main theoretical propositions and aims of the Voluntaryist. Although these are the chief sources for Herbert's political works, his views are recorded in various letters and periodicals. His newspaper *Free Life* is particularly valuable in that it frequently contains further explanations on most aspects of the Voluntaryist position, as well as reprints of some of Herbert's essays.

Herbert's Voluntaryism

Natural Rights Theory versus Utilitarianism

Herbert's political theory rests upon a conception of natural rights, or the notion that each person possesses, independently of government, an inherent right to his or her own person, body and mind. As these rights are inalienable, each individual must respect the same rights in others. Herbert's assertion of natural rights was unusual as this once prevalent mode of political argument had largely fallen out of vogue. Prior to the early nineteenth century, however, natural rights arguments dominated English political theory, most notably forming part of John Locke's political philosophy of the late seventeenth century. The framework of Locke's conception of limited government rests on the idea that natural rights become protected but circumscribed in civil society. During the late eighteenth century, Thomas Paine, who wrote closely in the spirit of Locke, claimed natural rights as the origin of civil society and supported revolution in their defence. By this period, however, conceptions of natural rights came increasingly under attack from French Enlightenment philosophers and,

later, from English anti-Painites.³⁹ Consequently, the state of nature became equated with primitive nature, and seen as an unsatisfactory basis for the assertion of political rights. By the nineteenth century, natural rights theory had been overtaken by various forms of utilitarian philosophy, most notably Benthamite Utilitarianism, a doctrine developed by Jeremy Bentham and his followers.

Under the influence of this philosophy, emphasis shifted from securing individual rights in political society to governance. Utilitarian theorists addressed the role of representative government in maximising utility and achieving the greatest social happiness, or, how best to look after the common good. Spencer, however, referred to utilitarianism as ‘expediency philosophy’ objecting to its unscientific method rather than its ultimate goal, the happiness of human kind, with which he agreed. Although stating that his position was not ‘anti-utilitarian’, he rejected the philosophy as a satisfactory basis for morality because it could supply only ‘empirical generalisations’ for the guidance of conduct. Furthermore, he doubted whether it was possible to determine what outcomes would follow from what actions and cited examples of unintended consequences, most pointedly attempts to end the slave trade.⁴⁰ Herbert, in contrast, made no similar analysis of utilitarianism but rejected it outright as unsatisfactory. A political system constructed on utilitarian principles merely embodied ‘the convenience of the larger crowd dictating to the smaller crowd’.⁴¹ Furthermore, it did not necessarily follow that the opinion of the greatest number was right. For Herbert, the only moral foundation for political society could be that of the natural rights accorded to each individual.

³⁹ For the decline of the use of natural rights arguments; see H. V. S. Ogden, ‘The State of Nature and the Decline of Lockian Political Theory in England, 1760-1800’, *American Historical Review*, 46, 1940-41, pp. 21-44, and Gregory Claeys, ‘The French Revolution Debate and British Political Thought’, *History of Political Thought*, XI, 1990, pp. 59-80.

⁴⁰ Spencer cited the introduction of faster-sailing slave ships and the throwing of whole cargoes of Negroes into the sea as examples of the unintended consequences arising from the suppression of the slave trade; see *Social Statics*, pp. 19-20. Spencer’s position on utilitarianism is the subject of ongoing debate. Weinstein claims that Spencer is to be read as a ‘liberal utilitarian’; see David Weinstein, *Equal Freedom and Utility: Herbert’s Spencer’s Liberal Utilitarianism*, Cambridge, 1998. Francis, however, finds this revisionist approach unsatisfactory; see Mark Francis’s review of Weinstein, in *History of Political Thought*, XXIII, 2, 2002, pp. 348-351.

⁴¹ *RWCS*, p. 140.

By the time he began constructing his Voluntaryist theory, Herbert was familiar with the tenets of classical liberalism, particularly Mill's ideas on basic human freedoms guaranteed by law. It is likely, however, that Herbert took his cue on natural rights doctrine from Spencer whose distinctive resurrection of natural rights doctrine challenged Bentham's dismissal of natural rights. Natural rights arguments also provided Spencer with a solution to the problem of maintaining a central role for rights-bearing individuals in his otherwise determinist evolutionary theory.⁴² Although derivative of Spencer, Herbert's theory was less complex and placed less emphasis on the scientific justification of rights. Many of Herbert's arguments, especially on property, resemble those of Locke and Paine, although he made no explicit connection with these thinkers. Given these various similarities, Herbert has been aptly recorded as defending a Lockean-Spencerian conception of natural rights.⁴³ Also, it is likely that natural rights theory appealed to him because natural rights do not depend for their existence on political society and positive law. Considering Herbert's chronicled dissatisfaction with the existing English political system, natural rights theory, along with the philosophy of Spencer, provided the fundamentals whereby he could develop his theory of Voluntaryism.

The Principle of Self-Ownership, Liberty and Morality

The fundamental principle of Herbert's political theory is individual liberty, the natural right upon which he thought political society ought to be built. On this, he stated categorically:

⁴² Commentators have noted Spencer's mediation of the two different traditions of British radicalism: Benthamite Utilitarianism and older natural rights theory; see Taylor, *Men versus the State*, p. 57. For a brief discussion of Spencer's treatment of natural rights as instincts see Francis and Morrow, *History of Nineteenth Century Political Thought*, p. 222.

⁴³ Watner, 'Voluntaryism', p. 301.

There is one and only one principle, on which you can build a true, rightful, enduring and progressive civilization, which can give peace and friendliness and contentment to all differing groups and sects into which we are divided—and that principle is that every man and woman should be held by us all sacredly and religiously to be the one true owner of his or her faculties, of his or her body and mind, and of all property inherited or— honestly acquired.⁴⁴

Herbert frequently treated ‘self-ownership’, or the right to life, as being synonymous with individual liberty. If people owned their bodies and minds, it followed that they had the right and obligation to take actions necessary for their survival.⁴⁵ Self-ownership, he explained, was not a metaphor but the truest and simplest way of stating a natural fact.⁴⁶ The right to individual freedom was intrinsic or ‘rooted in the very nature of our being’ and existed prior to the establishment of the political state. Fellow Individualist Levy, however, rejected this assertion as the philosophic basis for Individualism. He thought it unacceptable to derive an ethical principle from a single ‘natural’ fact; by doing so, Herbert had discredited it with those who know what deduction means.⁴⁷ Instead, Levy based his Individualism on the notion that the coercive co-operation of limited government was necessary to attain maximum liberty for all citizens.⁴⁸

But Herbert, like Spencer, reinforced his *a priori* argument with the claim that the right of self-ownership and self-guidance had divine origin. The ‘Great Mind’ had placed this moral law as the foundation of human society and as a precondition of social happiness.⁴⁹ Elsewhere, Herbert wrote of the ‘great and sacred principle of self-ownership and self-direction’.⁵⁰ Here, he argued, that for those who believed in existence of the human soul, the freedom of the individual was not simply a political matter but one of religion. In order to determine the way of perfection, a person’s soul needed to learn how to distinguish between good and evil. Therefore, to interfere with that person’s freedom, even with the best of

⁴⁴ ‘Plea for Voluntaryism’, p. 327.

⁴⁵ David Boaz comments that the right to self-ownership immediately leads to the right to liberty, and, in fact, are two ways of expressing the same point; Boaz, *Libertarianism: A Primer*, New York, 1997, p. 65.

⁴⁶ Herbert stated this in response to some of the comments received on his paper on International Voluntaryism; *Free Life*, May 1898, p. 35.

⁴⁷ Herbert and Levy, *Taxation and Anarchism*, p. 29.

⁴⁸ E. Belfort Bax and J. Hiam Levy, *Socialism and Individualism*, London, 1890, pp. 74-75.

⁴⁹ *RWCS*, p. 129.

⁵⁰ ‘Plea for Voluntaryism’, p. 340.

intentions, inflicts the deepest damage and harms his or her soul. Herbert referred to such an action as placing bonds on the soul, or replacing the 'free life' with the 'bound life'.⁵¹ This is why, he explains, organised religion must also be based on individual freedom, particularly the freedom of conscience.

It is important to note that, although strong Theistic belief informed Herbert's own Voluntaryism, he thought it was possible to arrive at this philosophy from several points of view including: those conclusions derived from philosophical argument, practical considerations of present political strife, belief in evolutionary progress, belief in Divine intention regarding the human race, or all of these points of view combined.⁵² Voluntaryism, therefore, accommodated all theological views including Agnosticism and Atheism. In Theism, however, Herbert recognised mind and will behind evolution and in the skilful fashioning of the universe. He thought Theism also reinforced the Voluntaryist view, since the idea of self-ownership, self-direction and personal responsibility was in harmony with the orderliness and reason of all other parts of the universe. Moreover, as human nature had an intrinsic unity, it was wrong, even evil, to divide humans into separate parts: social, political and religious.

By highlighting the essential damage to humans caused by institutional subjection, Herbert added urgency to his arguments on moral well-being. At stake is human morality: how it can be protected and improved in political society. Herbert, like most Victorian intellectuals, emphasised 'morality' and frequently did not discriminate between it and 'ethics'.⁵³ In many ways, his reference to morality was typical: emphasis on obligation and duty, the requirement to resist temptation, the assumption that in any given situation there was

⁵¹ Ibid., p. 323.

⁵² Herbert's expressed his theological views in reply to a correspondent; *Free Life*, January 1896, p. 7.

⁵³ Stefan Collini discusses 'the primacy of morality' in Victorian intellectual discourse; see his *Public Moralists: Political Thought and Intellectual Life in Britain 1850-1930*, Oxford, 1991, pp. 64-67. Generally, morality denotes behaviour within particular guidelines while ethics relates to the science of morals, or the specific moral principles by which a person is guided (OED).

always one moral right answer.⁵⁴ Also, I argue, there is altruism in Herbert's arguments, something which is generally overlooked in the polarity between Individualism and Collectivism. Humans, in his opinion, had a duty to themselves and to the species to develop their capacities in whichever manner they chose. As a libertarian, however, he would allow them the freedom to choose not to do so. Herbert also expected that, under Voluntarism, people would be better citizens given their greater political and social liberty.⁵⁵ The development of a higher morality and true friendliness among citizens was impossible, he thought, under the present coercive system.

The Fabian socialist Sidney Ball argued differently in his general response to Individualist arguments presented in *A Plea for Liberty*. The state, he argued, was not a 'mere means to the safe pursuit of individual purposes' but represented 'the total interest of humanity—the highest possible development of human power and character'.⁵⁶ The term 'character', like 'morality', appeared frequently in Victorian discourse.⁵⁷ It was defined as the sum of mental and moral qualities in an individual or race, as well as the individuality impressed by nature and habit on man or nature. Increasingly, however, emphasis moved from the descriptive sense to the evaluative sense heightening the unresolved tension between voluntarism and determinism.⁵⁸ The extent to which human disposition was fixed engaged political and social reformers. Ball, for instance, thought external circumstances, such as political institutions, could mould character, and he considered that moral development was an end of the state.⁵⁹ At the same time, he added that 'the State can have no end which is not an end of individuals'.⁶⁰ Regulation and liberty were means to this end. Ball reasoned that the object of regulation was to secure greater freedom of the kind that served the development of

⁵⁴ Collini identifies these characteristics in the morality dominant in Victorian culture; *Public Moralists*, pp. 63-64.

⁵⁵ The following chapter continues discussion of morality in the Voluntary State.

⁵⁶ Sidney Ball, 'A Plea for Liberty: A Criticism', *Economic Review*, 1, 1891, p. 337.

⁵⁷ The concept of character and the moral formation of citizens had ancient origins but the Victorian concentration on character gave 'a new form to an old concern'. Rather than a requirement for a healthy body politic, character became more of an end in itself; see Collini, *Public Moralists*, pp. 93-96, 109.

⁵⁸ *Ibid.*, p. 99.

⁵⁹ Ball, 'A Plea for Liberty: A Criticism', p. 337.

⁶⁰ *Ibid.*

character: more specifically, to provide extended capacities of individual development and expansion. Although both Ball and Herbert agreed on the importance of moral development, they disagreed on the role of the state in it. Basically, Herbert's view was that the state could not make people moral but it could protect their freedoms so that they could develop as moral beings.

Herbert's concern with morality is frequently accompanied by allusion to the harmful effects of power. His late writing in particular presents, as Mack notes, a multi-dimensional analysis of power and its corrupting influences.⁶¹ This analysis involves numerous interwoven, moral, psychological, and sociological insights. In the essay 'Mr Spencer and the Great Machine', for example, Herbert focused on the inherent dynamic of political power and how the great game of politics captures its participants despite their initial intentions. Something of this approach appeared in the earlier and less abstract essay 'Is the Hope of Our Century an Illusion?' that critiqued the idea of representative government.⁶² But Herbert also centred on the corrupting results for those caught within the political power game, as the work 'A Plea for Voluntaryism' clearly exemplifies. When analysing power in this way Herbert frequently employed the antinomies 'the way of peace and cooperation' and 'the way of force and strife' in line with Spencer's distinction between the militant and industrial societies.⁶³ Unlike Spencer's distinctions, however, there are strong moral connotations in Herbert's antinomies. The 'methods of peace and respect for others' bring rightful gains while force is answered by force and 'always brings its own far-reaching hurtful consequences'.⁶⁴ The moral effect on people is a highly significant, if not crucial, element in Herbert's philosophy. It also represents a point of difference between Herbert and Spencer.

Herbert's theory of self-ownership appears to merely echo Spencer, who also equated self-ownership with the concept of liberty, but it actually differs in attitude, especially when

⁶¹ Mack, 'Voluntaryism', p. 307.

⁶² Auberon Herbert, 'Is the Hope of Our Century an Illusion?', *New Review*, 1894, pp. 164-176.

⁶³ 'A Plea for Voluntaryism', p. 358.

⁶⁴ *Ibid.*

he is discussing human considerations. As mentioned, Sir Roland Wilson observed a difference in approach between the two philosophers: Spencer's approach being in the 'scientific spirit' and Herbert's as an 'intuitive moralist' concerned with the 'sentiment of personal dignity and responsibility'.⁶⁵ Herbert's 'A Voluntarist Appeal', for instance, reveals this to be the case. He exhorted people to look upon themselves and one another as perfectly free but morally responsible individuals. They must renounce force, except in self-defence, but 'fight with voice and pen the peaceful battle of persuasion' for a new political world.⁶⁶ Compulsion, whether personal or political, is wrong. This suggests that Herbert's Voluntarist state is both the benefactor of a higher morality among its citizenry and a precondition to its further development. In it, individuals must live peacefully, cooperatively and respectfully observing the rights of others as their own are respected. Under these conditions, the regeneration of society would begin. Herbert, imagining such a future condition, wrote:

under the influences of liberty and her twin sister peace ... how our character as a people would grow nobler and at the same time softer and more generous ... how men of all classes would learn to cooperate together for every kind of good and useful purpose ... how we should rediscover in ourselves the good vigorous stuff that lies hidden there.⁶⁷

The optimistic tones of this vision also clearly demonstrate the nature and extent of Herbert's departure from late Spencerian political philosophy. The notion of Herbert's idealism appears throughout this text. Herbert, however, addressed the inference that Voluntarists were merely visionaries.⁶⁸ 'Before we make any great and real progress', he stated, 'we must mix a harder and more critical reason, as well as a higher sense of what is morally good for the souls of men'.⁶⁹ At the same time, he regarded the conventional blindness of people about the meaning of facts surrounding them regarding the church, state and army and so on, as worse than any visionary elements in the ideas proposed by Voluntarists. Furthermore, Herbert

⁶⁵ Sir Roland K. Wilson, *The Province of the State*, London, 1911, p. 272.

⁶⁶ 'A Voluntarist Appeal', p. 320.

⁶⁷ 'Plea for Voluntarism', pp. 365-366.

⁶⁸ Herbert replied to a correspondent's suggestion that Voluntarists' support for voluntary taxation was visionary; *Free Life*, April 1898, p. 26.

⁶⁹ *Ibid.*

added that if Voluntaryists got people on the right track morally their motives would be purer and better. In this instance, his moral tone exceeds its idealism.

Herbert offered moral grounds, after intrinsic natural rights, as the chief justification for the principle of self-ownership. Although his argument embracing religion appears above, he advanced other moral grounds for individual freedom. These arguments address the practice of morality in political society rather than specifically what constitutes right and wrong.

Generally, the practice of morality depends on individuals being able to distinguish between what is right and wrong or good and bad in human conduct or character. Individuals, however, are not always at liberty to decide what constitutes morality or moral standards and must follow the dictates of the state, church or society. Nevertheless, this does not preclude them from living virtuously, although they may be constantly morally compromised. For instance, they may be pacifists but are compelled by the state to contribute funding to the armed services through taxation. In addition, they may not possess the freedom to undertake a certain action; for example, to attend a religious service or a political demonstration.

Herbert opposed this sort of suppression of individual morality. He maintained that because all our ideas of right and wrong pertain to the question of whether or not individuals were self-owners, only recognition of self-ownership would establish a certain and definite morality. Thus, Herbert firmly attached morality to individual liberty. If morality founded on self-ownership prevailed, then individuals would be solely responsible and accountable for their actions. Also, no further arguments could arise over such things as religious belief and practice, provided its participants neither threatened nor physically harmed others. At this point, he did not differentiate between private and public morality. Negation of self-ownership, he suggested, would create a morality of a different kind. At the same time, he denied this concession by stating that freedom and morality are inseparable so that 'where

Freedom is not, morality is not'.⁷⁰ Herbert's assertion means that unless people are completely free to arrive at a moral decision, morality is not being practiced. If political or religious interference and sanctions override the moral judgements of people, then they cannot make moral choices independently. Again, it is not the presence or absence of virtue exhibited by individuals that mainly concerns Herbert, but rather the undermining of the practice of morality in political society.

True morality, according to Herbert, exists only with self-ownership, which he equated with liberty. Therefore, any failure to acknowledge or obey the idea of liberty, thus defined, also compromised justice and morality. In his words, it created the situation in which 'justice and morality cannot be said to exist'.⁷¹ On this basis, he argued that the rights of self-ownership were supreme moral rights and outranked all other human interests or institutions.

Other Justifications for Self-Ownership

Herbert offered several other justifications for the supremacy of the rights of self-ownership, which he referred to as being 'founded on the hard rock'.⁷² Natural facts, he claimed, reveal that each individual possesses a separate and distinct mind and body. Furthermore, all biological improvement was manifested in individuals, whether plant, animal or human, under conditions of free competition and natural selection. This claim led Herbert to refer to Nature as 'a thorough-going Free-trader'.⁷³ He thought that humans, in order to improve and develop, required free interaction combined with the struggle of competition. This unrestricted interplay among individuals ultimately benefited the entire human race. Uniformity and artificial protection, in contrast, weakened any species to extinction, particularly if exposed to new conditions. Humans, in this situation, declined racially and subsequently became

⁷⁰ 'Voluntaryist Appeal', p. 316.

⁷¹ *RWCS*, p. 123.

⁷² 'Voluntaryist Appeal', p. 314.

⁷³ *Ibid*, p. 315.

vulnerable to conquest. Herbert's use of language associated with the natural sciences, when hypothesising on desirable social and political conditions for human development, immediately suggests Spencerian philosophy. But in the above essay, Herbert quoted Charles Darwin on artificial protection and not Spencer.⁷⁴ The tone of Herbert's argument again demonstrates the degree to which evolutionary ideas permeated political discourse. Moreover, the subject of racial fitness and the organic welfare of society became increasingly serious concerns in late nineteenth century Britain.⁷⁵ Political debate arose regarding treatment of the perceived decay by political intervention and environmental improvement. Herbert, as Chapter Three explains, believed that any state direction in health and environmental improvement must proceed on a voluntary basis.

While scientific observation indicated to Herbert that self-ownership was a natural condition, human reason offered further justification of it. He claimed that reason dictates that if each human owns himself or herself, then self-ownership cannot lie elsewhere. But if an individual were incapable of self-ownership, then how is he or she capable of owning other humans? The possibility of individuals owning others appeared so incongruous to Herbert that he gave scant attention to the idea. Here, it is important to remember that Herbert was considering a general position for adults. Exceptions would be made for the mentally impaired. Otherwise, he regarded self-ownership as an absolute and of the highest value in society.

Along with the claim of the reasonableness of self-ownership, Herbert asserted that human experience had shown that human progress and Liberty shared the same history. Peace, industrial effort and security, he claimed, had been achieved in environments more conducive to individual freedom. Generally, this is true. The conditions of peace and security do allow human invention and creativity to flourish, particularly if given freer reign. History also reveals that the concept of liberty changes over time, as the Swiss thinker Benjamin

⁷⁴ 'Plea for Voluntaryism', p. 362.

⁷⁵ Jose Harris, *Private Lives, Public Spirit: A Social History of Britain 1870-1914*, Oxford, 1993, pp. 230-237.

Constant observed. Writing about the liberty of the ancients, he noted that citizens exercised greater sovereignty but did so collectively.⁷⁶ Each citizen, however, enjoyed less individual independence being subjected to the authority and surveillance of the community. Constant also believed that modern commercial society required greater individual independence and less collective political activity because many human needs could be met without government intervention. Herbert, writing a century later and independently of Constant, advanced the argument for modern liberty much further.

Individual Rights

In addition to offering several grounds upon which to justify the principle of self ownership, Herbert argued that individuals necessarily possessed the associated freedom of action because they owned their own person, body and mind. In other words, as human faculties and energies were an inalienable part of each human, their direction and control could only rightly belong to that person. Moreover, he claimed that people could only learn when free to act. Herbert's system of 'complete liberty' extended to all areas of human life including the industrial, commercial and professional where totally free enterprise and free trade would operate. Freedom and open competition in everything, he argued, would encourage healthier and more vigorous relations among people. Although Herbert's libertarian argument takes an evolutionary line here, it also makes a moral claim. He suggested that unrestricted human interaction would gradually overcome the sort of bad habits, like corruption and selfishness, which thrive in a protectionist environment. In this way, Herbert envisaged the individual right to freedom of action operating positively in society.

He regarded private property operating in a similar way. The right to own private property held particular significance to him because when earned it was created by the free exercise of human faculties. If inherited, it represented the full right of an individual to deal

⁷⁶ Benjamin Constant, 'The Liberty of the Ancients Compared with that of the Moderns', in *Political Writings: Benjamin Constant*, Biancamaria Fontana, ed., Cambridge, 1988, pp. 310-327.

with that property as he or she wished. Herbert described property as representing the 'crystallized form of free faculties'.⁷⁷ Property held almost magical qualities to him and he thought it possessed stimulating and transforming virtues. Because of the essential relationship between property and human liberty, he argued any weakening in property rights necessarily diminished human liberty. Individual control of property and individual liberty, meaning the free exercise of human faculties, were inseparable and rested on the same moral basis. This argument, as Mack points out, also wove together the utility of private ownership for each person and the flow of entitlement from a person's labour to his products.⁷⁸

The crucial importance of property ownership to the development of human personality was also recognised by Thomas Hill Green, a leading figure in the British Idealists or Neo-Hegelians, a philosophical movement which rejected British empiricist philosophy, taking instead inspiration from ancient Greek philosophers and German thinkers such as Kant and Hegel.⁷⁹ Essentially, Green and the Idealists addressed human affairs dualistically: those matters pertaining to individuals distinctively and matters pertaining to individuals as members of their society. Green also rejected natural rights as antecedent to society but thought rights developed historically and were socially maintained. He justified the individual right to property teleologically and not as independent of society as argued by Herbert. Yet, like Herbert, Green held that the individual ownership of property was morally indispensable for a fully human life because appropriation represented an expression of will, and the exercise of will by free humans was necessary to morality. At the same time, individual morality must have a social reference in accord with the Common Good, or the true good that can be common to all.

The social component of property was also argued by the New Liberal Hobson who directly challenged Herbert's assertion that property was by right individual.⁸⁰ Hobson's

⁷⁷ 'Plea for Voluntaryism', p. 351.

⁷⁸ Mack, 'Voluntaryism', p. 302.

⁷⁹ See Peter P. Nicholson, *The Political Philosophy of the British Idealists: Selected Studies*, Cambridge, 1990.

⁸⁰ J. A. Hobson, 'A Rich Man's Anarchism', *Humanitarian*, June 1898, pp. 394-6.

objection appeared during the contentious debate on land reform. He maintained that, even in the most primitive form of human life, property was really the creation of the organic co-operation of the family or tribal group. Even at this primitive level the division of labour prevented people from imputing any single product to the activity of the individual who was alone directly engaged in producing it. As society was now more highly co-operative, he considered Herbert's supposition even more dubious. Hobson claimed that property and all natural opportunities were "social", and that only by treating them as such could the "rights" of individuals be conserved.⁸¹

Herbert, in contrast to Hobson and Green, saw property primarily and fundamentally linked to liberty and morality; true morality was that associated with individual freedom. Individual property ownership was a means of realising this freedom. As the right to own property was a natural one and antecedent to political society, governments also had a moral duty to protect the property rights of their citizens. Herbert, like many libertarians, asserted the interconnectedness of liberty and property in political society. On one occasion, he stated that property had been well described as consisting of a bundle of certain defined rights, which, when vested in one person, was 'simple, logical, intelligible'.⁸² If, however, one of these rights was taken away and given to another person, then it would be found that either this right was valueless or that it had to be reinforced by the addition of other rights. Departure from the fundamental rights, such as the right to own private property, always required legal readjustment in the direction of more coercive regulation. Although Herbert favoured the universal ownership of private property of some sort, he opposed any state redistribution to achieve it. The only justification he allowed for government intervention in this area was the protection of individuals' property rights.

Given his uncompromising position on property, it followed that Herbert was also unequivocal about individual ownership of labour on the basis that individuals were at liberty

⁸¹ Ibid., p. 395. Further discussion of their positions appears in Chapter Five.

⁸² Letter entitled 'State Roads to Ownership', *Times*, 30 November 1881, p. 8.

to work, ideally in circumstances of their choosing or in peaceful co-operation with others. His notion of free labour fully recognised the right of any and all labourers to contribute or withhold their labour. Thus, he supported voluntary trade unionism but opposed any physically violent or monopolistic industrial action. Largely for this reason, his position has been interpreted as conservative. Herbert's position, in fact, was reformist and he envisaged trade unions playing a major role in future society.

Although Herbert defended the rights of labour, individual and collective, it appears that property ownership in labour alone was unsatisfactory to him in the long term, particularly among the working classes. This suggests that he accepted a narrow conception of property ownership as the basis of political representation, in stark contrast with late eighteenth century radicals, such as John Thelwall, who challenged the exclusivity of property rights as the basis of government.⁸³ From Locke onwards, property had been claimed as the basis of government but by the late eighteenth century this had become narrowly defined as the ownership of material property, thus excluding most of the labouring classes from participation in the political nation. Thelwall argued that political rights arose from and reinforced natural or inherent rights, which included the right to own one's labour as other material property. To him, it followed that those whose only property was their labour must also enjoy political representation. Herbert, however, believed that without material property 'no class can take its true place in the nation'.⁸⁴ To this end, he advocated the collective acquisition of property by the 'propertyless class', as a means of empowerment and self determination, although he considered national redistributive schemes coercive and, therefore, unjust. The acquisition of private property, on the other hand, broke down class differences and, if purchased widely by workers, would cease to be the subject of political bribery by corrupt politicians. In this respect, the acquisition of property rights became the virtuous act of a free individual interacting with other free individuals. To gain property also represented

⁸³ See Iain Hampsher-Monk, 'John Thelwall and the Eighteenth Century Radical Response to Political Economy', *Historical Journal*, 34, 1991, p. 6.

⁸⁴ 'Plea for Voluntaryism', pp. 348-349.

an act of full self realisation, given Herbert's perspective on the full and free exercise of the faculties.

Herbert's position on property, which forms an integral part of his theory, never faltered. It explains his strong opposition to state socialism and the reason why many critics perceive him as a defender of the status quo. Further analysis of Herbert's thinking on property, along with some of the judgements of his strongest critics, appears in Chapter Five.

Along with the empowerment they gained from working to acquire and using material property, Herbert thought that humans required complete intellectual, moral and religious freedom to develop their individual capacities. Self development resulted in greater human creativity, industry and experimentation. More importantly, it contributed to the greater social good. Herbert's attention to social benefit is interesting. While it appears to acknowledge the shift in mood of the political nation towards concerns about collective community, it also implies that consideration for social good is not just the preserve of New Liberals and Socialists. That this language appears in a late essay reinforces the argument.

On an earlier occasion, Herbert addressed the notion of social entity itself stating that it 'must be represented by free contributions of mental and bodily labor [sic], for only in such a way is it possible for every individual, without exception, to take part in the expression of the common life and work'.⁸⁵ The unity of unrestrained difference, he thought, was a far truer unity than the unity of compulsory sameness. Furthermore, real social entity could not be represented where there was an 'effacement of minorities by majorities' or where there was a 'cooked-up thing, called representation'.⁸⁶ Although representation features in the next chapter, these words indicate the vigour with which Herbert contested the charge that his theory lacked social reference.

⁸⁵ Auberon Herbert, 'Lost in the Region of Phrases', p. 256. The essay was first published in the *Humanitarian*, May 1899. With 'Salvation by Force', published in 1898, it completed Herbert's published debate with Hobson. Amongst other things, Herbert rejected Hobson's charge of 'monadism'.

⁸⁶ Ibid.

While Herbert did not specifically define social good, he suggested that it included world betterment, individuals striving to live at their best, and the achieving of progress.⁸⁷ Herbert, like Mill, Spencer and many other Victorians, believed in the real possibility of human progress but also feared its regression. Progress, Herbert implied, was a moral duty. At the same time, it could not be legislated for. Governments and politicians, however, must ensure that every person be allowed, as individuals or groups, to make ‘their own contribution to the great fund of the general good’.⁸⁸ This part of Herbert’s theory is one of the areas in which the requirements of individuals become somewhat subordinate to the group, that of the human species. It is also a reminder of the degree to which nineteenth century libertarianism, whether expressed as individualism, voluntary socialism, or individualist anarchism, retained a concept of the community.

Support for the conception of community in Spencerian Individualism has been convincingly argued by Hiskes, who shows how the normative predicates of community can be extracted from the concept of self-interest.⁸⁹ He defines ‘community’ poetically, as requiring special moral attitudes by individuals to bring it about. Community is found in individualism, Hiskes claims, because it prescribes the performance of moral obligations (including communal ones) by individuals, and this prescription is itself contained in the very idea of self-interest. Moreover, self-interest is a rationale for communalism and altruism because of the importance accorded to the full recognition of the reality of other people. Hiskes also points to the need for communal arrangements in human relations in the writings of Spencer, Donisthorpe and Herbert.⁹⁰ All, he thinks, are vigorous in their support for the goal of community, which represents an evolutionary ideal as well as a moral one. This claim, I think, is certainly true in the case of Herbert’s Voluntaryism.

⁸⁷ ‘Mr Spencer and the Great Machine’, p. 294. Herbert delivered the essay in 1906 as the Herbert Spencer Lecture at Oxford University.

⁸⁸ *Ibid.*, pp. 294-295.

⁸⁹ Richard P. Hiskes, *Community without Coercion: Getting Along in the Minimal State*, Newark, 1982, pp. 171-172.

⁹⁰ *Ibid.*, p. 68.

Therefore, care must be taken when considering Herbert's ideas of Voluntaryism in relation to the community. It is my contention that the implications of Herbert's theory in regard to citizenship cannot be regarded as simply part of the passive nature attributed to late nineteenth century classical liberalism.⁹¹ I argue that Herbert's notion of Voluntaryism extended beyond the confines of general obedience to a formal rule of law and forbearance from harming others. Citizens were encouraged not only to respect the rights of others, but to join them peacefully in working together in governance, defence, health, labour, education and so on. As the next chapter demonstrates, Herbert's Voluntary State depends on the active participation of its citizenry to build peaceful and prosperous communities. Here, the notion of civic duty is by no means weakened but promoted using voluntary methods. It is also useful to note that by stressing the public role of the individual in his philosophy, Herbert could refute the charge of 'selfishness', an element regarded unfavourably in contemporary intellectual discourse.⁹² A statement by former Oxford liberal Goldwin Smith highlighted this concern: 'we were, and the survivors of us still are, for liberty. But liberty, in our conception, was not selfish and inhuman isolation'.⁹³ Smith's acquaintance Herbert would have agreed. As well as public spirit, Voluntaryism also encouraged the widest progress among citizens.

Generally, Herbert used the term 'progress' loosely. At its broadest, it represented to him world betterment but he often employed the word dichotomously and in association with liberty, peace and cooperation: as opposed to compulsion, strife and stagnation. To avoid the latter meant recognising that 'progress is difference' and rejecting mindless conformity.⁹⁴ In order to encourage progress, social and political institutions must accommodate the fullest human diversity. Herbert thought this would only be achieved if humans had greater social and political freedom including that of expression.

⁹¹ See, for example, Andrew Vincent, 'The new liberalism and citizenship', in Avital Simhony and David Weinstein, eds, *The New Liberalism: Reconciling Liberty and Community*, Cambridge, 2001, p. 206.

⁹² The Victorians generally regarded 'selfishness', or the lack of obligation towards others, as a serious moral failing. But in heavily favouring the opposing notion of 'altruism', they tended to overlook the nuances of meaning in between; see Collini, *Public Moralists*, p. 63, 66.

⁹³ Goldwin Smith, *Reminiscences*, Arnold Haultain, ed., New York, 1911, pp. 229-230.

⁹⁴ Herbert frequently quoted this phrase from Spencer. His ideas on progress are most comprehensively presented in the essay 'Mr Spencer and the Great Machine'; see pp. 292-298.

Overall, Herbert did not elaborate on subjects that might be morally or socially contentious because they are matters of individual conscience, judgement and taste. He did state, however, that under a system of complete liberty no individuals should endeavour to force on other individuals any view that purports to be right as regards social conduct or fashions of living, religion or education, trade or labour of any kind. This universal liberty also extended to amusements and occupations.⁹⁵

Realising liberties of action and expression require an enlightened, pluralistic and tolerant society. Herbert alluded to these conditions when writing on the nature of voluntaryist society, including the desirability of ‘peace, friendly cooperation, unrestricted experiment, constant difference, almost unlimited toleration as regards the actions of others ...’⁹⁶ The airing of intellectual, moral and religious viewpoints, however, must be conducted without any coercion by the protagonists.

Conditions of Self-Ownership

Part of Herbert’s largely moral argument for liberty and self-ownership placed conditions on the rights holders. Self-ownership, he argued, entailed full individual responsibility for that ownership and possession, whatever the circumstances and outcome. In justification, he added that ‘the really free man will neither submit to restrictions placed on himself, nor desire to impose them on others’.⁹⁷ More significantly, Herbert stipulated that the principle of individual freedom and autonomy carried a moral obligation. Those who claim the rights of self-ownership must not encroach upon the same rights of self-ownership in others. Specifically, humans must not injure by force or fraud the person or the property of other humans. He pointed out that force and fraud were two ways of evading consent; someone forcibly takes my shilling, or gives me a bad shilling. But no one, Herbert insisted, had the

⁹⁵ *RWCS*, p. 151.

⁹⁶ ‘Principles of Voluntaryism’, p. 388.

⁹⁷ *RWCS*, p. 125.

right to interfere with other people rightfully conducting themselves or in using their lawful property, including ‘a collection of persons, such as we call a Government’.⁹⁸ The moral obligation to respect the corresponding rights in others carried legal sanction backed by government coercion. Although Herbert severely curbed government compulsion in many other areas, he allowed ‘the force-machine of Government’ to ‘ensure that the limits of Self-ownership were not over-stepped’.⁹⁹

This statement represents a shift in Herbert’s thinking on the use of defensive force, as Mack notes.¹⁰⁰ Herbert’s early writing expressed doubt about the morality of even defensive force. In the essay ‘A Politician in Sight of Haven’, he referred to apparently justifiable force, such as the apprehension of a robber who snatches a lady’s watch, as an act that places an individual outside the ‘moral relation’ and into the ‘force relation’.¹⁰¹ He explained that although the interference on behalf of a neighbour was a moral one, his physical confrontation with the assailant was neither moral nor rational but a matter of regressing to brutish or primitive behaviour, which he likened to dealing with an attacking wild beast. In the *Right and Wrong of Compulsion by the State*, Herbert warned that should an individual commit violence and/or robbery against another individual, or in other ways coerce without consent, then the perpetrator would forfeit his or her rights. Herbert’s final position on defensive force first appeared in ‘A Voluntarist Appeal’.¹⁰² Government, he argued, may legitimately use force to restrain force only in the defence of the rights of self-ownership because of their moral supremacy. Government, however, must not employ force in opposition to them. In short, Herbert made all social and political arrangements subordinate to ‘these universal rights’.¹⁰³

⁹⁸ ‘Voluntarist Appeal’, p. 317.

⁹⁹ Ibid.

¹⁰⁰ Mack, ‘Voluntarism’, p. 307.

¹⁰¹ Herbert, ‘A Politician in Sight of Haven’, p. 100.

¹⁰² Mack, ‘Voluntarism’, p. 304.

¹⁰³ ‘Voluntarist Appeal’, p. 317.

In discussing the legitimacy of government force Herbert distinguished between direct and indirect force. Direct force is initiated against someone without their consent and seeks to violate that person's right of life, liberty or property. Direct force or compulsion may be manifested variously: as a private threat or an act of physical violence. Equally, it may be initiated officially, usually as government legislation, compelling the public to comply or be prosecuted. Compliance may be either to undertake an action, for instance pay taxes, or to refrain from performing one, such as not running a gaming house. Whatever the instance, direct force overrides personal judgement, conscience and, if need be, consent. In Herbert's view: 'direct compulsion, by whomsoever exercised, is only a remnant of that barbarous state when emperors and dominant churches used men according to their own ideas'.¹⁰⁴ He believed it possible for the world to rid itself of direct force or compulsion.

Yet, this is not the case with indirect force. An example Herbert provided was the negotiation between employer and employee. Although he stated that one of the parties may be persuaded to accept particularly harsh terms, he denied that direct force had been employed because consent by one or both parties had been given. Herbert also conceded that people may apply indirect compulsion of one another 'kindly or harshly, scrupulously or unscrupulously', according to their character.¹⁰⁵ This observation partly admits the operation of unequal power relationships, which all but negate his distinction between the types of force. Elsewhere, he acknowledged that people are constantly influenced by other people's ideas and actions but stressed the distinction between moral influence and coercion.¹⁰⁶ Although Herbert hoped that the growth of better influences might humanize and modify the use of all indirect coercion, he added that all of us will continue to compel and be compelled as part of our joint human existence.

A worse situation arose, he thought, when the existence of indirect compulsion is made a ground for employing direct compulsion because it overrides personal judgement and

¹⁰⁴ *RWCS*, p. 145.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Free Life*, January 1898, p. 1.

consent and also equalizes the actions of the good and bad. Here, Herbert cited as an example, the repression of teaching, such as that of the Roman Catholic religion, which he thought induced the tolerant and the intolerant to fight for their opinions by intolerant means. He saw also, in the current political situation, many instances in which the harsh and unjust use of indirect force manifested into direct power and compulsion.

Justification of Government

The protection of citizens from coercion is the chief justification of government in Herbert's Voluntaryist theory. He allowed this role only reluctantly and expressed doubt that it was possible to find a perfect moral foundation for the authority of any government. All governments, he stated, are of the 'nature of a usurpation', whether imperial or republican.¹⁰⁷ However, when 'confined within certain exact limits' they are 'a justifiable usurpation'.¹⁰⁸ In other words, Herbert thought that although sovereignty lies with each individual, government has a necessary role but only limited authority. Government, which he referred to as 'the individual in mass', possessed the same rights as individuals but no greater rights or powers.¹⁰⁹ He justified this limitation on the grounds that governments are bodies delegated by individuals to serve them and as such cannot have greater rights than the individuals delegating them. The 'legitimate' duties of government, Herbert took seriously, although his theory severely limited them.

Perhaps the most dramatic, certainly the most controversial, of Herbert's conclusions regarding government and public administration arises with his advocating voluntary taxation. The issue of taxation lies at the heart of Voluntaryism and the subject of voluntary taxation perhaps most characterises the true nature of Herbert's theory. It must be noted at this point that Herbert did not oppose the payment of taxation *per se*. On the contrary, he urged that

¹⁰⁷ *RWCS*, p. 141.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*, p. 142.

special funds be raised, among other monies, for the early repayment of national debt. However, this and other taxation must be raised on a voluntary basis and not a compulsory one. Compulsory taxation violated the principle of self-ownership because it forcibly took property belonging to individuals without their consent, an action that resulted in the forfeiture of the sovereign rights of person and property. Given that Herbert regarded the rights of self-ownership as supremely moral, the exacting of taxation by force contravened this morality. Describing compulsory taxation as the ‘great typical enemy of all voluntary action’, he proposed that the state should depend entirely upon voluntary services and voluntary payments.¹¹⁰ Herbert believed that under a system of voluntary taxation no longer could the great force machine of state rule by coercion and ‘officialism’. Furthermore, the persistent probability of jingoistic wars, previously financed by compulsory taxation, would also disappear.

Herbert’s ideas on compulsory taxation and on government generally are significant also because they clearly illustrate the way in which Herbert applied his political theory. The principles of Voluntaryism provided him with both a theoretical analysis of majoritarian politics and a means of achieving significant social change without resort to mainstream politicking or violent revolution. Voluntaryists realise, as Watner points out, that government rests on popular consent.¹¹¹ Therefore, the way to abolish government power is for the population at large to withdraw that consent. Voluntaryism, as an instrument of political change, employs peaceful persuasion, education, civil disobedience, and non-violent resistance to the state. Herbert, the Voluntaryist, made these conditions clear. At the same time, he pledged ‘steady but uncompromising resistance’ to the continuance of the compulsory state.¹¹² He worked tirelessly and earnestly to persuade his fellow humans that friendly voluntary co-operation could become a viable alternative to coercive government.

¹¹⁰ ‘Principles of Voluntaryism’, p. 406.

¹¹¹ Watner, ‘Voluntaryism in the Libertarian Tradition’, p. 29.

¹¹² *Ibid.*, p. 416.

Moreover, intending Voluntaryism, like Socialism, to become an international movement, Herbert appealed for sympathisers in other nations to 'join and work with us'.¹¹³

Conclusion

Herbert developed his political theory from natural rights doctrine and evolutionary philosophy, particularly that of Spencer. Herbert, however, placed less emphasis on the scientific justification of rights, focussing instead on the moral grounds for self-ownership, which is the leading proposition of Voluntaryism. Like most Victorian intellectuals, Herbert emphasised morality and it is an overarching feature of his theory as individual autonomy and voluntary co-operation supersede most state functions. Only under a system of complete individual liberty could true morality exist. Herbert's claim that the state impeded morality contrasted with arguments made by socialists and new liberals who asserted that the state assisted the development of morality in society, by promoting individual autonomy within a common interest. Aware of contemporary concerns about collective community, Herbert insisted justifiably that his theory contained social reference. Expressions of community in Individualist theories generally have been largely overlooked. In Voluntaryism, the implications for citizens extend beyond the confines of general obedience to formal law. People are expected to live peacefully and work co-operatively in every aspect of political society. To do so, required a higher morality and a certain altruism.

¹¹³ 'International Voluntaryism', *Free Life*, October 1897, pp. 73-74. The following year, this appeal was republished as Voluntary State Paper (Second Series) no. 2.

CHAPTER TWO

FROM THE COMPULSORY STATE TO THE VOLUNTARY STATE

Use the brute force of laws simply to restrain violence and certain coarse forms of fraud, and trust to Voluntaryism—the true instrument of civilisation—for all other things.¹

Herbert's mature ideas on government were extreme, leading some contemporaries to interpret his position as an anarchist one. He was a severe but thoughtful critic of many aspects of contemporary government. Wishing to avoid the perceived evils of the present system and believing that all systems of government rested on very dubious moral foundations, he greatly restricted the role of government in Voluntaryism. At his most radical, Herbert referred to government as a 'convenient defence committee' for the protection of person and property. Moreover, he insisted that its services should be funded by voluntary taxation, a concept which lay at the heart of Voluntaryism. But Voluntaryism, he believed, could not be a reality as long as compulsory taxation remained because it employed aggressive state force against its citizens. Although Herbert rejected the contemporary political system as coercive, divisive and harmful to its citizens, he did not reject government totally but claimed to have clearly redefined it as part of creating the Voluntary State. The morally superior Voluntary State, founded upon sympathy, friendship, voluntary service and cooperation, he argued, would better achieve public good and social happiness. Throughout the late nineteenth century and into the early twentieth century, Herbert insisted that this philosophy was the necessary path to achieving these political and social outcomes. Consequently, he became almost totally at odds with most politicians of the day who advocated a significant role for central government and state administration.

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¹ *Free Life*, September 1898, p. 65.

Changing Perceptions of Government

The last decades of the nineteenth century witnessed the enactment of a wide range of legislation and the expansion of central government administration. However, it would be inaccurate to interpret this solely as a shift from minimalist or *laissez-faire* government to an interventionist government increasingly committed to providing for the public welfare. English government earlier in the nineteenth century, as Arthur Taylor points out, was never totally minimalist or *laissez-faire* because the prevailing Benthamite Utilitarians, closely associated with *laissez-faire*, made several notable exceptions to official intervention in the interests of better government.² Legislation relating to factory and mines inspection, the new Poor Law of 1834 and the establishment of the first General Board of Health in 1848 represent such measures.³ Moreover, reforms to the Civil Service in 1853 and 1870 encouraged the growth of a new professional administrative class that by 1900 became increasingly dominant in administering departments of state.

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Nonetheless, towards the end of the century, the scope and character of government changed as well as the perception of its role. Even the term 'state' not commonly in use before 1832, came into more general and polemical use by the 1880s.⁴ Increasingly, people held the view that greater government intervention in the lives of its citizens was desirable.

Several factors contributed to promote this attitudinal shift. Although industrialisation had brought a greater material prosperity to the nation, it also caused great social dislocation. For example, rural areas became transformed by the factories and mines operating in their midst. Industrialisation, because it required a largely urban workforce, also contributed to the problems of urbanisation. Expanding industrial populations put pressure on housing and

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² Arthur J. Taylor, *Laissez-faire and State Intervention in Nineteenth-Century Britain*, London, 1972.

³ Theodore K. Hoppen, *The Mid-Victorian Generation 1846-1886*, Oxford, 1998, p. 95.

⁴ *Ibid.*, p. 124.

sanitation provisions. Generally, also, the last quarter of the century was less prosperous than the previous one. The mid 1870s and the mid 1880s experienced severe agricultural depressions and unemployment caused by a combination of foreign competition and depopulation to industry. British industry also faced increasing foreign competition, although international trade revived slightly in the early 1900s due in part to the availability of markets throughout its growing Empire. These factors put pressure on what Jose Harris refers to as the older-style organicism, or the conventional relationships that were often embodied in local communities, churches, guilds, co-operatives, organised and unorganised philanthropy.⁵ Agricultural depression and unemployment drained endowed charities and limited self-help, respectively. New market relationships also penetrated traditional spheres; for instance, the displacement of friendly societies by industrial assurance companies. Combined, these factors, according to Harris, hastened the breakdown of the older collectivism and brought about new styles of social intervention by an often reluctant centralised state.

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Philosophers responded to a perceived need to address the complexities of modern life in a nation often beset by unfavourable economic and social change. Positive liberals such as T. H. Green and D. G. Ritchie argued in favour of government as a positive or enabling power, rather than one that did little more than merely not restrain, although, as mentioned above, previous governments had not actually adopted this position. Their ideas influenced a number of politicians who employed the concept of positive liberty to justify government intervention in areas such as education, housing and factory legislation.⁶ Particularly prominent in the 1880s were the 'advanced' Radicals Joseph Chamberlain and Sir Charles Dilke who, within Gladstone's Liberal Ministry, strongly supported an activist state. They pushed for additional reforms including land reform and a moderated income tax. Aware of

⁵ Jose Harris notes the degree of administrative intervention in early and mid-Victorian Britain and stresses the range of organic customary relationships that existed in Victorian 'industrial feudalism'; see Harris, *Private Lives, Public Spirit: A Social History of Britain 1870-1914*, Oxford, 1993, p. 12.

⁶ The Liberal Government of 1892-5, for instance, was particularly influenced by the new liberals; see David Nicholls, 'Positive Liberty, 1880-1914', *American Political Science Review*, 56, 1, 1962, p. 125.

the huge implications contained in their reform programme, Herbert wrote to his former parliamentary colleague and friend Dilke:

the present moment is one so critical, that I should like to make an appeal to you before you definitely choose your part, and I should like not to misjudge you. You and Chamberlain will probably have the power to set in motion great forces—if you do not see clearly the direction which these great forces are to take, I think you are yielding to the temptation to which so many other successful politicians have yielded.⁷

Although we do not have Dilke's reply, it is clear that his position had moved closer to that of New Liberalism. In 1885, the same year as Herbert's appeal, Dilke supported the Chamberlainite Radical Programme of reform advocating greater state activity. Joseph Chamberlain's preface to the work included the following statement: 'new conceptions of public duty, new developments of social enterprise, new estimates of the natural obligations of the members of the community to one another, have come into view, and demand consideration'.⁸ Elsewhere, the Programme stated: 'the State has too long made itself the champion of the rights of the Individual; it must now assert the rights of the many— of all'.⁹

Dilke continued working for political and social reforms of this nature, particularly in health, labour, land tenure and local government. Speaking in 1891, he advocated municipal socialism: giving 'municipalities the widest possible power to deal with local needs'.¹⁰ Among state reforms, he included a graduation of Imperial taxation and progressively increased death duties. These measures were an anathema to Herbert although he also appreciated the need to address some of the problems facing the country, or the 'dark spots that deface modern society'.¹¹ At the same time, he believed that employing state coercion to solve them was totally the wrong course of action.

⁷ Herbert to Dilke, 5 July 1885, Dilke Papers, Add. 43898 f. 252, British Library Manuscripts, London.

⁸ Joseph Chamberlain et al., *The Radical Programme*, 1885, reprint, D. A. Hamer, ed., Brighton, 1971, p. vi.

⁹ *Ibid.*, p. 91.

¹⁰ Stephen Gwynn and Gertrude M. Tuckwell, *The Life of the Rt. Hon. Sir Charles W. Dilke*, 2 vols, 2nd edn, London, 1918, p. 278.

¹¹ 'Principles of the Voluntary State', p. 220.

Losing Faith in the ‘Great Machine’

Herbert’s ideas on government were not always so radical but developed with his experience inside and outside the political mainstream. He admitted that he entered parliamentary politics with hopes of helping to effect positive change. ~~Later, he wrote as belonging to the handful of~~ well-intentioned MPs, who laboured night after night in the House: ‘believing that we might do much for people by a bolder and more unsparring use of the powers that belonged to the great lawmaking machine’.¹² Yet, it also appears that almost from the outset ~~he adopted an~~ independent position in Parliament, an unsurprising stance given his view on the importance of independence of thought.¹³ In this, he likely followed J. S. Mill, who, in the cause of advanced Liberalism, insisted on maintaining political independence within his electorate and a degree of autonomy as a Liberal MP in the House of Commons.¹⁴ Herbert, however, asserted his independence more strongly. Admitting to republican sympathies in the House cemented his reputation in the opinion of many contemporaries, as an independent thinker and radical politician. The statement itself drew sufficiently vociferous opposition to drown out the remainder of his speech.¹⁵

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Not long after this débâcle, Herbert began to reassess not only the parliamentary process but also the whole rationale of government. The main catalyst in this re-evaluation he attributed to his meeting Herbert Spencer and his introduction to Spencer’s works. Herbert gradually concluded that parliamentarians were powerless to really effect meaningful change.

He doubted that, however well-intentioned, MPs ‘could manufacture the life of a nation, could endow it out of hand with happiness, wisdom and prosperity, and clothe it in all the

¹² ‘Mr Spencer and the Great Machine’, p. 260.

¹³ As Herbert wrote, in 1867, to his brother Henry, ‘I am not sufficiently a thorough going party-man to hold a position—however subordinate—where I cannot say I agree or disagree’; Herbert to Lord Camarvon, 10 January 1867, Herbert Family of Pixton Park, Dulverton, DD/DRU/2/31, Somerset Archive and Record Service, Taunton.

¹⁴ See J. S. Mill’s ‘Autobiography’ for his views on this period, in *CW*, I, pp. 274-277.

¹⁵ For reportage of the parliamentary proceedings, see *Times*, 20 March 1872, p. 6.

virtues'.¹⁶ These goals could only be achieved by parliamentarians stepping back and allowing the free energies of individuals to combine in their own way while cherishing a common respect for the freedom that each enjoyed. In the contemporary parliamentary system, he thought, even worthy MPs became 'half autocrats, half puppets' swayed by party passions and equipped with only patchy knowledge.¹⁷ Worse, he believed was that government operated in a narrow and detrimental way that largely comprised a mix of restraint, compulsions and gifts of public money to various self-interested pressure groups.

These views represented the new activist path that Herbert, now outside Parliament, undertook on behalf of the political philosophy that he later termed Voluntaryism. During the 1880s and 1890s, he produced a number of significant essays highlighting what he regarded as the serious flaws in the contemporary political system. At the same time, he promoted the alternative political philosophy he was developing. Some of his major works such as *A Politician in Trouble about his Soul* and the later essay 'A Cabinet Minister's Vade-Mecum' drew heavily on his former parliamentary experience and fairly extensive knowledge of the political world, to satirise contemporary politics and to criticise the Liberal Party's shift in principle. These works also provided a vehicle to philosophically examine the purpose of government. This dual approach also featured strongly in Herbert's periodical *Free Life* subtitled the 'Organ of Voluntary Taxation and the Voluntary State'.

Rejecting the Force State

Herbert's treatment of the state and government was uncompromising. Frequently, he treated them synonymously. The Individualists' general tendency to do so drew criticism from Sidney Ball, who implied confusion between these broader and narrower terms.¹⁸ He pointed out that 'the State is society organized and having force', and that government was only one

¹⁶ 'Mr Spencer and the Great Machine', p. 260.

¹⁷ *Ibid.*, p. 261.

¹⁸ Sidney Ball, 'A Plea for Liberty: A Criticism', *Economic Review*, 1, 1891, pp. 336-337.

of its functions.¹⁹ Ball also thought the state had a moral end, as mentioned in the previous chapter. Herbert, in comparison, argued that the state was a construct of individuals. Regarding all government as morally suspect, he relentlessly criticised the present Westminster Parliamentary Government and gave government a limited role in Voluntaryism. The previous chapter explained that Herbert's grounds for limiting the function of government were chiefly moral, as were his arguments for self-ownership. As an evolutionary theorist as well as a natural rights libertarian, he believed in the quest for human betterment, a condition which all humans had a duty to endeavour to attain, through trial and error, and in a diversity of ways. He maintained, however, that the foundation of human development and social happiness was liberty or self-ownership of the individual man or woman, ~~not the efforts~~ of an activist state on their behalf. This is why he opposed large centralised government, or, in his words, 'great universal systems'. This type of government could not produce the diversity and experimentation that progressive human civilisation required. As he stated: 'freedom must always come first, and all services, however important, must come second'.²⁰ Thus, government was subordinate to the individuals who delegated it, and was primarily an instrument to protect them and their property. Only government limited in this way, Herbert suggested, could be a true organ of society.²¹ Humans had to be free to act non-aggressively, without petty restraint or regulation, in order to best exercise their faculties, including their personal judgement. To impede any of this not only undermined each individual's humanity but also restricted the development of human civilisation. As well as objecting to the wrongful primacy of government over the individual, Herbert became highly critical of the way contemporary government constantly undermined the practice of morality.

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Majoritarian democracy, he thought, was morally wrong and unjust. On many occasions he questioned the morality of a political system in which mere numbers determined

¹⁹ Ibid.

²⁰ 'A Voluntaryist Appeal', p. 319.

²¹ 'Principles of Voluntaryism', p. 374. Earlier, Herbert claimed that the state derived its powers from the principle of liberty and was subordinate to it. 'The State', he added, 'exists as the instrument of liberty. Liberty is not one of the creations of the State'; 'Choices between Freedom and Protection', p. 47.

political outcomes, whether in elections or in parliament. In *The Right and Wrong of Compulsion by the State* he asked: ‘what is there in numbers that can possibly make any opinion or decision better or more valid, or which can transfer the body and mind of one man into the keeping of another man?’²² Herbert insisted that this was the real meaning of ‘majority’ and that it carried with it unlimited rights. His argument contains elements of truth whether or not political majorities are a long established convention. While unlimited rights are an exaggeration, even in Herbert’s time, it is a fact that the political majority potentially possesses very substantial rights over those in the minority. Strictly speaking, however, the people who constitute either the majority or minority may change over time depending on the support for a political party, a political doctrine or of a specific political issue. On the other hand, those who constituted the numerical majority in Herbert’s day had no electoral voice in the political nation. As Levy more accurately pointed out, women and a large part of the men in Great Britain and Ireland were liable to pay taxes when their consent had not been asked, either directly or indirectly, and they had no part in how those taxes would be spent.²³ Nonetheless, minority interests are constantly over-ruled, as Herbert validly claimed.

Elsewhere, Herbert referred to a majority as an ‘artificial conventional arrangement’ and, for this reason, its authority ‘is therefore artificial and conventional—of an altogether secondary value’.²⁴ Such an artificial arrangement could not possess the same or greater authority as the universal and natural right of self-ownership, a supreme moral right. Put another way, a political majority could possess no moral right to use force which a minority did not possess. Three men, as Herbert was fond of stating, had no greater moral right over two men. This view, however, did not totally rule out recourse to political majorities, provided it was universally understood beforehand that the rule of a majority rested on no moral right and possessed no authority, other than that gained by consent. Then, if people freely accepted majority rule, it became simply a ‘harmless method, which may be best the

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²² *RWCS*, p. 137.

²³ J. H. Levy, ed., *Taxation and Anarchism: A Discussion*, London, 1914, p. 14.

²⁴ *Free Life*, September 1898, p. 65.

best under the circumstances'.²⁵ This suggests that consent must be regularly sought and clearly given in most political matters. While he allowed majorities to operate with consent, Herbert strongly objected to the supposition that we all belong to an unacknowledged majority and are automatically its property.

With unchecked majority rule in mind, he urged politicians and the voting public to refrain from passing laws that advanced sectional opinions or interests, or from placing any compulsory burdens or services on others. Passing many laws of this nature were evil, he reasoned, because they entailed the use of force and denied the free choice and action of others. Also, he thought it hypocritical that it was considered wrong 'to bludgeon and rob your neighbour on the high-road but right to knock him down with a majority-vote, and pillage him by Act of Parliament'.²⁶ Compulsion did not give real coherence to a nation but actually broke it into factions which fought one another. Furthermore, enacting legislation also threatens people with punishment unless they do or abstain from doing certain things that have been 'settled for them'.²⁷ Deciding what is 'settled', Herbert thought, was greatly arbitrary. He correctly doubted the possibility of permanent human agreement in seeking where the majority's line of authority was to be drawn. He cited religion, education, trade, labour, and amusement as some of the contentious areas in which humans seek to regulate or restrain other humans. Partly for this reason, he was also highly critical of setting aside definite principles, such as the right of private judgement, in order to sanction force for certain undefined needs of the moment. This not only sanctioned the right of some humans to coerce others but also their right to decide how, when and for what purposes they shall coerce others. The outcome, he concluded, was to equip some people with undefined power, free from any general principle or fixed standard. Power granted in this manner was open to abuse and difficult to restrict because of the absence of a guiding principle. Herbert also warned that

²⁵ *Free Life*, December 1898, p. 89.

²⁶ *Free Life*, February 1893, p. 219.

²⁷ Herbert expressed these sentiments in 'International Voluntaryism: What We Voluntaryists Ask of You', *Voluntary State Papers* (Second Series), No. 2, 1898, p. 1.

if you hold power, your first aim is to preserve that power.²⁸ Also, seldom do people who possess power resist the urge to wield it.

The evils of power and its effect, on both those who rule and those who are ruled, increasingly occupied Herbert in his last decades. Although human corruption by the desire to exercise political power is an ancient subject, he seems to suggest that humans ought to know better at this stage in their social development. A cynic might suggest that, with each extension of suffrage, Herbert feared the granting of political power to the working classes, but I do not consider this to be an informed comment. Herbert's strongest criticism was of the richer classes, whose love of power and desire to win the 'great game' had misled and corrupted the people. 'The fault and the blame and the shame', he confessed as a member of them, 'will rest in the largest measure with us'.²⁹ Although it is true that he made a special plea to workmen to refrain from exercising their growing industrial power and future political power, this is totally in keeping with his philosophy of non-coercion. Also, it must be remembered that he supported universal male and female suffrage. But, like J. S. Mill, he thought that people needed to be educated on how to become good citizens; this was to be done by persuasion and not coercion.³⁰ At the same time, Herbert was alert to the degree to which populism, rather than carefully considered political principles, might appeal to new voters. Yet, unlike Mill, he did not advocate guidance by an elite or limits on suffrage. Furthermore, politicians comprised a major target of his most frequent and severest ideas on the pursuit of power and the corresponding corruption this entailed. For instance, recalling his own observations of parliamentary behaviour, Herbert wrote that he:

saw that no guiding, no limiting or moderating principle existed in the competition of politician against politician; but that almost all hearts were filled with the old corrupting desire to possess that evil mocking gift of power, and to use it in their own imagined interest—without question, without scruple—over their fellow-men.³¹

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²⁸ For one of Herbert's chief discussions on the evils of power; see 'A Plea for Voluntaryism', pp. 319-329.

²⁹ 'Mr Spencer and the Great Machine', p. 310.

³⁰ Mill believed political participation developed individuals' intellectual and moral capabilities. He also advocated plural voting by anyone who could demonstrate intellectual fitness. See his *Considerations of Representative Government*, in CW, XIX, pp. 470-476.

³¹ 'Mr Spencer and the Great Machine', p. 262.

Also, commenting that the longer people played the game of politics the more their personality waned; Herbert asked ‘why in politics all souls tend to be lost to their owners?’³²

Representative Government

As well as writing about morality and politics generally, Herbert specifically critiqued representative government as it existed in late nineteenth century England.³³ He warned that it could not fulfil the hopes placed in it to shape social existence or secure human happiness. Furthermore, he suggested that notions of contemporary representative government as being democratic and effective were illusory. This was a particularly contentious assertion, given the increase in political participation due to electoral reforms during the century.³⁴ Nevertheless, Herbert identified a number of severe defects in the present representative system.

First of all, he questioned the basic idea of representative government, stating that it was impossible for a body of people who possessed a plurality of interests to be represented by one person in any true sense. Therefore, multiple interests had to be somehow moulded *en masse* to fit into a political party’s doctrine and later be represented by one individual or a small group of politicians. Because only the broadest points could be addressed in the crudest way, this process created an ‘intellectual desert’.³⁵ The representative system also resulted in what Herbert referred to as a ‘wholesale process of self-effacement’, whereby people were forced to sacrifice most of their real desires and accept too limited alternatives.³⁶ As common agreement was necessary to representative government, it was purchased by offering each individual, or groups of individuals, something they desired in return for their consent and

³² Auberon Herbert, ‘A Cabinet Minister’s Vade-Mecum’, *Nineteenth Century*, October 1893, p. 511.

³³ Herbert’s main criticisms appeared in the essay ‘Is the Hope of Our Century an Illusion?’, *New Review*, 1894, pp. 164-176.

³⁴ Electoral reforms extending the franchise were enacted in 1832, 1867-68, and 1884, respectively. Full adult suffrage, however, was not introduced until 1928.

³⁵ ‘Is the Hope’, p. 165.

³⁶ *Ibid.*, pp. 165-166.

approval in any number of matters. Herbert did not believe that this was true agreement, or the sort which exists when groups are allowed spontaneously to select and form themselves without being compounded by an external force into a mass or two conflicting masses. Compulsion of this nature and self-effacement were not truly democratic and were nationally damaging.

The need to air a range of opinion in the legislature was also addressed by J. S. Mill, who thought that existing forms of representative democracy insufficiently accommodated independent and minority views. Minorities, he stated, as long as they remained so, ought to be outvoted but they could not be suppressed.³⁷ For this reason, he endorsed Thomas Hare's plan for proportional representation. Under this scheme, the total number of votes polled was to be divided by the number of seats contested.³⁸ Electors, who had a single vote, could list as many candidates in order of preference, including candidates anywhere in the country. Once the quotient, or 'quota', of required votes was reached that candidate was declared elected. Any surplus votes were transferred to the candidates who had not attained the necessary quotient. Like Hare, Mill hoped that this scheme would revitalise parliament by the addition of representatives other than those from the two great political parties.

Herbert had supported Mill's endeavours to unsuccessfully amend the 1867 Reform Bill with clauses embodying the system of preferential voting and proportional representation. Then, as an MP, he was one of the principal supporters of the Proportional Representation Bill introduced in 1872.³⁹ But this attempt also failed partly due to Sir Charles Dilke whose support of an extended franchise did not include proportional representation.⁴⁰ Herbert continued to support proportional representation but seems to have given the specifics of it little further attention.

³⁷ Mill, *Autobiography*, pp. 262-263.

³⁸ Although not entirely new, Hare's idea was the first and most important practical attempt to organise numbers in democracies; see Mosei Ostrogorski, *Democracy and the Organisation of Political Parties*, 2 vols, London, 1902, I, pp. 105-107. See also Paul B. Kern, 'Universal Suffrage without Democracy: Thomas Hare and John Stuart Mill', *The Review of Politics*, 34, 3, 1972, pp. 306-322.

³⁹ Harris, *Auberon Herbert*, pp. 142-143.

⁴⁰ *Ibid.*

Herbert also held other concerns about the nature of contemporary representative government. One related to organisation, which Herbert saw as taking a primary position instead of a more appropriate secondary one. Organisation, although a necessary instrument, must not subordinate opinions and ends as it increasingly tended to do. His objections to the expansion of government bureaucracy appear later in this chapter. Generally, however, he considered modern representative government unnecessarily complex and increasingly system driven.

From the undue dominance of organisation, Herbert considered another defect as being in the anomalous position of the representative. Was this person a delegate? If so, this status must be clearly understood and the delegate ought to widely consult 'his' constituents on all significant issues. In turn, the constituents must understand their responsibility of decision. Also, if a delegation system operated, then, Herbert believed, the number of delegates ought to be multiplied with each sub-constituency appointing the bearer of its own mandate.

But what if the representative was merely an individual entrusted to use 'his' best judgement, on all sorts of subjects and under many different circumstances, on behalf of his electors? How was 'he' to gauge local opinion, given the large number of public issues involved, along with the separate sub-constituencies embodied in a single constituency? Representatives largely entrusted to operate in this manner, Herbert likened to a democratic imitation of paternalistic monarchical power.

Furthermore, he found the present method of selecting representatives unsatisfactory because they were chosen largely on the public profession of the opinions most favoured. As he correctly pointed out, the profession of opinions is not necessarily the holding of the same opinions, however skilfully expressed. Potential representatives, he thought, were almost forced to be insincere as they repressed their true selves in order to conform outwardly to a narrow political programme, a conclusion reached by personal experience. Moreover, the

pressure on representatives, once elected, to conform to the party line dominated parliamentary politics to the detriment of the nation.

Herbert was not alone in criticising this situation. One of the most stringent contemporary critics of the growth of modern political party organisation and its power over candidate selection was Joseph Cowen, Newcastle MP and an acquaintance of Herbert's.⁴¹ The formation of the National Liberal Federation in 1877 represented a new method of political organisation.⁴² Based on a plan successfully introduced in Birmingham, the new arrangement was intended to make party organisation more democratic and united. The Federation, or the 'Caucus' as it became known, comprised a council of delegates from local associations, a general committee of a small number of delegates, plus members added by the committee itself. Above all, it gave greater focus to the Liberal Party and its policies but left little room for individual judgement and action, at least to the degree exercised by Cowen. Cowen, who represented the older style Liberal radicalism, battled to preserve his independent attitude within the new structure and against its preference for John Morley's candidacy.⁴³ After representing Newcastle since 1874, Cowen, although re-elected in 1885, chose not to contest the 1886 election that followed parliament's dissolution the same year. Explaining his position he wrote:

I am willing to do my duty in any sphere, however high or however humble, to which my fellow citizens call me; but I am under no obligation to become a party slave or subject myself to spiteful persecution for no useful purpose. What the caucus wants is a political machine. I am a man, not a machine.⁴⁴

As observed, Cowen's departure marked the overthrow of the older Radicalism which relied solely on principles as a motive of action, for which private judgement, was the prime right

⁴¹ Cowen is mentioned in Herbert's Biography in the Introduction.

⁴² For the development of the Caucus system see Ostrogoski, *Organization of Political Parties*, I, pp. 174-182.

⁴³ *Ibid.*, pp. 234-239.

⁴⁴ *Times*, 2 July 1886, p. 7.

and duty.⁴⁵ These sentiments Herbert also embraced. On numerous occasions he decried the emergence of the new party machine and the party politician.

'Parliamentarism'

The dual parliamentary party system of representative government, Herbert thought highly unsatisfactory. Its adversarial nature fostered inter-party rivalry manifested as unhealthy conflict, futile non co-operation and an unwillingness to accommodate differences of opinion among politicians. He believed that political parties sacrificed principle to populism and political expediency, ~~seeking to sway a majority of voters to support them, either to gain or~~ retain political power. The result was that the nation's citizens also became divided into two or three 'hostile armies' lead by parliamentarians who were themselves partisan and conducting warfare inside the House of Commons or with the House of Lords. This sort of conflict also threatened national stability because regularly changing ministries created a lack of political continuity, although it strengthened the power of unelected officials of the permanent state departments. ~~Many of the pages of *Free Life* express total frustration with the~~ proceedings at Westminster, particularly the unwillingness of parliamentarians to consistently debate major national issues in any depth and independently of party politics. In one instance, Herbert referred to a debate in 1890 on the purchase of liquor licenses in which 'hardly a speaker rose above the desire to injure the speaker who had preceded him'.⁴⁶ He saw this as an example of the bad side of 'Parliamentarism', the chief centre of which is the House of Commons. The Commons, which 'ought to be the finest instrument of talk-dom', however, was ceasing to discharge its function of being a forum for the open discussion of subjects.⁴⁷ MPs, instead of doing their duty, which was to 'Parlemerter or talk in front of us', were preoccupied with fighting in front of their parties to force a position or to win a successful

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⁴⁵ Ostrogoski, *Organization*, I, p. 240.

⁴⁶ *Free Life*, 15 August 1890, p. 69.

⁴⁷ *Ibid.*

division, and so on.⁴⁸ He thought that these energies ought to be going into meaningful debate, something which was urgently needed because so much of the old world was yielding to the unknown new. His ideas on Parliamentary reform are discussed below.

The contemporary and esteemed parliamentarian Dilke shared similar views on party politicking there: ‘I trained a whole generation of professional politicians to respect the House of Commons ... but I was never favourable to the Parliamentary, and I was even hostile to the Party, system’.⁴⁹ More pragmatic than Herbert, however, Dilke thought the House was a place for the business of parliament and that there were other places for oratory.

Under the present order, Herbert argued that elected representatives were overburdened with work, a defect that he ironically attributed to ‘the success of the system’, meaning government expansion.⁵⁰ As government took on new areas of responsibility, so the workload of its representatives increased. Over-taxed government and over-burdened MPs, however, could not generate good work but produced hasty and expedient decisions made after insufficient debate. According to Herbert: ‘everything has to be done under the influence of haste and pressure, and consequently of narrow horizons and faulty perspective’.⁵¹

Significantly, however, he opposed devolution of much of the work of MPs to special committees on the grounds that it subtracted even further from popular government. He observed that powers affecting the whole country tended to pass to those representing only a part and that the representatives of certain sectional interests tended to acquire too powerful an influence. Moreover, the direct personal link between the constituencies and the representative was broken as the constituencies might have to deal with a committee. Publicity and the effect of discussion were also weakened as the public could not effectively follow debates in several committees as easily as it monitored parliament. This, Herbert observed, further weakened the responsibility of the House of Commons. He concluded that

⁴⁸ Ibid.

⁴⁹ Gwynn and Tuckwell, *Life of Dilke*, pp. 310-311.

⁵⁰ ‘Is the Hope’, p. 172.

⁵¹ Ibid., p. 174.

devolution only added to the demoralisation in government and to the bewilderment of the public.

Furthermore, Herbert also rejected decentralisation as a solution for coping with the increasingly burdensome processes of representative government. Somewhere at the centre, he claimed, there must be ultimate responsibility. He added that while a primitive and simple community may perhaps govern itself, a modern complex nation cannot do so. Here, he qualified the word 'govern' as 'intelligent volition on the part of the public as regards regulating through some form of machine the conditions under which they live'.⁵² Herbert's dismissal of decentralisation indicates that he continued to believe in the notion of government as a central authoritative agency. He also suggested it likely that the next great change would see more decisions reached by 'direct public vote' instead of by deliberations in the House of Representatives, a measure Dilke also favoured.⁵³ The use of frequent public referenda appears prominently in Herbert's list of political reforms.

'Officialism'

If the adversarial parliamentary system represented one undesirable side of the 'great official machine' of the compulsory state, then the bureaucracy represented the other. Again, Herbert's ideas on the administrative side of government reflected evolutionary and libertarian concerns as he warned of the effects of 'officialism' on citizens and on officials themselves. His theoretical arguments expressed similar arguments raised by Von Humboldt and Spencer, although several other critics have discussed the failings of official bureaucracy. Among them was Edward Carpenter, who, writing early in the twentieth century, considered that the growth of 'bureaucracy and officialism' in the modern state was 'a serious evil'.⁵⁴ Extension of government interference along these lines hindered social amity and the

⁵² Ibid., p. 175.

⁵³ Gwynn and Tuckwell, *Life of Dilke*, p. 310.

⁵⁴ Edward Carpenter, *Towards Industrial Freedom*, London, 1917, pp. 76-78.

voluntary acting together for common ends. While Carpenter's concern lay with the harmful effect of modern bureaucracy on the overall community, Herbert primarily considered the damage it caused individuals and, secondly, the social implications.

Herbert conceded that England's official bureaucracy lagged behind some of its European counterparts, particularly France, in terms of numbers and influence, but this was a small consolation because he sensed that England's state machinery was undergoing expansion. His position on government administration was straightforward and best

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introduced in his own words: 'our bureaucrats, with their universal systems, paralyze and benumb the best thought and energies of the nation; and then themselves are mentally starved in the dead-alive condition of things that they have created'.⁵⁵ The real problem, he argued, was that administrative machinery becomes its own end. In becoming self-perpetuating, the purpose for which it was established is forgotten. Such a system soon becomes devoid of humanity so that the 'moral and spiritual effect' upon the people takes second place, third place, or no place at all.⁵⁶ Every large administrative system, according to Herbert, tends to barren uniformity with no room for the experimentation so critical to human progress. Once the wheels of the bureaucratic machine begin turning uniformly and repetitiously, it gathers its own momentum so that most bureaucrats, should they desire to, are unable to effect anything unorthodox occurring. Soon, they begin to serve and obey the machine, rather than the machine serving and obeying them in administering to the public. Moreover, no one person takes direct responsibility for the mechanism because each is preoccupied with the smooth running of only part of it. Examples of the wasteful mismanagement and callous misunderstandings arising from the operation of the bureaucratic machine appeared for some years in a special column of *Free Life* entitled 'In the Paradise of the Officials'.⁵⁷

⁵⁵ 'Mr Spencer and the Great Machine', p. 298.

⁵⁶ Ibid.

⁵⁷ For instance, one of these columns subtitled 'How Not to Make Good Citizens' takes certain officials to task about lecturing on a citizen's duties; see *Free Life*, Sept. 1895, pp. 66-67.

That the state cannot afford to make experiments or risk a speculation was conceded by Ball.⁵⁸ At the same time, he argued for the necessity of unity of administration and doubted whether individual enterprise could realise the most effective and most complete organisation of public interests. The increasing complexity of society required collective control. Moreover, Ball thought that state management lent itself to public scrutiny. 'And in these days', he added optimistically, 'no State department can afford to lag behind the reasonable demands of the public interest'.⁵⁹ Although Ball's comments on administration were part of a wider response to Individualist claims, it is clear that he was largely defending the principle of state management and organisation.

The fact that government management never had to fear bankruptcy, Herbert thought, partially contributed to its lack of adaptability.⁶⁰ An unlimited public purse ensured that the same 'excellent corrective' found in the private sector was absent in the public one.⁶¹ At the same time, however, he conceded that government administration was conducted on a larger scale than private interests.

Yet, the effect of the unvarying relentlessness of the contemporary administrative system particularly worried Herbert. In his opinion, periodical alterations to the administrative machinery did occur from time to time at the instigation of a new minister ambitious to make a mark upon his department.⁶² Then, as Herbert explained, the existing period of somnolence, characterised by routine and unquestioned methods, gave way to a revolutionary one that, in the name of reform, remorselessly dismantled the old system and then hastily reconstructed it more or less along the same lines. Some critics today would recognise this pattern in parts of official Western bureaucracies although, I suggest, it is characteristic of most large organisations. Herbert thought that this continual predictable two-phased process signified the

⁵⁸ Ball, 'A Plea for Liberty: A Criticism', pp. 333-334.

⁵⁹ Ibid., p. 335.

⁶⁰ Auberon Herbert, 'The Land and the People', in *The Right and Wrong of Compulsion by the State*, London, 1885, App. C, p. 98.

⁶¹ Ibid.

⁶² 'Mr Spencer and the Great Machine', p. 299.

impossibility of trying to administer a whole nation in the same way as trying to represent it.

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What he failed to acknowledge, however, is that universal systems may also be cheaper to implement, at least initially, because of the economics of scale. Moreover, Ball thought that government, with a unity of administration, would be best placed to consider a complexity of circumstances and forecasts.⁶³ Theoretically, universal systems are also an attempt to administrate neutrally.

Herbert, while he did not address the question of neutrality directly, was most concerned about the deadening effect of burgeoning bureaucracy. At the same time, he also noted the growing degree of power in the hands of bureaucrats. Pointing out the numerous vested interests and innumerable places involved, he warned of administrative departments becoming independent of all real control and forming a ‘separate solid nation within the nation’.⁶⁴ Herbert’s response to bureaucracy, although exaggerated, had some foundation. The expansion of central government towards the end of the nineteenth century brought a corresponding increase in the number of civil servants with significant influence.⁶⁵ This development also reflected the emergence of a modern and professional state bureaucracy that had largely replaced former aristocratic patronage, itself a vested interest. Officials grappled with the complexities of the modern industrial state, especially ‘social’ issues. In this period, too, words such as ‘policy’ and ‘programme’ came into common use.⁶⁶ They remain familiar terms in Western states. The manner in which government administers to the public is also the subject of ongoing debate. Whatever system operates, however, it is highly likely to be funded by taxation of some kind.

⁶³ Ball, ‘*A Plea for Liberty: A Criticism*’, p. 335.

⁶⁴ ‘Principles of Voluntaryism’, p. 396.

⁶⁵ Michael Bentley, *Politics Without Democracy 1815-1914: Perception and Preoccupation in British Government*, 2nd edn, Oxford, 1996, pp. 186-187.

⁶⁶ *Ibid.*, p. 186.

Compulsory Taxation

Some of Herbert's most passionate criticisms of government as it operated in the 'force state' concentrated on compulsory taxation because it was the method used to fund the administrative machinery, the political institutions and the politicians of the compulsory state. His position was a minority one amongst other Individualists and a point of difference between him and Spencer. Even Lord Wemyss of the Property and Defence League accepted taxation within reasonable limits.⁶⁷ However, Herbert described compulsory taxation as the 'very citadel of compulsion, the chief instrument by which every encroachment is carried out ...'.⁶⁸ True political freedom, he stated, could not exist alongside a compulsory taxation regime because the latter was philosophically and morally wrong. It rested upon aggressive physical force and not freely given consent, thereby violating individual sovereignty. He asked if free countries believed that a compulsory church rate was immoral, then why was compulsory state tax not also immoral and oppressive. Arguing that both were matters of human conscience, he offered several other reasons why he and other Voluntaryists objected to compulsory taxation.

That wealth created by individual energy and enterprise should be then spent collectively, he thought intellectually contradictory as well as immoral. This system, which discounted the individual, placed the owner and non-owner on a false equality. Consequently, the non-owner potentially had the power to take over the owner's property. Herbert also pointed out that for every service conferred, it imposed a burden, direct or indirect, but gave the individual no choice in whether to accept the service or burden, or decline both. This undermined the notion of true individual liberty because humans did not really have control of their own property, part of which could be seized by the state on behalf of others and against the interests or convictions of the owner. To Herbert, this was akin to a modern and more subtle form of slavery. Also, to take individual property and spend it for collective purposes

⁶⁷ Wemyss commenting on municipal expenditure; *Times*, 14 November 1892, p. 10.

⁶⁸ 'Principles of Voluntaryism', p. 407.

eased the advance of state socialism because the right of the state 'to take' had been established. If this point was admitted, Herbert argued, then the state became the real owner of all property, potentially at least. The practical realisation of state socialism, he warned, became more or less a matter of the extent of this ownership.

The concept of taxation forcibly taken, he claimed, reinforced other 'revolting superstitions' such as human beings belonging, body and mind, to the state, or at least to the 'voting crowd called the state'.⁶⁹ These superstitions degraded the view of human existence and destroyed the general perception that judgement and will are the highest parts of human nature. Consequently, humans were led to look on one another as material to be dealt with expediently. The mass of voters were encouraged by politicians that all of their wants may be satisfied out of the '*common compulsory fund*', thus making the fight to obtain possession of the fund of supreme importance.⁷⁰ Not only was this divisive and immoral but also gave exaggerated importance to politicians, who were often rewarded with a pleasant life merely for a 'facile profession of certain opinions'.⁷¹ Already sacrificed, however, were the hard won resources of large classes of the nation. Herbert asserted that the common compulsory fund, raised by national taxes, became an instrument of bribery enabling politicians to fund promises made to their supporters and, thus, buy their way into the legislative body and into office. Continued compulsory taxation also taught that on any pretext of public good or supposition of public danger, there was no longer any need to appeal to the conscience and self-responsibility of the individual. ~~All persons were made subject to often rash and hasty~~ decisions made by those who exercised political power over them. Frequently, the result was new regulations or legislative amendments that soon required adjustment or additional legislation. Seldom, this thesis observes, is legislation simply repealed.

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Along with the political and moral considerations of compulsory taxation, Herbert offered numerous objections on economic grounds. Compulsory taxes, he claimed, raise

⁶⁹ Ibid., p. 393.

⁷⁰ Ibid., p. 394.

⁷¹ Ibid.

prices beyond the amount of the tax levied. They tend to favour the large trader against the small trader, who found it harder to meet these charges because he or she has a smaller trading base from which to recoup them. Such taxation also tended to perpetuate poverty for several reasons: it made property, particularly land and houses, less desirable for all classes; it raised the cost of articles but lowered the purchasing value of wages; it checked enterprise and invention in trade, especially in more expensive articles, which in turn reduced employment; it lessened the desire of all classes to invest in capital, diminishing employment in manufacturing. Herbert argued that compulsory taxes created a vicious cycle. After having depressed trading energies and caused unemployment and economic distress, they engendered a call for more assistance and therefore more taxes. He referred to the constant unease they created in the nation, especially in the commercial part, because of the uncertainty about where the next tax would be levied. Taxes also seemed to favour one kind of trading over another. The cost of tax compliance, he suggested, could not only be measured in the amount of tax owed but also the time taken and difficulty of ascertaining the correct amount to pay, certainly a valid point nowadays. Taxation, Herbert noted, was becoming more complicated with the many exemptions and exceptions involved, perhaps necessitating a lawyer's fee. He thought that as society became more complicated so necessarily did taxes.

Moreover, Herbert claimed that taxation tended to escalate. For example, if tea was taxed so must other beverages, such as cocoa and coffee, so that tea alone was not penalised. He argued that if you tax imports, you must tax its substitutes, along with any internal revenue earned by these products. Taxes, like everything else, had their own evolution and development. In Herbert's opinion, both direct taxes and indirect taxes equally led to each other in order to correct the uneven pressure on one system alone; and 'an Income Tax is always threatening to bring a Property Tax so that unproductive wealth may stand on the same footing as productive wealth'.⁷²

⁷² *Free Life*, 20 February 1891, p. 198. This article, one of several on taxation, provides a detailed discussion of Voluntaryists' objections to compulsory taxation.

Another of Herbert's objections to compulsory taxes was the fact that they tended to defeat themselves, usually by increased evasion. For instance, duties on spirituous liquors led to secret sales, or death duties led to conveyances during life. He observed the almost irresistible tendency for taxes to grow. Once the habit of taxation was formed, the nation began to have recourse to it to supply its growing wants. Consequently, as attempts to evade paying taxation increased and became more ingenious, so the official system became more inquisitorial, more restrictive, and more severe in its penalties. The result was a 'war of evasions and reprisals between the public and a huge army of officials'.⁷³ The growth of bureaucracy, he thought, was largely fuelled by the existence of compulsory taxation. This enabled government departments to continually expand, rather than control their expenditure. They constantly absorbed public funds and turned out second rate work, untouched by competition and protected from the dangers of the bankruptcy court.

As well as funding powerful administrative bodies, Herbert also voiced concern that compulsory taxes more easily facilitated the engagement of the entire nation in war. He suggested that if it were necessary to raise the sum required from those who individually agreed to the necessity of war, then 'we should have the strongest guarantee for the preservation of peace'.⁷⁴ The availability of public funds, or at least the means of acquiring them, he thought, results everywhere in the persistent probability of a war. This point underlines the strongly pacifist nature of Voluntaryism. An indication of Herbert's thinking on the subject appeared in an issue of *Free Life* in which he replied to a correspondent who suggested that funding of the army and navy be an exception to voluntary taxation. Herbert explained that this would compromise the principles of liberty (or self-ownership) and that people hold different opinions on war. More relevantly, he wrote: 'I hold that to allow the

⁷³ Ibid., p. 198.

⁷⁴ 'Principles of Voluntaryism', p. 398.

forcible taking of taxes for military purposes would be a terrible misfortune. War and militarism are the deadly, inveterate, irreconcilable enemies of Liberty'.⁷⁵

Finally, Herbert regarded compulsory taxation as the 'great typical enemy of voluntary action' because, along with government regulation, it undermined and stifled individual initiative and human enterprise.⁷⁶ He referred to it as an institution which, by its very existence, preached that people are not really sovereign over themselves and their property but subject to the will of others and placed at their mercy to be used, or not used, expediently. The only means of recovering the gradually disappearing independence of the individual and of restoring the state to its rightful position of public agent, and not autocrat, was to adopt voluntary taxation.

Voluntary Taxation a Cornerstone of the Voluntary State

The subject of voluntary taxation perhaps most characterises the true nature of Herbert's theory, apart from the leading principle of self-ownership. Fellow Individualist Wordsworth Donisthorpe originally suggested the idea of voluntary taxation for non-essentials but dropped it once Herbert and others embraced the idea wholeheartedly.⁷⁷ Herbert wrote quite extensively on voluntary taxation but in disagreement with most other Individualists, notably J. H. Levy, Voluntary taxation, together with the political and legal recognition of self-ownership, formed the basis of the voluntary state, another contentious notion. Herbert argued that taxation must be raised on a voluntary basis and not a compulsory one because: 'under that voluntary system alone can a nation live in peace and friendship and work together happily and profitably for common ends'.⁷⁸ Although he criticised compulsory taxation at length, he presented his ideas on voluntary taxation with more brevity. Like his Voluntaryist theory generally, Herbert chiefly concentrated on the principles underpinning it and included

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⁷⁵ *Free Life*, March 1898, p. 21.

⁷⁶ 'Principles of Voluntaryism', p. 406.

⁷⁷ Nicholls, 'Positive Liberty', p. 119.

⁷⁸ 'Plea for Voluntaryism', p. 367.

few details on how it might either be realised or continue to work, an approach seized on by Levy who claimed that the whole scheme of ‘Voluntary Taxation’ showed a deficiency of analytic power.⁷⁹

Levy totally rejected the notion of voluntary taxation and insisted that compulsory taxation was not something outside of government but of the ‘very essence of government’.⁸⁰ Although it must be compulsory, it could be reduced by severely limiting the functions of the state. However, Levy, apart from repeating his original assertion and quoting Henry Sigwick’s statement on taxes as “compulsory contributions of individuals to the Government”, failed to concisely explain exactly why ‘compulsory co-operation’ must prevail.⁸¹ Yet, in questioning how Herbert would continue to maintain a central legislative and executive power through voluntary taxation and voluntary co-operation, he exposed a potential weakness in Voluntarism, which is discussed below. Levy’s final rebuff to voluntary taxation poses a similar challenge. He claimed that taxation necessarily involves *some* deprivation of freedom and must employ force in the interests of maximum freedom. Quoting from *The Voluntarist Creed* that allows the use of force to restrain force, Levy then stated ‘we must not use force to obtain the force to restrain the force’.⁸² In other words, Levy argued that Herbert allowed government to exist and recognised that its main role is to act coercively while insisting that it should be prevented from coercively obtaining the means of coercion, which appears a sensible inference. Herbert did not have the opportunity to reply to this criticism, something which is highly regrettable because with this argument Levy claimed to demolish ‘the “Voluntaryist” houses of cards’.⁸³

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Nevertheless, several additional comments can be made about this debate. Levy stated that taxation was inconsistent with absolute freedom because government was so. He claimed

⁷⁹ Levy, *Taxation and Anarchism*, p. vi.

⁸⁰ *Ibid.*, p. 44.

⁸¹ *Ibid.*, p. 9.

⁸² *Ibid.*, p. 58.

⁸³ Levy ended the discussion, after Herbert’s death, with criticism of Herbert’s Voluntarism as contained in the *The Voluntarist Creed* published posthumously in 1908; see *Ibid.*, pp. 54-55.

that because Herbert conceded the necessity of government and the use of force by it, he had already compromised freedom. As the attainment of absolute freedom was at present impossible, Herbert's argument against taxation's being inconsistent with absolute freedom, was, therefore, irrelevant and a groundless foundation for his political theory. However, whether absolute freedom is achievable in the immediate future, distant future or ever does not preclude it from representing a desirable political goal in the same way that equality functions in socialism, for instance. That government in Voluntarism is the one theoretical exception to compulsion does not provide justification for other grounds to legitimise further coercion. Voluntarist government exists as a delegated central agency to protect individual sovereignty and free non-violent action. Its role is to defend against force not to initiate it, a crucial distinction that critics like Levy have failed to appreciate. Any other purpose or function not built on consent places this sovereignty in jeopardy. Herbert was not prepared to sacrifice this sovereignty in order to secure it. Also, he pointed out, 'my central agency rests upon voluntary support, whilst Mr Levy's central agency rests on compulsory support'.⁸⁴ Herbert thought the way in which the agency was paid was a non-essential element in the more essential matter of whether or not there exists a central agency with fixed methods and settled precedents; in short, the difference between Archism and Anarchism. Whereas Levy concluded this represented Anarchism and a fatal flaw of Voluntarism, Herbert argued it more truly followed the principles of Individualism.

In advocating voluntary taxation, Herbert had two immediate concerns: settling the national debt in the transition to the voluntary state, and ongoing voluntary taxation payments. So that the former would be cleared and the way prepared for a 'system of voluntary giving', he advocated a limit to every form of compulsory taxation until Voluntarists and anti-taxationists were sufficiently strong to destroy it and replace it with voluntary taxation.⁸⁵ *The Right and Wrong of Compulsion by the State* gives several examples of where the process of

⁸⁴ Ibid., p. 52.

⁸⁵ 'Plea for Voluntarism', p. 367.

removing the burden of taxation would begin.⁸⁶ These include: the abolition and reduction of state departments and the corresponding number of officials; the abolition of state pensions ('whether for Royal Duke or labourer') after the life of the present holders; abolition of all customs and excise duties and assessed taxes.⁸⁷ Also, in the interim period, electors would be given the opportunity to appeal against every tax or rate.

An impediment to the full implementation of the voluntary state was existing public debt. Herbert thought this as much a moral or psychological obstacle as a practical problem because it reminded people of the system under which the State oppressed them and they oppressed one another. Rapid settlement of central and local debt, therefore, was imperative and led Herbert to suggest that people 'submit to severe voluntary taxation for a time' to clear it.⁸⁸ Initially, he favoured continuing compulsory taxation to clear past debt but later expressed doubts about employing this method.⁸⁹ If continued, it was only to be for a few specified years. A preferable alternative, he suggested, would be the sale of some national property, including national ecclesiastical property, the mortgaging of other national property and certain days in the year being specially observed as holidays for the raising of voluntary revenue.⁹⁰ Although Herbert did not specify who would take up the mortgage on national property, co-operatives of some sort come to mind. Levy thought, however, that voluntary measures and the sale of Crown Lands would be insufficient to repay the interest on the national debt, let alone the capital sum, and concluded that repudiation of it would be the likely outcome.⁹¹ Under the voluntary scheme the state would take no compulsory payments as rates or taxes but would depend entirely on voluntary contributions or voluntary services. Voluntary services, although summarily included by Herbert, appear a novel alternative means of helping to support the state. This significant aspect of Voluntaryism seems generally

⁸⁶ *RWCS*, p. 162.

⁸⁷ *Free Life*, February 1893, p. 219.

⁸⁸ 'A Voluntaryist Appeal', p. 321.

⁸⁹ For Herbert's change of opinion; see Levy, *Taxation and Anarchism*, p. 26.

⁹⁰ 'Principles of Voluntaryism', p. 390.

⁹¹ Levy added to a debate full of hypotheses the comment that he only thought that Herbert referred to the Crown Lands, the rental from which already was part of the public revenue and a sale, therefore, would not bring much additional revenue; see Levy, *Taxation and Anarchism*, p. 34.

to have been ignored. Public services overall would be funded annually but no financial commitments undertaken beyond that time.⁹² Ongoing taxation would be raised by citizens agreeing to pay either what they could afford or believed was appropriate to pay.

Initially, Herbert linked the payment of income tax with the franchise; explaining that everybody, ‘down to the lowest workman’, would be ‘voluntarily liable’.⁹³ Every man or woman paying it would have the right to vote. Those who did not pay would be justly without the franchise. In later years, he placed less stress on the connection between suffrage and the payment of voluntary taxation. Regular national holidays for the collection of public revenue were to be instituted. Moreover, special public appeals would be made should a shortfall arise or an emergency occur that required additional public money. Persuasion not compulsion characterised voluntary taxation. While it is true that individuals were free to refuse to make contributions to the maintenance of the state, how many would continue to refuse the regular appeals of local delegations or the exhortations of their close neighbours? At this point, we must remember from the preceding chapter that Herbert justifies indirect force as a condition of life. Is there is a likelihood, therefore, that in the absence of state coercion other pressures would be brought to bear on citizens to show public spirit? The answer is probably in the affirmative, given his ideas on rural land acquisition that involved several attempts by a delegated group to approach landholders to persuade them non-violently to sell or rent their land.⁹⁴

In 1894, Herbert proposed that England adopt a combination of compulsory and voluntary taxation.⁹⁵ His scheme, largely overlooked by modern scholars, also aimed at gradually settling the national debt. The plan, something of a compromise, seems to have been an attempt by Herbert to make a less abstract argument and reach more moderate readers. The particular motivation was likely the introduction of death duties, a new direct

⁹² *Free Life*, February 1893, p. 219.

⁹³ See ‘A Politician in Sight of Haven’, p. 113.

⁹⁴ *Free Life*, 15 August 1890, p. 70.

⁹⁵ Letter captioned ‘When the Malwood Cats are Away’; *Times*, 2 November 1894, p. 15.

tax, imposed in that year's Budget. Briefly, Herbert recommended that over half of the state budget be guaranteed by compulsory taxation, primarily drawn from customs and excise duties but augmented by other state income.⁹⁶ He suggested that taxes on tobacco and spirits, 'the least annoying and hurtful taxes' be retained but levied at the lowest possible rate.⁹⁷ All custom duties on tea, coffee, dried fruit and so on should be abolished and the duty on cheaper sorts of tobacco reduced. Other compulsory taxes were to be taken from sundry sources including game, guns, armorial bearings, stamp duty, and land tax. For all taxes gathered in this way, a fixed quota would be set, say for five years. No change should occur in the interim, unless an emergency arose. Compulsory taxation would also be subsidised by 'well-organized voluntary contributions'.

Herbert proposed several methods for raising the voluntary quota. Instead of people assessing their tax liability on their own income, he encouraged them to place themselves within certain categories of contributors. Wealthier people, he suggested, might undertake to pay an amount that corresponded to 18d in the pound. This is not an insignificant amount but Herbert noted that it was a lower rate than in the last budget. Shareholders in joint stock companies would also be asked to allow directors to deduct a certain percentage of their earnings; he suggested five per cent. A more public method of fund raising was the two national holidays dedicated to supporting public services. All manner of events at various locations would be held involving all citizens, who would also be encouraged to make donations. Herbert described these significant occasions as representing 'a carnival of merriment, as well as deeper feelings of universal friendliness and patriotism'.⁹⁸

Supporting these chief methods of voluntary taxation, Herbert proposed several other sources of government income. Clubs and societies might institute regular donations or subscriptions to a particular fund under government control. Voluntary legacies, Herbert predicted, would increase as people lost their resentment at having to meet compulsory death

⁹⁶ Herbert worked on a total figure of ninety million pounds minus ten million for debt repayment; *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

duties as presently.⁹⁹ He thought other gifts to the state also likely. This point emphasises Herbert's desire to fundamentally change the political ethos. 'Our great object', he stated, 'must be wholly to change the attitude of the State towards the people, and with it our own feelings towards the State'.¹⁰⁰

Another measure that Herbert thought would be well received by the tax-paying public would be the option to designate where their voluntary contributions would be spent. Someone with a particular interest in education could follow their convictions and specially direct their funds to that object. Someone else might prefer to support a powerful army and navy. This option is sensible and moral in a truly democratic society. To ensure regularity and continuity to government departments, Herbert proposed that a special fund be established to support them up to eighteen months ahead of actual money received. He also recommended that monthly returns be published by government to inform the public about each department's liquidity and any shortfall. Again, Herbert advocated greater transparency and accountability in the administration of government. Overall, he thought his figures workable claiming that there would be no real loss but, in the end, real advantage. Unlimited taxation, he thought, was the 'deliberate endowment of bad methods and waste'.¹⁰¹ Although he had sketched this mixed system of compulsion and voluntaryism, he declared himself 'a pure voluntaryist in matters of taxation'.¹⁰²

Evidence suggests that Herbert was well aware of the extreme and controversial nature of voluntary taxation. In a letter to Herbert Samuel about a memorial he had prepared on the subject, he admitted that he expected very few people to sign it but stated that his object was to place the idea of change before them: 'to get them presently to see that the road of taxation

⁹⁹ Herbert very strongly opposed the introduction of death duties. See his letter in the *Times*, 4 October 1894, p. 14.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

is a very bad road, leading to dangers and impasses of many kinds'.¹⁰³ He added that 'nobody ever looks at a very big change quite fairly at first'.¹⁰⁴ Nonetheless Herbert believed that, as support for the ideals of Voluntaryism grew, a new public spirit would prevail making the concept of voluntary taxation not only attractive but also workable. It formed part of a great attitudinal shift that brought about the peaceful transformation of the Compulsory State into the Voluntary State.

The Voluntary State

No person can be compelled to join the voluntary state or in any way support it. It is an association of free individuals uniting to defend the universal natural right of SELF OWNERSHIP—if necessary, by force, against force.¹⁰⁵

The above passage captures the essence of Herbert's Voluntary State, an institution founded on individual consent. Herbert denied that the creation of the state was a compulsory action, although he conceded that the state employed instruments that were compulsory in nature, namely the magistracy and police.¹⁰⁶ Although a state might be formed by 'compulsory manufacture', without consent and freely given co-operation, it was a semi-Socialist one founded on force. Under Voluntaryism, in contrast, no one would be compelled to form a civil society, share in making laws or to maintain these laws.

The Voluntary State, Herbert suggested, would emerge gradually as more people became politically aware of the evils of illegitimate force and questioned the existing political order. This attitudinal shift would reach a critical mass when society and the state would be transformed to a public life based on Voluntaryist principles free from domination by one class or special interest group. Even in the 1880s, Herbert instructed supporters on how to

¹⁰³ Herbert to Samuel, nd, Samuel Papers A/3, ff 24-25, House of Lords Record Office Archives, London. The letter was written in the early 1890s to a youthful Samuel, who later became a prominent Liberal politician.

¹⁰⁴ Ibid., ff. 24-25.

¹⁰⁵ 'The Principles of the Voluntary State', *Free Life*, September 1894, p. 379.

¹⁰⁶ Or, in Herbert's words: 'the forming of certain persons into a State'. For his argument; see Levy, *Taxation and Anarchism*, pp. 1-2.

conduct ‘liberty agitation’.¹⁰⁷ In the early 1900s, he advised newly enfranchised voters to fight by-elections, not to win them but ‘to teach and inspire’.¹⁰⁸ The Voluntaryist movement involved more than political change because, ‘under the influences of liberty and her twin sister peace’, Herbert saw the more important regeneration of society taking place.¹⁰⁹ His views on the transition to the new state suggest an organicism in the way society and its political institutions might evolve.

Herbert doubted that, given the option, people would opt out of the Voluntary State and establish rival governments. At the same time, he conceded that people already could not unanimously agree on one system of government: whether Monarchy, Republic, State-Socialism and so on. At the same time, he thought Voluntaryism, particularly voluntary taxation, provided a safety valve for easing potential conflict on the grounds that compulsion accentuated the differences among widely diverging individuals. Would it not be wiser, he asked, ‘to make the yolk that unites us as light as possible’?¹¹⁰ This signals a key point in Herbert’s transformation of the state because it indicates that he did envisage a single state: one that concentrated primarily on justice. But if the Voluntary State were established from scratch rather than developed gradually as Herbert hoped, most of the legal system would be established at the state’s creation. In either scenario, therefore, the state is a unitary one that functions by consent and with a minimum of coercion. The essential framework is in place but Herbert deliberately left the rest fluid.

On the issue of whether government resting on consent would split into several governments, Herbert observed that people presently supported, to a certain extent, governments of which they largely disapproved. Despite abuses of government power, people still thought it wiser and preferable to act together in certain matters, particularly in foreign affairs. He referred to this as the bond of unity, or the general civic feeling that encouraged

¹⁰⁷ See Auberon Herbert ‘How to Conduct the Liberty Agitation’, (Anti-force paper no. 4), London, 1885.

¹⁰⁸ ‘Plea for Voluntaryism’, p. 352.

¹⁰⁹ *Ibid.*, p. 365.

¹¹⁰ Levy, *Taxation and Anarchism*, p. 4.

people to sink their differences and act together.¹¹¹ Material bonds or public property including streets, roads and law courts also exerted some influence, but Herbert hoped this would always be limited. The true bonds were the growth of fairness, good sense, and conciliation. Voluntaryism, he believed, would encourage these 'better feelings', which would strengthen in the absence of coercion.

This lack of compulsion even in support of the essential institutions of government, Levy thought, boded ill for the continuance of the Voluntaryist State. He asked what Herbert would do if a body of citizens chose to opt out of the voluntary association and set up a rival association of their own, with its own executive officers.¹¹² Would this association be free from interference? Levy also suggested that after a time there would be a clash of ideas and conflict leading to the subduing, in some way, of the effective minority. These are reasonable questions and severely test the theory of Voluntaryism. As Herbert did not directly answer Levy's questions, it is necessary to consider what Herbert wrote elsewhere on the nature of the Voluntary State.

Diversity and the willingness to experiment are significant characteristics that come to mind, along with consent and friendly co-operation. One of Herbert's objections to the existing 'great machine' of government was that it produced uniformity and prevented experimentation. Progress, so important to human survival, required active faculties and something that approached 'continual, mental dissatisfaction with what has been already achieved and continual preparedness to invade new territory and attempt new victories'.¹¹³ This indicates a second process at work in the Voluntary State consisting of social interactions and combinations of all kinds, which mostly do not require legislation or regulation. People would co-operate voluntarily in numerous ways to organise and live their lives within the framework of a very minimal state.

¹¹¹ Ibid., p. 5.

¹¹² Ibid., p. 45.

¹¹³ 'Mr Spencer and the Great Machine', p. 300.

On this feature, Herbert wrote that the Voluntary State ‘will leave a nation of free men and free women to make their own experiments, to gather their own experiences, to thrash out their differences by reason and discussion ...’¹¹⁴ Along with experimentation, there is risk, a factor which he acknowledged and willingly accommodated in order to achieve progress. Significantly, he added that the State ‘will never use force for any purpose whatever, except for the one plain simple purpose of restraining force and ... fraud’.¹¹⁵ Citizens would be free to set up rival associations and to persuade other citizens to join them. This is the crucial strength, as well as the weakness, of Voluntaryism. Individuals must choose the government they want. They have the right to assent to or reject Voluntaryism. In other words, the Voluntary State only continues to exist as long as it acts voluntarily. However, if people are denied free choice about an alternative and are compelled, then they may forcibly resist. If they are overwhelmed by greater force, then a compulsory government would replace the voluntary one. Consequently, voluntary government would be assigned to political history along with many other deposed forms of government. Herbert, in one of his exchanges with Levy, stated that if he was wrong about Voluntaryism and the survival of voluntary government, then old gains, such as religious and class reforms, must be reconsidered and perhaps abandoned. Also, if compulsion obtained higher moral qualities and a greater sense of public duty, then Individualism ‘seems to me to disappear as a cause’.¹¹⁶ However, given Herbert’s polemics when comparing the ‘false’ Compulsory State with the ‘truer and higher’ Voluntary State, it is difficult to believe that Herbert doubted he was wrong.

There can be little question that Herbert considered the Voluntary State to be a morally superior institution. Its very existence proved a progressive and evolving humankind. On this subject Herbert wrote that when people renounced compulsion of each other as regards public services the change ‘will mean that there has been developed amongst us a

¹¹⁴ ‘International Voluntaryism’, p. 2.

¹¹⁵ Ibid.

¹¹⁶ Levy, *Taxation and Anarchism*, p. 5.

much higher standard of intelligence and public duty'.¹¹⁷ Every individual in this situation, he claimed, gained a moral insight into the harm of compulsion, and now perceiving 'the irresistible power of the moral forces, has caught the spirit of a higher patriotism'.¹¹⁸ In other words, Herbert predicted that each individual would develop a higher ethical sense. Consequently, he or she would make a better citizen discharging his or her public duties more truly and more persistently. Although these words illustrate the Victorian 'primacy of morality' in Herbert's theory, as noted in the previous chapter, they also indicate that the Voluntary State is not the practical outcome of Stirner's Union of Egoists, as the contemporary Zenker concluded.¹¹⁹ Herbert's use of terms such as 'public duty' and 'patriotism' indicate a collective concern at variance with Stirner's philosophy that held such things as 'ties' and 'fetters' violating an individual's 'ownness'.¹²⁰ To advance their egoistic interests, Stirner's individuals might choose to unite in a relationship of independent equals but retain their individual autonomy and sovereignty. The Union of Egoists has no final ends and association is not valued in itself.¹²¹ In contrast, Herbert's Voluntary State aimed to create the ideal political and social conditions for individual autonomy and sovereignty, which, Herbert claimed, was also the best way of progressing humankind. This outcome, however, necessarily required a transformation of the institution of government.

Government in the Voluntary State

The sorts of changes to government Herbert advocated were consistent with his view that government had a rightful and useful existence, with real duties and functions, so long as it remained in subordination to individual rights. Affirming his position on this institution, he stated: 'we [Voluntaryists] believe in a national Government, voluntarily supported, always

¹¹⁷ *Free Life*, June 1898, p. 42.

¹¹⁸ *Ibid.*

¹¹⁹ E. V. Zenker, *Anarchism: A Criticism and History of Anarchist Theory*, London, 1898, p. 197.

¹²⁰ Max Stirner, *The Ego and Its Own*, David Leopold, ed., Cambridge, 1995, p. 192.

¹²¹ David Leopold, 'Introduction', in Stirner, *The Ego and Its Own*, p. xxx.

kept subject to the rights of Self-owners, and only entrusted with force for the protection of person and property'.¹²² Government in the Voluntary State was to be neither unnecessarily coercive nor a financial burden on the nation. Its citizens had a social duty to participate in government and help perfect it. As well as endorsing the government in the suppression of crime, individuals also had a patriotic duty to support it in all measures ensuring the independence and safety of the country. Herbert envisaged voluntary patriotism carrying to 'far higher, nobler and purer levels by free men'.¹²³ Furthermore, government would be truly democratic because its purpose was clearly defined.

The purpose of government, Herbert thought, was threefold. First, it was to administer political justice or to act as 'the common force machine', to protect and punish all acts of force against the life, person and property of any citizen.¹²⁴ For this purpose, he stated, there must be fixed and regularly organised government machinery formally constituted by the nation.

Secondly, the government acted as the representative of the nation in international matters but did not have the independent power to declare war or make alliances or treaties. On these issues citizens must directly indicate individually their approval and support. Herbert recommended that plebiscites be held to decide whether or not the country went to war. Believing that individuals who favoured war should volunteer to fight, he also upheld individuals' right not to support any war, either by refusing to undertake military service or by withholding taxation.¹²⁵ Under Voluntaryism, he stated, governments would cease to view men as convenient material for taxation and cannon fodder. True patriotism, that is voluntary patriotism and not jingoism, would become a real force for peace and happiness.

Thirdly, government retained an expert or advisory role. It may provide certain valuable services to the public on the condition that it refrains from imposing compulsory

¹²² Herbert's statement, made in 1898, was specifically refuting Voluntaryism's connection with Anarchy; 'Voluntaryist Appeal', p. 329.

¹²³ 'Principles of Voluntaryism', p. 377.

¹²⁴ *Ibid.*, p. 375.

¹²⁵ Herbert made this comment in the *Free Life*, April 1899, p. 29.

services or compulsory contribution from citizens.¹²⁶ Herbert envisaged the provision of certain services or advice remaining important in the future, although government agencies would be competing with voluntary bodies. Education and sanitation are two of the areas in which he thought the government might play a useful part. To an extent, Herbert's view of the government as co-operator with private bodies in the state anticipates fairly recent developments in the administration of many Western governments.

Other Political Reforms

On the grounds of universal and equal liberty, Herbert proposed a number of constitutional and administrative reforms including: the abolition of privileges depending on birth, abolition of the House of Lords, gradual conversion of the monarchy into a simple form of republic, manhood and womanhood suffrage, proportional representation, a system of public referenda to ratify parliamentary legislation, a reformed legal system. Herbert referred to these changes as 'practical measures' and admitted that he offered only 'a slight and imperfect sketch' of them.¹²⁷ Their implications are far reaching, nonetheless. Combined with the introduction of voluntary taxation and the abolition of many state services, the reforms are transforming; they change almost every aspect of the political nation. The creation of a highly democratic state is one significant ramification. Most of these reforms, however, did not require the existence of the voluntary state to be implemented and merely anticipated the late modern democratic state. Moreover, Herbert pressed for significant changes, including republicanism and female suffrage, before he formulated Voluntaryism. His suggestion that some of the reforms could be made quickly, notably the abolition of privileges and universal suffrage, gives credence to this argument.

Deleted: Conditioned as we are to thorough state activism, speculating on the viability of Herbert's alternative state tends to persuade us in the direction of a sincere but unrealisable ideal rather than a feasible blueprint.

¹²⁶ Discussion of Herbert's ideas on the armed forces, education, local government, public health and welfare appear in subsequent chapters.

¹²⁷ *RWCS*, p. 175.

Although other changes, such as the conversion of the state from a monarchy into a republic, would take longer to implement, they, too, are not dependent on the establishment of the voluntary state. Herbert, sensitive to the fact that the republican mood had waned during Queen Victoria's reign, carefully emphasised gradual transition rather than sudden change. He stated that conversion from monarchy to republic should not be forced upon a large and unwilling minority who, as the result of many past generations of inherited opinions, were strongly monarchical in feeling.¹²⁸ To soften likely resistance to the change, he offered the possibility that the reigning sovereign would become president for life without rights of succession. The gradual cessation of the monarchy, along with the established Church of England and the House of Lords, was one of a trio of institutional reforms advocated by Herbert on the grounds that these 'privileged and artificial institutions', had no place in the Voluntary State which represented equal and universal relations as created by liberty.¹²⁹

Stronger democratic sentiments had been expressed on the predominance of the aristocratic classes, the noble and the rich, in the English constitution by J. S. Mill who regarded them as the great demoralizing agency.¹³⁰ It demoralised because it made the conduct of government an example of gross public immorality as private interest predominated over public interest and the powers of legislation were abused for the advantage of "separate classes". More significantly, these classes conveyed to the multitude that material affluence was the principal passport to political power. Also, as long as they held power, it was contrary to their self-interest to instruct and improve the mass of the people.

While Herbert was less explicit than Mill, he recognised the inequity of aristocracy and sought to greatly weaken its political power by abolishing the House of Lords, introducing universal suffrage and establishing a republic. Herbert also alluded to the fact that the aristocracy was a dying breed, although he recommended no measure to hasten its demise. In *Free Life*, he stated: 'many of us who now hold wealth, are doomed to drop out of the race.

¹²⁸ Ibid., p. 173.

¹²⁹ 'Politician in Sight of Haven', p. 114.

¹³⁰ Mill, *Autobiography*, in *CW*, I, pp. 177-178.

What we carelessly hold must pass to the careful, if only ... the virtues are allowed to fight it out with the vices'.¹³¹

The constitutional role of the House of Lords was raised by Herbert in parliament. He questioned its function after it overrode the House of Commons' vote in favour of abolishing the purchase of army commissions. The Lords, by exercising its right of veto, rejected a piece of legislation already fully discussed and approved by the Commons. To Herbert, the power of the upper house to do this cast 'a perpetual shadow' over every piece of legislation originating in the lower house.¹³² As measures were constantly tailored to meet the approval of the Lords, they were less perfect than they might have been otherwise. The House of Commons, he concluded, 'should not be shackled and impeded by a body which was wholly irresponsible'.¹³³ An opposing view later came from Donisthorpe who, in his criticisms of Herbert's 'Compulsion by the State', wrote that the second chamber 'is an excellent part of our constitution' and that even in its present state it has 'amply justified its existence'.¹³⁴ For the same reason, Carpenter also favoured retaining a second chamber 'as long as our present general Constitution remains' but added that it would not necessarily be called the House of Lords.¹³⁵ As well, he advocated a gradual phasing out of the hereditary aristocracy by rank decreasing one grade with each generation.

Legal System

Liberty and the rights of self-ownership, to Herbert, must also be clearly reflected in the legal system. He envisaged a legal system which 'should be as simple, inexpensive, speedy and equitable as it can be made'.¹³⁶ The reformed system would have a far greater concentration of public attention upon it because of the importance of the rights of person and property in

¹³¹ *Free Life*, 20 March 1891, p. 232.

¹³² *Hansard*, CCVIII, July 20, 1871, cols. 45-46.

¹³³ *Ibid.*, col. 46.

¹³⁴ Wordsworth Donisthorpe, 'Absolutism in Politics', in *Individualism: A System of Politics*, London, 1889, pp. 384-385.

¹³⁵ Carpenter, *Towards Industrial Freedom*, pp. 151-152.

¹³⁶ *RWCS*, p. 153.

the Voluntary State, and because streamlining of legislation generally would enable more effective scrutiny to occur. Although he specifically mentioned the creation of a High Court to prevent the confiscation of private property, or the ‘denial of personal rights by any governing body’, it appears that he intended widespread reform of the criminal justice system, with the definition of ‘crime’ constituting the greatest change.¹³⁷

Herbert’s view, however, was found inadequate by Wilson who thought he did not fully understand the financial requirements of a justice-enforcing association. He found an equal inadequacy of Herbert’s interest in its practical efficiency.¹³⁸ Wilson also criticised Herbert’s lack of constructive recommendations for the better performance by the state of its primary and undisputed functions, especially in comparison with Spencer. Spencer’s criticisms he thought more pertinent to the actual administration of justice, along with Spencer’s recommendation of increased expenditure on tribunals of first instance equally accessible to rich and poor. Wilson’s analysis is partially correct in that Spencer, unlike Herbert, wrote at greater length on the administration of justice.

Basically, Spencer’s position was that as the state had a special duty to enforce the law of equal freedom, or to administer justice, it ought to employ the best methods of fulfilling that duty.¹³⁹ But the present system of jurisprudence was one-sided, even corrupt, as access to it depended on wealth or connection. While the state was sufficiently stringent in enforcing its claims against the subject; in reciprocal claims of the subject against the state, however, it was comparatively careless.¹⁴⁰ The state afforded only partial protection to the tax-payer. It defended his or her rights in straightforward criminal cases, such as assault. Yet, in matters such as wrongful imprisonment, the state left the subject to take a private prosecution. This, and most actions against the state, he argued, were costly and discriminated between rich and

¹³⁷ *Free Life*, February 1893, p. 219.

¹³⁸ Wilson, *Province of the State*, p. 271

¹³⁹ Herbert Spencer, *Social Statics: Or, the Conditions Essential to Human Happiness Specified, and the First of Them Developed*, London, 1868, p. 281. Harris comments that although Spencer was a great critic of state intervention in the sphere of social welfare, he constantly berated governments for their non-intervention in the spheres of law enforcement and the punishment of crime; Harris, *Private Lives*, p. 198.

¹⁴⁰ Spencer, *Social Statics*, pp. 281-282.

poor. Spencer cited numerous other examples which demonstrated the inequities of the justice system: 'the trickery and oppression, and revenge, committed in the name of justice'.¹⁴¹ Too often, justice was denied victims because of the expense involved in their instigating legal proceedings. Instead of rectifying small wrongs, in particular, the present system supported them and inflicted poverty. Spencer, therefore, insisted that if insufficient revenue defrayed the cost of dispensing justice, it must be increased. His solution also proposed a gratuitous system of jurisprudence that also administered the law promptly and more certainly. Moreover, under the reformed system, he suggested, civil injuries wittingly committed would almost cease. Litigation, therefore, would actually decrease.

Spencer's analysis found favour with Carpenter, who was also highly critical of the 'institution of the Law and Courts' for similar reasons.¹⁴² He questioned the existence of such a 'rigid and ponderous system of laws' and its defence as a necessary evil against disorder, violence and social disruption.¹⁴³ Future society, which he envisaged as one day being non-governmental and perfectly voluntary, would have simpler and less ossified law that was closer to custom. Custom, Carpenter defined as being law in its inception, and thought it took on a 'gentler form' among a 'reasonable and advanced people'.¹⁴⁴ While custom was also fairly plastic and adaptable to the general movements of society, he thought it exercised considerable pressure on individuals. The recovery of betting debts, for instance, meant that non-payment was extremely rare, although no specific law existed for this. Arguing that prevailing law maintained artificial inequalities, Carpenter considered custom a far superior force.

Although Herbert's future state was voluntary and government greatly limited, law played a significant part in it, although vastly reformed. The basis of Herbert's position derived much from Spencer but also from the importance libertarians accord the protection of

¹⁴¹ Ibid., p. 285.

¹⁴² Carpenter quoted Spencer, see *Towards Industrial Freedom*, p. 76

¹⁴³ Ibid., p. 77.

¹⁴⁴ Ibid., p. 78-79.

individual rights. In Herbert's opinion, most current law-making was useless and often cruel in the compulsion it employed to force people to conform and act against their personal beliefs.¹⁴⁵ Unsurprisingly, therefore, his intended overhaul of existing criminal law decriminalised many 'victimless crimes' such as prostitution, or acts contemporarily described as 'vicious habits'.¹⁴⁶ Restrictions on the sale and consumption of alcohol and any other addictive substances would be lifted. The law relating to libel would also be changed on the grounds that it impeded free discussion and the free interchange of ideas. At the same time, acts committed without the consent of other persons or violent offences committed under the influence of chemical substances would be punished. Although Herbert said very little on the subject, punishment and public disapprobation would probably be severe, given the moral standards expected of the populace in the Voluntary State. But he did write that Voluntaryism sought to change human nature and not 'simply to tie men's hands and restrain external action'.¹⁴⁷ He appeared to find the existing system based on the fear of punishment ineffective; 'those clumsy useless penalties, evaded and laughed at by the cunning that have never yet turned sinner into saint'.¹⁴⁸ However, we can only speculate on the penal or corrective measures to be taken, although Voluntaryism would address only the 'real' offences of force and fraud.

Fraudulent acts would also receive greater attention by the law because, as Herbert pointed out, fraud was 'force in disguise' and a way of avoiding consent. Although commercial law would reflect free trade practices, it would not condone fraudulent ones. A merchant, for instance, would be prosecuted for adulterating foodstuffs or for falsely advertising any product.¹⁴⁹

Herbert's views on fraud are noteworthy, although they represent standard libertarian theory. Individuals had no right to initiate force or fraud against other individuals. This

¹⁴⁵ Letter captioned 'Mr Auberger Herbert on Party Politicians'; *Times*, 8 April 1891, p. 6.

¹⁴⁶ *RWCS*, p. 171.

¹⁴⁷ 'Plea for Voluntaryism', p. 365.

¹⁴⁸ *Ibid.*

¹⁴⁹ More extensive discussion of Herbert's views on trade and commerce appear in Chapters Four and Six.

aspect, however, has tended to be overlooked by critics. Compared with assault or robbery, the practice of fraud in modern society has usually been associated with the more affluent and influential classes. Termed ‘white-collar crime’, it has tended to be categorised as a lesser offence, even misdemeanour.¹⁵⁰ Socio-economic and political perceptions have reinforced the distinction between this type of crime and ‘blue-collar crime’ the term used to describe offences committed by the poor and working classes, particularly those involving violence. The upper classes, in contrast, have been portrayed as relatively crime-free. Moreover, perpetrators of ‘white-collar crime’, whether acting individually or corporately, are generally treated more leniently than ‘blue-collar’ offenders. Significantly, Herbert, before the invention of the term, argued against this sort of distinction and insisted that fraud be more seriously punished, citing a case of middle class fraud to illustrate his point.

Although Herbert advocated an accessible, affordable and quickly responsive legal system that chiefly functioned on established methods and legal precedent, he also attempted to integrate it with Voluntarist principles. Consequently, no-one would be compelled to give evidence in law courts, or to serve on a jury.¹⁵¹ This measure is not as extreme as it first appears, given that Victorian wives could not testify against their husbands. Furthermore, he floated the idea of establishing voluntary courts of law outside the state courts.¹⁵² This notion greatly departed from the prevailing system and expanded on Spencer’s suggested judicial reforms. Moreover, it extended the application of Voluntarism. Herbert made the suggestion of voluntary courts when discussing disputes regarding the enforcement of contracts and narrowing the state’s role in contract law. This experiment, he suspected, would be more fruitful if the voluntary courts did not require state enforcement of their decisions and dealt only with parties whom they believed would abide by the decisions. The proposal seems a practical one, particularly for resolving small or local disputes at low cost. The voluntary

¹⁵⁰ A highly contested theory, the term ‘white-collar crime’ was invented by the sociologist Edwin Sutherland to refer to crimes committed by people of respectability and high standing in the community; Michael R. Gottfredson and Travis Hirschi, *A General Theory of Crime*, Stanford, 1990, p. 38.

¹⁵¹ *Free Life*, February 1893, p. 1.

¹⁵² This idea appears as a footnote; see *RWCS*, p. 161.

courts, Herbert added, might function more successfully as arbitration courts rather than formal law courts. His likely reasoning here was that as arbitration is quasi-judicial, any award rendered by the arbitrator is considered final; hence his suggestion that perhaps retired judges or other legal professionals would volunteer their services or provide them at lower cost.

Whatever area of law involved, Herbert's chief concern was to involve the state speedily and efficiently where appropriate and remove its jurisdiction from areas he thought inappropriate. In some legal areas, therefore, the state would actually be more responsive in administering justice. Unnecessary laws, however, mainly regarding moral behaviour or those relating to marriage, would be abolished. Although valuing the institution of marriage, he rejected the need for it to receive any higher protection from the state than any other contract.¹⁵³ Here, Herbert anticipated attitudes of the later twentieth and early twenty-first centuries.

Parliament and Liberty Councils

Parliament in the Voluntarist State would function less as a legislature because of the curtailment of new law-making. However, its role as a place of serious discussion would be emphasised. As mentioned earlier, Herbert thought the contemporary parliament failing in its duty to thoroughly examine, discuss and debate serious issues. Real discussion would only come, he thought, when the adversarial nature of parliamentary debate changed and MPs became free of compulsion by their parties and other interests. Significantly also, he proposed changing the point at which issues were introduced to the public. Meetings for the sake of discussion would occur at local and regional level and would mostly follow parliamentary methods 'minus all the compulsion'.¹⁵⁴ This spirit of inquiry followed by consensual action would be the basis for the organisation of 'Liberty Councils'. The principle of the Liberty

¹⁵³ See *Free Life*, 5 June 1891, p. 24.

¹⁵⁴ *Free Life*, 15 August 1890, p. 70.

Council 'would be union for discussion and the breaking up of itself into natural groups for action', which represents the working mode of elected local council officials nowadays minus the coercive apparatus of excessive regulation.¹⁵⁵ Herbert also used the notion of the Liberty Council as a basis upon which to organise representative bodies such as district councils, country councils and finally parliament. District councils, for example, might be formed in as many places as were members willing to join them. He settled on councils of around forty members. No mere debating clubs, they were entrusted with the work of 'discussing and satisfying the wants of the people by voluntary methods'.¹⁵⁶ That Herbert focused on the district body in this manner indicates that he intended greater local participation in the democratic process. Also, eschewing uniformity, he left it free to operate in the manner best suited to local needs but encouraged it to work also through minorities.

Deleted: On the formation of district councils, for example, he suggests there be as many of these in place as were members willing to join them.

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It is important to note, however, that Herbert's Liberty Councils had a deliberative function and not a legislative one. They were constituted on a voluntary basis to debate specific matters relating to the community. Without regulatory power, they required the consent of their particular localities to carry out any recommended action. Their influence is best shown by the sort of activities occurring in these areas. Although Herbert accorded Liberty Councils a high degree of flexibility of organisation and operation, they were compatible with the underlying basis of the state. They did not indicate discrete territorial groupings arranged in the sort of federalism proposed by Proudhon, which Zenker detected in Herbert's Voluntary State.¹⁵⁷

Proudhon, also worried about the growth of centralised political power and its corrupting effects in the modern state, proposed the concept of federalism that specialised and limited the powers of the central authority.¹⁵⁸ His federal system consisted of territorial groupings, individually sovereign, united by a federal pact. Powers and responsibilities were

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

¹⁵⁷ Zenker, *Anarchism*, pp. 196-197.

¹⁵⁸ Pierre-Joseph Proudhon, *The Principle of Federation*, Richard Vernon, trans, Toronto, 1979.

separated and distributed to municipalities and provinces. As the governing hierarchy was no longer imposed from the top, the role of the central authority was confined to that of general initiator, guarantor and supervisor.¹⁵⁹ Its powers could not exceed those of the local or provincial authorities. By decentralising the unitary state to this extent, Proudhon also claimed to have harmonised the two fundamental but antithetical principles in the political process: authority and liberty.¹⁶⁰ Herbert's Voluntary State, founded on the recognition of individual rights and limited protective government, strived to achieve the same harmony without federalism.

Proudhon believed that civic capacity worked better at a local level and mistrusted participation at national level. While Herbert also advocated greater civic involvement locally, he never totally rejected participation at a national level, although it would have been quite different from the prevailing system. At the same time, he appreciated the need to invigorate citizenship in the Voluntary State to ensure its survival. Regular national referenda and more local political participation were two of the methods to be employed. Herbert's intention to achieve greater direct democracy in the future state was not only consistent with the spirit and practice of Voluntaryism but of Liberalism in all its varieties.¹⁶¹ Prominent political thinkers, including J. S. Mill, T. H. Green and Alfred Marshall, believed in the necessity and value of a participatory citizenship. That Herbert was also an enthusiast of the value of popular political participation suggests the influence of J. S. Mill as much as Spencer. At the same time, it again challenges the notion that Herbert's Voluntaryism represented an atomistic Individualism devoid of true concern for or expressions of community.

Whether Herbert's political arrangements would have been practicable in late nineteenth or early twentieth century England is another matter and one of great speculation. Yet, his great transformation to realise the Voluntary State is no less radical, and no less idealistic, than

¹⁵⁹ Ibid., p. 49.

¹⁶⁰ Ibid., pp. 43-44.

¹⁶¹ Gladstone and most of his ministers also saw participatory citizenship as a crucial Liberal value; see Eugenio F. Biagini, *Gladstone*, Basingstoke, 2000, p. 73.

William Morris's *News from Nowhere*.¹⁶² Here, Morris envisaged a future socialist state in which parliament and conventional government had ceased to exist. Politics were totally democratic and heavily localised using the Mote, or a meeting of neighbours.¹⁶³ Civil and criminal law, being superfluous in the absence of private property, had been replaced by a gentler system of atonement with special provisions for the 'sick and mad'. Past revolution, however, had established the conditions for a new society. Inhabitants now co-operated peacefully to live fulfilling and useful lives that celebrated beauty. Later, Carpenter similarly envisaged the 'Common Life' being carried out in his 'non-governmental and perfectly voluntary society', in which people learned the habit of 'acting together for common ends' and 'feeling together for common interests'.¹⁶⁴ Carpenter thought this change in mentality could be gradually and peacefully achieved. Herbert had a similar peaceful but libertarian, or Voluntaryist, vision. On the task ahead, he wrote:

Our work is to make this life of ours prosperous, happy and beautiful for all who share in it, working with the instruments of liberty, peace and friendship—these and these only are the instruments which we may take in our hands, these are the only instruments that can do our work for us.¹⁶⁵

Conclusion

Herbert developed Voluntaryism as an attempt to address the moral failings of the contemporary political system which he found coercive, divisive and generally harmful, especially in the longer-term. Contrary to the attitudinal shift occurring towards the role of the state, Herbert specifically opposed the expansion of central government and administration believing them to be increasingly system-driven, complex and remote from public scrutiny. He found a similar trend in party politics which allowed individual politicians little room for

¹⁶² William Morris, *News from Nowhere or An Epoch of Rest, Being some Characters from a Utopian Romance*, London, 1891.

¹⁶³ Units of management were the commune, ward or parish, although there was little distinction; *Ibid.*, p. 97.

¹⁶⁴ Carpenter, *Towards Industrial Freedom*, p. 96.

¹⁶⁵ 'Plea for Voluntaryism', pp. 335-336.

independent judgement. One of Herbert's strongest concerns about majoritarian democracy was that it constantly and unjustly over-ruled the rights of minorities. Herbert, like Mill, believed that progressive human society required diversity and experimentation. These desirable conditions, however, could not be produced by the contemporary political system that was characterised by uniformity and coercion. The negative effects of political power on people occupied Herbert. His concerns extended to all classes; he warned the working classes against accepting political bribes, but also criticised the richer classes for their preoccupation and misuse of power.

Herbert's opposition to official coercion found its most radical voice in his criticisms of compulsory taxation because it rested on force and not consent. It also funded the political and administrative machinery he thought so destructive to citizens. A compulsory taxation system enabled governments to embark on warfare without conducting a plebiscite. Herbert's position on taxation confounded critics and fellow Individualists, some of the latter proving his strongest critics.

Although Herbert's thoughts on government were set out largely as principles and avoided prescriptive detail, he did offer a sketchy programme for immediate political and legal reform. For example, there was to be a fundamental overhaul of criminal law and the legal system was to be made accessible, affordable and quickly responsive. Government was to function chiefly as a protective agency, but would also act as specialist advisor in key areas such as education and public health. Government is necessarily limited in Voluntaryism because, as the creation of those individuals who consented to make it, it could possess no additional rights over them.

As freely given consent was paramount in Herbert's theory of government, it followed that the system of government he envisaged was highly democratic and participative. Consent was also the main justification for support of the state by voluntary taxation. Voluntary taxation was central to Herbert's political theory. It was a concept that aimed to change the

political ethos, something which his plan of combined direct compulsory and voluntary taxation also attempted to do in 1894. At the same time, voluntary taxation is an area where we see the moral obligations that Herbert placed on citizens. Although they were politically free, individuals were expected to willingly contribute financially, or by their labour, to maintain the state and peaceably co-operate with one another to perfect it. Citizens might refuse to do any of this, but the expectation that they would exhibit a higher morality and participate seems to have prevailed over any doubts Herbert held on this point. The final political manifestation of his philosophy appears as the Voluntary State, a challenging concept which brought him to the brink of anarchism, but it was neither Stirner's Union of Egoists nor Proudhon's Federalism. Herbert's Voluntary State, this chapter argues, was an extreme manifestation of libertarian principles. Significantly, a number of its features resembled the largely voluntary socialist future states envisaged by Morris and Carpenter, who both conveyed the importance of human co-operation and localised political control.

CHAPTER THREE

LOCAL GOVERNMENT AND SANITARY SUPERVISION

Just as theories of the state and central government competed during the nineteenth century, so did ideas on local government, a term that did not emerge till after mid-century when the most significant changes in local administration occurred. Ideas regarding what is now called 'social welfare' were particularly contested. The economic depression of the 1880s and the re-emergence of socialism brought a new focus on issues such as poverty, self-sufficiency and the appropriateness of material assistance, whether public or private. Sanitary supervision, or what developed into public health, was another area of social concern and debate. It, too, placed new demands on local as well as central government. Policy developments in public health and social welfare, however, must be seen as part of the wider changes occurring to local government at this time. Local administration gradually altered because of a combination of political, economic, demographic, ideological and cultural factors within the greater English polity. Unlike central government, local government was considered by many social and political thinkers to be more accessible and adaptable than central government, more directly relevant to the lives of its citizens and potentially more democratic. For these reasons the Webbs, for instance, focussed their reforming socialism on local agencies as a means of pursuing the general interest in the new 'Housekeeping State'.¹ In contrast, Herbert viewed the expansion of local government more or less in the same light as the growth of central government; the principles of coercion and conformity were the same. Being a Voluntaryist, however, Herbert welcomed those aspects of local or municipal government that offered opportunities for local voluntary co-operation in which government acted as advisor only. This chapter examines Herbert's application of Voluntaryist principles to areas such as

¹ For Beatrice Webb's distinction between this new form of state and the earlier 'police state'; see the second part of her autobiography *Our Partnership*, Barbara Drake and Margaret Cole, eds, London, 1948, p. 149.

neighbourhood management, poor relief, sanitation and public health, including vaccination.

It also shows Herbert's position to be at variance with the direction in which local government developed.

Emergence of Modern Local Government

It is generally agreed that modern local government commenced in the 1830s with two important pieces of legislation. The Poor Law Amendment Act 1834 assigned welfare administration to elected local Boards of Guardians but also created a central overseeing authority. Administration by the Boards of Guardians was then the only nation-wide scheme of local authorities.² The Municipal Corporations Act of the following year outlined a system of local government for towns by elected councils. New corporations were given new powers including the obligation to establish paid police forces under the control of police committees of the reformed councils. Penal policy, by contrast, gradually moved away from local to central administration.³ Other legislation fuelled local government expansion in the late 1860s and 1870s, notably that allowing local authorities, for example, in Birmingham and Leeds, to borrow in the market and issue their own stock.⁴ The Education Act 1870 provided for public elementary education managed by popularly elected local school boards for which women could stand.⁵ In the early 1870s, borough councils also became urban health authorities. Despite these initiatives in social policy, there still were many areas in which politicians and government departments were moving simultaneously in both directions.⁶ For instance, the Local Government Board attempted to limit and privatise relief to paupers while at the same time expanding bureaucratic control over sanitation and public health. Local authorities were empowered by new sanitary and housing legislation to condemn, demolish and reconstruct

² R. C. K. Ensor, *England 1870-1914*, Oxford, 1936, p. 125.

³ The Prisons Act 1877 transferred control and ownership of prisons to the Home Office.

⁴ Jose Harris, *Private Lives, Public Spirit: A Social History of Britain 1870-1914*, Oxford, 1993, p. 199.

⁵ Education, including local authority responsibility, is discussed in Chapter Seven.

⁶ Harris, *Private Lives*, p. 198.

large areas of local housing. In the mid-1870s, Birmingham took advantage of special legislation to institute a massive 'slum' clearance scheme. London's Metropolitan Board, during the 1870s and 1880s, attempted to improve working class housing in central London by large street clearances and by model housing schemes usually run by private interests and charitable trusts.⁷ From the 1880s, local authorities also became significantly involved in the delivery of gas, water and transport services. Reforming or amending legislation continued, including the Municipal Corporations Act 1882 that consolidated the 1835 Act, and the Local Government Act 1888 that transferred the administrative powers of Justices of the Peace to newly elected county councils.

By means of enabling legislation, local government gradually extended its role and political power. Local authorities came to exercise 'new powers of construction, compulsory purchase, and of planning', something especially evident in larger municipal areas.⁸ Consequently, England became more intensely governed with less demarcation between the centre and the localities, a shift which contrasted with the historical view that devolved power from the centre to the localities was a desirable feature of English politics.⁹ This development became more contentious as the authority of local bodies expanded.

Contesting the Development of Local Government

One of the reformers who most favoured the transformation of local government was Sidney Webb, who regarded this branch of government as of more real importance than central government. His view was that 'so far as we govern England at all, we govern mainly locally'.¹⁰ Welcoming the considerable changes throughout the century, he noted the long

⁷ For discussion on the frequently unsuccessful London schemes, see Gareth Stedman Jones, *Outcast London: A Study in the Relationship Between Classes in Victorian Society*, London, 1971, pp. 178-209.

⁸ David Eastwood, *Government and Community in the English Provinces, 1700-1870*, London, 1997, p. 162.

⁹ Thomas Paine, for example, celebrated this distribution of power; see Eastwood, *Government and the Community in the English Provinces*, p. 9.

¹⁰ Sidney Webb, *The Evolution of Local Government: A Series of Lectures from the Municipal Journal, 1899*, London, 1951, p. 7.

process whereby ‘the new Local Government’ became the obligatory Association of Consumers as opposed to the former Ratepayers’ Democracy founded on property ownership and limited to middle class convenience.¹¹ Local bodies, he added, were now better placed to provide services collectively on the basis of need to all people living in their municipalities. Webb’s remarks indicate exactly the sort of reformist socialism that he and other Fabians undertook by working gradually within existing institutions and constitutional government in order to transform them.

The perceived threat to the suburban middle classes by the spread of this sort of socialism elicited several ideological responses. The Radicals of the Liberal Party, for instance, attempted to persuade the middle class not to retreat into Conservatism but to embrace social reform as a means of combating the appeal of socialism, particularly among the propertyless classes. Community interests, or those emphasised as being good for the whole community rather than for a single class, became paramount. This strategy is evident in the reforms outlined in the Chamberlainites’ Radical Programme of 1885 with its emphasis on increased activity by the state, either through parliament or municipal authorities.¹² A significant part of the reformers’ agenda included the unification of local government work and the creation of county councils. The tenor of the advocated changes resembled that of the Fabians who admired Chamberlain’s Birmingham municipal reforms as a type of socialism approaching their own.¹³ Although the Radical programme was never implemented as such, it signalled a new approach towards socially inclusive politics in an emerging democracy.

A philosopher who looked upon the potential of local government to enhance aspects of community was the Idealist Bernard Bosanquet.¹⁴ In his view, the effectiveness of central government was compromised because of the lack of integration within a community of its

¹¹ Sidney Webb and Beatrice Webb, *Statutory Authorities for Special Purposes: With a Summary of the Development of Local Government Structure*, 1922, rev. edn, London, 1963, pp. 480-485.

¹² Joseph Chamberlain et al., *The Radical Programme*, [1885], D.A. Hamer, ed., Brighton, 1971.

¹³ *Ibid.*, p. xiii.

¹⁴ John Morrow, ‘Community, Class and Bosanquet’s “New State”’, *History of Political Thought*, XXI, 2003, p. 492.

agents and policy makers, who lacked the knowledge and sensitivity to properly ascertain local needs and circumstances. However, as local government operating within a community might enhance aspects of it, Bosanquet focussed on the support it might give voluntary agencies, especially in promoting emerging ideas. Public health and the provision of housing were more conventional areas where this process operated. He also believed that local government agencies could also act as a conduit for community expression, which would, in turn, influence official policy. For example, experiments in arts and craft education might prompt school curricula reform. Furthermore, the greater democratisation of local government would provide new opportunities for working class activists, something which, in fact, occurred.¹⁵ Increasingly, local government was considered as a genuine expression of popular will.¹⁶ Moreover, Bosanquet considered that the community at large would benefit from local public amenities such as museums, art galleries and public libraries. Thus, the development of local government offered social, educational and cultural benefits to enhance ‘social equality’.

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Herbert, in contrast, believed that good government and harmonious society lay in the opposite direction: the reassertion of individual liberties, the dismantling of many existing institutions and limiting constitutional government. Only on this basis could government, central and local, be morally justified. Traditionally also, local government had been chiefly provincial and largely voluntary.¹⁷ Given Herbert’s views on the growth of all coercive government, he would not have favoured the form of local administration in the ‘Housekeeping State’. In fact, moral intrusiveness associated with ‘collectivism’ and ‘national efficiency’ was more greatly exerted and contested in the locality than in the central state.¹⁸

¹⁵ During the 1880s and 1890s, a noticeable number of labour leaders participated in local government. The 1894 Local Government Act was credited with compounding the effects of earlier reforms and transforming popular attitudes to local government see Eugenio F. Biagini, *Liberty, Retrenchment and Reform: Popular Liberalism in the Age of Gladstone 1860-1880*, Cambridge, 1992, p. 327.

¹⁶ Ibid.

¹⁷ Although local government prior to 1832 could be more oligarchic than republican and was sometimes corrupt, it could also be more participatory allowing those without the parliamentary franchise to participate in local politics. Parish vestry meetings generally represented this process; see Eastwood, *Government and Community*, p. 43.

¹⁸ Philip Harling, ‘The Centrality of Locality: The Local State, Local Democracy, and Local Consciousness in Late Victorian and Edwardian Britain’, *Journal of Victorian Culture*, 9, 2, 2004, pp. 218.

Herbert also rejected implicitly Bosanquet's civilising role of local government, maintaining that universal educational and cultural enrichment would best be attained by unfettered individuals and groups of individuals freely socialising and learning from one another. Local government, in Herbert's opinion, ought to be local *self*-government and represent a clear separation of political authority between it and the centre. In 1879, he expressed concern about the growing interference of central government with the power of the localities, citing education, prison administration and proposed policing changes as areas where this was occurring.¹⁹ Later, in 1885, he wrote opposing the broad expansion of municipal government. Perhaps because of the nature of its growth or the character of modern urban living, Herbert regarded the question of local government as a complicated one. His general position on it follows his approach to central government; it must be a political system founded on individual rights and individual consent, including that of voluntary funding. Upon this basis, however, could be built any number of voluntary schemes and co-operative projects. Again, it must be emphasised that devolution of political power to individuals did not mean, to Herbert, the negation of public duties and public participation, as the discussion below shows.

Herbert thought it would take some time to reform the compulsory system into a more voluntary one. He concluded that, like central government, the compulsory powers granted local bodies had proved a curse and not a blessing. Although these compulsory powers enabled municipalities to undertake 'great works' speedily and efficiently, they were a poor compensation for other 'serious evils'.²⁰ Here, he cited the accumulation of large debts, the burden of high rates, the intrusion of party politics, the growth of monopolies, and the existence of jobbery as the consequence of the rapid expansion of municipal government power. Some of these claims were well founded. Educational costs escalated in the latter part of the century. Poor Law expenditure grew throughout the 1890s and in the economic depression after the Boer War. The ensuing demand for public works in some urban areas

¹⁹ Herbert expressed these views in a speech made in Nottingham; see *Nottingham and Midland Counties Daily Express*, 17 March 1879, p. 3

²⁰ *RWCS*, p. 159.

placed extra charges on rates. By the 1900s, many local authorities, large and small, faced serious financial trouble.²¹ Many ratepayers, including those among the poor, objected to the high cost of the new social services. To Herbert, they were the predictably undesirable features of all systems authoritatively adopted and too hastily embraced. The best form of local management, he argued, would only be found when the principle of ‘no compulsory powers’ was carried out.²² Then, people would voluntarily combine to supply their own special needs in their own special ways.

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All the same, Herbert considered municipal or local government, like central government, had a legitimate but limited role. Local bodies, as empowered by general acts of parliament, could legitimately exercise their powers in defence of person and property. But they must have no powers of compulsorily taking private property, of levying compulsory rates, or of compelling any of the populace to take services such as water, gas and sewage whether provided by the municipality or by a private company. He allowed local authorities powers to regulate the property under their ownership on the grounds that all property, public or private, must be owned by someone and controlled by someone. Referring to the administration of municipalities, he wrote in *Free Life* that ‘there must be some person with power to take up pavements and to make contracts.’²³ Wherever this power was vested, however, there was no need for it to be accompanied by the power of compulsory taxation. In other words, agents or local bodies would be vested with a certain amount of authority but not the power to force the payment of taxation or rates. Funding for local services, as with central government, would be on a voluntary basis. For this reason, Herbert suggested that proposed regulations must first be submitted to referenda and the scrutiny of the local universal franchise to sanction, or not. He added that it was preferable that central government remained flexible about the management of property under local control but cautioned that

²¹ Harris, *Private Lives*, pp. 200-201. Harling notes a seventy-five per cent per capita increase in local-government spending in the last quarter of the nineteenth century as most major municipalities undertook public works and amenities; see his ‘Centrality of Locality’, p. 220.

²² *RWCS*, p. 160.

²³ *Free Life*, 27 February 1891, pp. 209-210.

people in each district should also remain vigilant about this arrangement. His position on the retention of some public property such as the streets, squares and parks appears to have been equivocal. On one occasion he mooted options concerning ownership of the streets.²⁴ These included ownership, presumably collective, by house-owners in a street; corporate public ownership by a body like the municipality; part ownership by the house-owners and the municipality. Conveniently, he left the issue unanswered as one for future discussion. He did, however, admit a suspicion that future municipal governments would vest large powers of ownership in the house-owners as regards their own streets, an impression that has proved almost totally unfounded.

These comments indicate that Herbert viewed municipal government largely a matter of self-government by residents in each neighbourhood. Unsurprisingly, therefore, he saw the growing powers of local authorities as threatening a number of individual liberties and referred to the 'great battles' having to be fought presently in the municipalities.²⁵ They included local bodies challenging the rights of assembly and procession, whether by the evangelical Salvation Army or other groups; the enlargement of police powers; official intrusion into people's homes; compulsory sanitary regulations. These typical situations, he thought, were being employed as excuses for arbitrary regulations and, as such, must be staunchly resisted. Instead, he insisted that the provision of local acts, whether or not they continued to regulate such situations, must be decided through popular referenda by those locally governed. This point again emphasises the degree to which Herbert favoured direct democratic processes whether relating to national issues or to local ones. Government, both central and local, was not something that existed and operated independently of people, a point appreciated for different reasons by Bosanquet.

To Herbert, certain aspects of local government offered more opportunities to put the Voluntaryist principle of willing civic co-operation into practice, particularly in urban areas.

²⁴ *Ibid.*, p. 210.

²⁵ *RWCS*, p. 175.

His inference was correct. Already in towns there existed a range of voluntary association: church and chapel, friendly societies, mechanics institutes, reading rooms, coffee houses and pubs.²⁶ Shared activities rather than shared residences forged social bonds that translated urban individualism into social solidarities. Towns became engines for cultural and moral development, much of which occurred through voluntary association and voluntary effort.

At the same time, Herbert thought that voluntary co-operation might be a way of combating excessive municipal expenditure.²⁷ Municipal spending, he claimed, could never be controlled by simple protests and the election of economically minded representatives. A voluntary plan, however, might restrict the 'expensive methods and the autocratic tendencies of administrative bodies by detaching some duties from them' and handing them over to residents in 'minute' areas.²⁸ His brief sketches of aspects of future alternative local management provide a valuable insight into how applied Voluntaryism might work. For example, he envisaged municipal areas being divided into units, as small as individual streets, for voluntary action regarding, say, the provision and maintenance of lighting and street cleansing. Initially, he conceded, some streets or even areas may be unlit due to a lack of co-operation among residents, or the unwillingness of some of them to undertake this duty, but these areas would not remain neglected for long because other town dwellers, wanting to travel there, would desire adequate lighting. Consequently, an organisation would be established to remedy defects and shortcomings. Here, Herbert claimed the excellence of the voluntary system. He reasoned that the mass of more active citizens, imbued with a sense of public duty, could not afford to have 'a section of laggards, hanging back in the rear' and leaving their public duties unfulfilled to the inconvenience of everybody else.²⁹ This statement demonstrates a strong community, if not collectivist element in his system. Whereas

²⁶ Eastwood, *Government and Community*, p. 60.

²⁷ Harling argues that the subsequent revolt against 'municipal socialism' was not a verdict against more extensive social provision as such, but against the limited means of paying for it locally; 'Centrality of Locality', p. 224.

²⁸ Auberon Herbert, 'Under the Yolk of the Butterflies: Part I', *Fortnightly Review*, 56, October, 1891, p. 499.

²⁹ *Free Life*, 27 February 1891, p. 210.

the 'laggards' could be left alone under a compulsory system, they could not be ignored under a voluntary system, although it could not compel service. Herbert's solution was to engage with the slackers in friendly dialogue and 'act on their better motives, moralize them'.³⁰ His view, which departed markedly from the conservative paternalism of the day, owed much to J. S. Mill's ideas on educating citizens to participate actively in the modern state.

Mill believed that the paternalism of the higher classes towards the labouring classes was not appropriate in modern nations.³¹ While the lawless violence and insecurity of the past once justified a state of dependence on the protector by the protected, society was now more civilised, and the law generally provided universal protection. Mill claimed that in a modern state the well-being of a people must exist by means of the justice and self-government of the individual citizens. There was no place for paternalism or dependence by one class on another. The labouring classes, therefore, were to be encouraged to become self-dependent. Any advice, exhortation or guidance given them must henceforth be given to them as equals, and 'accepted with their eyes open'.³²

Herbert's approach to interactions among all citizens in the localities made similar assumptions about self-dependence and equality. He would, for example, include 'free loaders' in the general community. This approach would encourage them to become 'decent citizens', with neighbourhood responsibilities like everyone else, rather than to remain disaffected outsiders. It is an optimistic attitude that places much faith in social intercourse. And although Herbert referred to the detrimental effect on general civilisation of the power of the better citizen to compel the worse citizen, his intention to 'moralize' implied potentially a great deal of moral persuasion. Not all publicly minded citizens would be as friendly and tolerant, particularly to strangers or people from other classes, as Herbert, who constantly demonstrated these traits. On the other hand, an important aspect of Voluntaryism is to

³⁰ Ibid.

³¹ J. S. Mill, *Principles of Political Economy*, in *CW*, III, pp. 759-763.

³² Ibid., p. 763.

persuade by discussion, example and even remonstrance, as Herbert constantly pointed out.³³ Moreover, he believed with some justification, that the greater practice people had at friendly social interaction, in this case civic co-operation, the easier it would become as they became accustomed to not having the state act as an intermediary.

Another significant point to make about Herbert's voluntary municipal system is that the wealthy would not escape taking responsibility for the condition of their neighbourhoods. He expected them to be involved in their upkeep. The wealthy, like the 'free loaders' in less salubrious neighbourhoods, could not expect all things to be done for them. He criticised the universal incapacity of and lack of useful co-operation among the well-educated and wealthy persons in London who, in one fashionable residential area, could not manage to keep their street clean, presumably from passing horse traffic.³⁴ While he did not suggest that the lords, dukes and 'great commoners' who lived there rush out with a shovel, he did suggest that they could manage to hire someone to do it. The general point was that the upper classes should be much more aware of the circumstances in which they lived. They should be involved in the daily management of their local communities. In other words, they should take an exemplary role. If these eminent people could not cleanse their own pavements, Herbert inquired, then how could they set a good example of domestic economy to humbler people? He asked was there any good reason why the affluent 'Eugenia Square', should not cleanse, pave, partly police itself, along with other useful services on its own account?³⁵ Residents, he ventured, might be persuaded to give up time to maintain and administer their own property. If they did not actually do the labour, he expected them to be involved in its planning and be on familiar terms with those who did. This argument is one of several instances in this thesis illustrating Herbert's preparedness to criticise his own class. Although not as numerous as his attacks on politicians and state socialists, they appear, nonetheless. Herbert's expectations of the wealthy and better educated are higher because they already enjoyed an advantage. These people

³³ Herbert quotes J. S. Mill on this point; see *RWC*, pp. 161-162.

³⁴ 'Under the Yolk of the Butterflies: Part I', pp. 498-500.

³⁵ *Ibid.*, p. 499.

should put their greater knowledge to useful rather than wasteful purposes. Local administration required input from all residents, particularly the wealthy and educated.

Poor Relief

Assistance to those deemed incapable of earning a living was an issue associated with local government, and one which remained the subject of heated contemporary debate. For much of the period, poverty was considered a natural part of life and not a social problem. Therefore, it received little systematic attention. Pauperism, in contrast, was regarded largely as a moral failing that carried attendant vices including drunkenness, improvidence, mendicancy, filthy habits and ignorance.³⁶ Pauperism, also the legal status of those applying to the authorities for poor relief, was generally regarded as outside other aspects of local government.³⁷ The Poor Law Amendment Act 1834 established a more uniform system of poor relief intended to distinguish between the able-bodied poor, or those destitute people considered capable of working, and those people incapable of earning an unsupported living such as the old, frail, orphans and mentally ill. The new system, although intended to be more restrictive, did not always have its official principles enforced. Outdoor relief, for example, which was chiefly intended to be abolished in favour of the workhouse, continued in some areas into the last quarter of the century.³⁸

The relief system became more centralised after 1847 and Poor Law legislation was amended during the 1850s and 1860s. A significant change occurred in the early 1870s when the Local Government Board took over the responsibility for poor relief. The change occurred in response to concern at the system's increasing cost and the backlash orchestrated by many of the leading social reformers of the day.³⁹ For the next two decades, the Board administered

³⁶ For changing Victorian attitudes to poverty see Jones, *Outcast London*.

³⁷ Harris, *Private Lives*, pp. 237-238.

³⁸ K. Theodore Hoppen, *The Mid-Victorian Generation 1846-1886*, Oxford, 1998, p. 98.

³⁹ *Ibid.*, p. 344.

poor relief parsimoniously making a strict moral distinction between the ‘deserving poor’ and the ‘undeserving poor’.

The former category comprised those people deemed ordinarily hardworking and honest, who, although they had endeavoured to avoid destitution, somehow became impoverished through no fault of their own. These ‘welfare’ recipients, however, were expected to resume their economic independence at some stage. In contrast, those people constituting the ‘undeserving poor’, or the ‘unregenerate poor’, were considered not to have assisted themselves sufficiently but had relied on Poor Law relief or on charitable assistance for their support. They were judged sinful in choosing this option and ought not to be rewarded for their indolence by thoughtless charity. Even worse, was the contaminating effect this group was thought to have on the working poor who might also be tempted to mendicancy.⁴⁰

By the 1880s, a competing set of attitudes to poverty had emerged. Deflation and depression during the decade fuelled the debate on ‘poverty’ as a matter for social reform. Whereas indolence, drunkenness and improvidence were previously interpreted as indicating moral weakness, they were now regarded as symptoms and not causes of poverty. Furthermore, growing concerns of racial fitness focussed attention on sections of the population, notably the urban poor, and not the misfortunes or improvidence of individuals. The early 1890s saw a gradual relaxation by institutions of the deterrent conditions attached to poor relief, allowing claimants to retain small annuities and private savings. Workhouse conditions had already generally improved. Paradoxically, the same period brought a rising living standard to the majority of the working class but also increased uncertainty and unemployment to a significant minority.⁴¹ Until the twentieth century, however, the main responsibility for social welfare lay with voluntary agencies.

⁴⁰ Moral panic about the demoralising and degenerative influence of London’s residuum of poor escalated in the 1880s; see Jones, *Outcast London*, pp. 281-290.

⁴¹ Harris, *Private Lives*, p. 239.

Voluntary action to relieve distress in the community was a well-established English tradition from Tudor times. Private philanthropy constituted ‘a substantial Victorian enterprise’ and the Poor Law system an important adjunct to it.⁴² Charities varied greatly in coverage and speciality. Donations and charitable work were not limited to any class despite the frequent portrayal of upper-class ladies administering to the poor. The leading philanthropic organisation was the Society for Organising Charitable Relief and Repressing Mendicity (the Charity Organisation Society (COS)). Founded in 1869, it comprised a heterogeneous membership of individuals who participated for various reasons.⁴³ The institution’s primary function was to organise charitable activity not to give relief. COS local committees decided whether an applicant was ‘deserving’ before referring them to a specialised charitable agency, or to the Poor Law authorities. Through systematically investigating each applicant, the COS pioneered casework and social work as a profession.⁴⁴ The COS also undertook ‘efficiency’ campaigns against ‘indiscriminate’ beneficence. Initially adopting a punitive approach towards the ‘undeserving poor’, it helped the ‘deserving’ applicants with sympathetic casework.⁴⁵ The COS’s rigid stance during the late 1880s alienated much public opinion that considered it too remote from the social crisis particularly affecting London. Some members, however, suggested co-operating directly with members of the working class in order to work more effectively, while others advocated the establishment of labour colonies to provide work for the unemployed. That these different strands of thinking emerged from the same organisation indicate not only its heterogeneous nature but also the way in which ideas on social policy competed around this time.

The period also saw a change in the role of central and local government. Central policy initiatives and new legislation empowered local authorities to deliver new facilities

⁴² Hoppen, *Mid-Victorian Generation*, p. 343. In the 1860s, for instance, over 600 London charities spent more each year than the annual cost of poor relief in England and Wales.

⁴³ Jones, *Outcast London*, p. 15.

⁴⁴ By the late 1870s and 1880s, the COS handled over 20,000 cases annually, believing in the necessity for close personal surveillance to inculcate habits of industry and forethought; David Owen, *English Philanthropy 1660-1960*, Cambridge, Mass., 1964, p. 237.

⁴⁵ Hoppen, *Mid-Victorian Generation*, p. 344; Harris, *Private Lives*, p. 239.

such as public baths and wash-houses as well as housing. The state increasingly administered health and education but still shared the responsibility for poor relief with local agencies. Voluntary organisations could not meet the multitude of requirements of an urban industrial society, according to some sources.⁴⁶ Private charities were regarded by some commentators as a pioneering force pointing the way to state action. Herbert, however, saw the reverse. He thought the tradition of self-help and private charity provided a sound basis for the future in which state intervention would either be temporary or very minimal.

Self-help and conviviality lay behind the formation of voluntary provident associations, most notably friendly societies which, at this time, provided an important source of welfare assistance to their members. Membership, however, was usually restricted to working men. Women could join county societies, where they existed, or the few friendly societies solely for women. Friendly societies, since their emergence in the late seventeenth century, had become an established feature of English society and a significant sector of co-operative enterprise overall. Initially local and working class, these independent societies were set up variously with members contributing regular payments in the expectation of receiving future benefits for sickness and funeral expenses. Gradually, groups of local societies formed so that by the 1870s affiliated societies, such as the Independent Order of Oddfellows and Manchester Unity, dominated a trend which continued into the twentieth century. Although the early societies fiercely resisted state interference and regulation, attitudes slowly began to change after several financial failures and as the societies' scope and assets widened. The Friendly Societies Act 1875 encouraged the registration of friendly societies but still did not make it compulsory to do so. Although the Act stipulated the annual audit of accounts, it also provided several advantages including legal protection of its members against fraud. In 1877, registered friendly societies had two and three quarter million individual members and invested funds of nearly thirteen million pounds. By 1904,

⁴⁶ For instance, Owen alleges that private philanthropy, with its small scale projects, actually delayed slum clearance; *English Philanthropy*, p. 387.

individual membership had risen to over five and a half million and funds increased to forty-one million pounds.⁴⁷ Yet, by the end of the nineteenth century, voluntary associations generally found it difficult to make reasonable provisions for old age largely because of the greater longevity of their members and insufficient contributions to meet superannuation payments. A number paid old age benefits in the guise of prolonged sickness payments.⁴⁸ Despite these pressures, many friendly societies and, initially, trade unions, opposed the provision of state pensions believing they would undermine the habit of self-help and bring the government into direct competition for workers' savings. It appears that suspicion of government interference among unregistered and registered societies prevented any long-standing arrangement with the state that would guarantee the wholesale survival of these voluntary associations. Although certain mutual aid organisations continued well into the twentieth century, the state became the main provider of social welfare.

Herbert's Views on Poor Relief

Although Herbert supported 'natural' charity, that is, humans choosing to help other humans in need, he opposed a national system of poor relief on several grounds. Uniform systems generally, he thought clumsy and oppressive, tending to stupefy and brutalize 'a nation in character'.⁴⁹ They lost sight of their purpose and ended up treating people inhumanely or at least incidentally. Yet, he favoured continuing the present Poor Law system in certain places and under certain circumstances while each district organised its own system. Although administration of the official system varied somewhat among unions, Herbert intended even greater differentiation, even experimentation, in local schemes but did not elaborate. Significantly, however, they were to be organised and supported voluntarily, a factor that would likely determine the degree of assistance provided. Whether voluntary poor relief

⁴⁷ P. H. J. H. Gosden, *Self-help: Voluntary Associations in the 19th Century*, London, 1973, p. 91.

⁴⁸ *Ibid.*, p. 260.

⁴⁹ *RWCS*, pp. 183-184.

would have delivered guaranteed regular assistance, as provided by universal and standardised state schemes, is debateable.

An additional observation Herbert made concerning the Poor Laws related to state intervention and state coercion generally, namely that it never achieved the desired goals but impeded the development of human morality and of human progress. He stated: ‘progress, *or the education of men by the wants of life* [sic], can have nothing to do with passing acts of Parliament’.⁵⁰ Nor could government civilize us—‘if civilization could be given by any government, as a royal present to the nation, the world had long since been civilized’.⁵¹ More specifically, he claimed that the Poor Laws would never remove want from the country. Legislation backed by numbers of officials might appear to be the answer, but in reality was not. Problems such as poverty would only truly be solved by individuals in self-chosen groups working together and applying moral energy to them. Interestingly, Herbert made no moral judgement on the destitute as he was more concerned to challenge the state’s role in poor relief.

Another significant criticism he made of state welfare schemes such as the Poor Law system was that it destroyed natural sympathy towards those in need. Official regulations prescribing moral obligations towards others would, he thought, soon replace personal moral feelings. Goldwin Smith expressed a similar sentiment in regard to self-help generally. ‘Self-help’, he wrote, ‘is mutual help, because, constituted and related as we are, we all ... stand in need of each others aid’.⁵² However, he warned that ‘under a paternal Government, be that of an ordinary despot or of a Socialist committee, each man will look to the Government and less to his fellows’.⁵³ An associated criticism was the detrimental effect of the Poor Laws in breaking down family feelings and affections. With state aid available, people recognised much less the duty of providing for an elderly parent than in the case of France or Germany. It

⁵⁰ Ibid., p. 180.

⁵¹ Ibid.

⁵² Goldwin Smith, *Reminiscences*, Arnold Haultain, ed., New York, 1911, p. 230.

⁵³ Ibid.

appears that by this time some people, even the quite affluent, reluctantly harboured aged parents or only agreed to do so if they brought with them an income from outdoor relief.⁵⁴

Herbert's concerns about the effect of poor relief on public morality and the national character were fairly typical. The importance of 'character', as noted earlier, figured prominently in Victorian political argument of all shades.⁵⁵ Members of the Fabian Society, for instance, argued that the end of the state was the development of human character and that socialism would produce a 'higher' character. Many Individualists, including Herbert, argued the reverse; socialism would deteriorate character. Perhaps no subject better highlighted this debate than the provision of public welfare.

The harmful effect of indiscriminate welfare on the social fabric also concerned Bosanquet. In line with COS policy, he thought the moral character of the applicant must be tested to ascertain whether temporary assistance would reinforce his or her character, or further weaken it. Bosanquet defended this position by reference to his theory of the social organism, not to *laissez-faire* individualism associated with many COS members.⁵⁶ Consistent failure to support oneself materially signalled, to him, a lack of developed individuality, a factor which prevented an individual from becoming an effective member of the community. Furthermore, it was essential that potential recipients correctly understood the underlying principle of relief to avoid further wretchedness. On this point he stated: 'right ideas genuinely assimilated are necessary to material welfare; and the wrong ideas, or the defect of them, are the most fruitful influences in the production of physical and material wretchedness'.⁵⁷ This argument also applied to charity workers whom he cautioned against dispensing fragmentary assistance, paternalism, or similarly ill-conceived help that might cause further misery. The use of charitable funds, therefore, must be used in a morally

⁵⁴ Harris, *Private Lives*, p. 63-64.

⁵⁵ See Stefan Collini, *Public Moralists: Political Thought and Intellectual Life in Britain 1850-1930*, Oxford, 1991, pp. 93-95. For fuller discussion of the emphasis on 'character' and 'morality', see Chapter One.

⁵⁶ Morrow, 'Community, Class', p. 489.

⁵⁷ Bernard Bosanquet, 'Character in Its Bearing on Social Causation' in B. Bosanquet, ed, *Aspects of the Social Problem*, London, 1895, p. 111.

effective way, a factor which necessitated professional training of charity organisation personnel, many of whom were women. Bosanquet also saw this work as a way of fully integrating members of the middle class, the majority of charity organisation workers, into the communities in which they worked.⁵⁸ This approach would protect the 'morale' of the community and thereby provide a morally effective alternative to a welfare state. Bosanquet's arguments against state welfare resemble, in some respects, those of Herbert who claimed that institutions such as the Poor Law possessed a 'philanthropical outside' but inwardly were 'full of moral helplessness and selfishness'.⁵⁹ Also, like many local government officials, personnel were removed from actual neighbourhoods and unfamiliar with local conditions.

The objection to state interference as an artificial obstruction preventing otherwise natural human interaction is commonly made by anarchists. Benjamin Tucker, for instance, argued that the 'State is antagonistic to society' and its interference an obstruction to the real social contract that of individuals living freely but tolerantly together.⁶⁰ History, he claimed, had shown that the condition of a permanent and harmonious society is the greatest amount of individual liberty compatible with equality. Whereas society was essential to individual life and development, the State was hostile to it because it embodied the principle of invasion.

The anarchist distinction between human 'Society' as good, and therefore a desirable influence on the individual, and of government as being evil or bad is one also made by Spencer in his *Social Statics*.⁶¹ Herbert also tended to make this distinction.

In the main, Herbert's objections to the Poor Laws resemble those of Spencer, whose reference to poor relief as being one of the 'many pretentious state undertakings' he quotes.⁶² Spencer argued that although voluntary charity was civilising, law-enforced relief was the

⁵⁸ Morrow, 'Community, Class', pp. 490-491.

⁵⁹ Auberon Herbert, 'State Education: A Help or Hindrance?', p. 66. This paper appeared in the *Fortnightly Review* for July 1880.

⁶⁰ Benjamin Tucker, 'Relation of the State to the Individual', in his *Instead of a Book: A Fragmentary Exposition of Philosophical Anarchism*, 1893, reprint, New York, 1972, p. 22-23.

⁶¹ Mark Francis, 'Herbert Spencer and the Myth of Laissez-faire', *Journal of the History of Ideas*, 39, 2, 1978, p. 326.

⁶² 'The Ethics of Dynamite', p. 208.

opposite and retarded sympathy.⁶³ Like many of his generation, he distinguished between useful charity that helped people to help themselves, and injudicious charity that was harmful as it was provided without the incentive for self-help. Spencer maintained that as a certain amount of suffering accompanied progress, every attempt to mitigate suffering exacerbated it. The Poor Law merely suspended the transition to an advanced civilisation and even undid what had been achieved. Furthermore, the Poor Law caused stress in another place although it mitigated it in the initial situation. Less investment, for instance, was available if it funded poor relief. The point of view that Spencer, Bosanquet and Herbert held in common was that any assistance given to the needy must reinforce the sincere efforts of individuals to become self-supporting.

From Sanitary Supervision to Public Health

The subject of health was uppermost in Victorian minds and one approached philosophically as well as medically. Several intellectuals were noted for their valetudinarianism, including Thomas Carlyle, Herbert Spencer, George Meredith and John Ruskin. These thinkers formulated definitions of health. Generally, theories of health were founded on a widely accepted philosophy that specific laws of life, based on certain principles found in nature, determined the way humans lived and acted.⁶⁴ Physiology linked the laws of the human mind and the more general laws of nature. Although spiritual life was considered superior to that of the physical, spiritual health depended on the harmony between a healthy body and a well-formed mind, and harmony with the external principles of growth and order. Overall, the concept of total health or wholeness dominated. Other factors came into play, including the relative importance of heredity and environment. From the 1860s, ideas about evolution, inheritance and natural selection increasingly influenced medical thought. The notion of the

⁶³ See, for example, Spencer's *Social Statics*, p. 360.

⁶⁴ Bruce Haley, *The Healthy Body and Victorian Culture*, Cambridge, Mass., 1978, pp. 3-4.

healthy body was given prominence by developments in the study of physiology and physiological psychology as well as an interest in physical training as an essential part of personal culture. An influential publication for much of the century was Dr Andrew Combe's *Principles of Physiology, applied to the preservation of Health and to the development of physical education*, first published in 1834.⁶⁵ Combe stressed, amongst other things, the importance of skin condition and of maintaining an even body temperature. Throughout the period, a vast range of other guides to healthy living appeared, including one co-authored by Herbert in the 1890s.

The medical world responded to new physiological and anatomical knowledge by raising expectations of vastly improved treatment. The number of medical practitioners increased greatly early in the century along with an expansion in the number of hospitals. Significant progress was made in pharmacology and the identification, classification and description of diseases. Despite all of the developments and discoveries, however, there was little that medical professionals could do to cure disease, although important advances were made in pain relief. Infectious diseases such as typhus, typhoid, cholera, dysentery and tuberculosis chiefly caused adult mortality for most of the period. Experts were divided on their origin and they remained incurable. Outbreaks of contagion, such as cholera, prompted great public alarm. They did, however, equip sanitary reformers, notably Edwin Chadwick and Dr Southwood Smith, with effective weapons when submitting their cases before parliament.⁶⁶ Health reformers identified environmental causes of communicable disease and suggested probable means of prevention. They outlined how unsanitary conditions, in the larger towns or in denser areas of population, contributed to the rapid spread of contagion, especially in poorer areas where the population was less resistant. Their efforts prompted a parliamentary inquiry into town life and then to legislation setting up a central health authority with the powers to create local boards whose duty was to ensure new homes had

⁶⁵ Stella Mary Newton, *Health, Art & Reason: Dress Reformers of the 19th Century*, London, 1974, p. 20.

⁶⁶ Haley, *Healthy Body*, p. 8. A cholera outbreak coincided with the sanitary legislation of 1848.

adequate drainage and dependable water supplies. The boards were also authorised to regulate the disposal of wastes and to supervise the construction of burial grounds.

Although the central board was abolished in 1858, local authorities, following another cholera outbreak in 1865-6, were compelled to appoint sanitary inspectors and to provide water supply, sewers and refuse disposal. The general cleaning up of cities and towns markedly reduced deaths from typhus.⁶⁷ Such measures gained support also because it was considered that reducing sickness among working men would cause a corresponding drop in the cost of poor relief. The Local Government Board, established in 1870, expanded official control and inspection in the public health area. The Public Health Act 1875 granted local sanitary authorities wide mandatory and discretionary powers in matters of public health. In the 1880s and 1890s, preventive inoculation by state agencies was introduced to systematically control contagious diseases.

Enabling legislation of this type, however, did not go unchallenged. Although support for sanitary reform gained ground mid-century, an active strain of resistance flourished within Victorian sanitary discourse.⁶⁸ Some people opposed on principle the imposition of state regulation in matters of health and cleanliness, while others feared and distrusted the sanitary technology itself. The substitution, for instance, of a public drainage network for the private cesspool was perceived by some as an attack on domestic autonomy. Not only did the vast sanitary networks represent to them a loss of householder control but also the carriers of lethal dangers. Sewers, literally connecting wealthy districts to poor ones, were perceived to carry the diseases of the poor into 'respectable' homes. Householders also expressed particular concern at the threat of noxious sewer gas entering their dwellings through untrapped waste pipes.⁶⁹ Later, encouraged by the publication of various guides, householders began to take a

⁶⁷ It is now known typhus is transmitted by lice; see Haley, *Healthy Body*, p. 10.

⁶⁸ Michelle Allen suggests that the rhetoric of resistance has been 'underanalyzed'; see her paper 'From Cesspool to Sewer: Sanitary Reform and the Rhetoric of Resistance, 1848-1880, *Victorian Literature and Culture*, 30, 2002, pp. 383-402.

⁶⁹ In 1871, middle and upper class alarm arose when the Prince of Wales contacted typhoid fever, then linked to exposure to sewer emanations; *Ibid.*, p. 392.

participatory role in the process of waste removal. By undertaking such tasks as locating domestic drains and keeping them clear, they regained some of their lost autonomy.

Although the sewer gas scourge specifically affected the higher social groups, all classes faced the constant and real threat of illness for most of the century. Outbreaks of contagion intensified anxiety and emotional insecurity. Influenza, for instance, was commonly believed to signal the early stage of cholera. Many were prepared to see a moral significance in the laws of life. Spencer, for instance, attributed to these laws the sensations or natural guides that efficiently safeguarded health. Ignorance or disobedience of them, was ‘the habitual cause of bodily evils’.⁷⁰ The lingering threat of serious illness and the ineffectiveness of professional treatment, if affordable, drove people to seek alternative remedies in herbalists, apothecaries and homeopaths. Those who attempted to achieve mind-body harmony often embraced preventive measures such as special diets, regular exercise and wearing particular clothing. Ideas of health theorists, such as Dr Jaeger, a proponent of woollen clothing, enjoyed currency in later decades. ‘Dress reform’, especially for women, attracted a number of supporters among both sexes. Also popular were nature therapies, such as hydropathic spas, for those who had could afford them.⁷¹ Although many of the ideas on personal health and domestic hygiene were not new, they found a particularly enthusiastic reception in the reforming decade of the 1880s.

Ongoing public interest in health matters was such that several exhibitions addressing aspects of health were held from the 1870s. The first exhibition to deal exclusively with health was organised in 1883 by the National Health Society in London.⁷² The International Health Exhibition, the following year, also in London, was the most comprehensive public exposition devoted to most facets of health. Its purpose was to alert people in all walks of life to the importance of healthy living in all aspects of their lives. Displays demonstrated healthy

⁷⁰ Herbert Spencer, *Education: Intellectual, Moral and Physical*, London, 1884, p. 146. First published as essays appearing in various journals between 1854 and 1859.

⁷¹ Haley, *Healthy Body*, p. 16.

⁷² Newton, *Health, Art & Reason*, p. 89.

practice in the home, food, sanitation and dress.⁷³ Although the Exhibition was organised by private efforts, it is evident that the ruling powers expected that its various displays would convey clearly to the public that, although health questions were of primary importance to government policy, they also had a private duty of health care.⁷⁴ Public health might have become a powerful element in the comparatively new area of social development, but self-help in health matters remained a significant concept, if an increasingly contested one.

Contrasting Political Philosophies of Health

Throughout the century various thoughts were presented on hygiene, health and well being. Carlyle and Spencer were among those who formulated theories of health. Both thinkers defined health as organic wholeness and considered it vital to human existence. Carlyle, writing during the depression and unrest of the 1830s and early 1840s, regarded political and sanitary reform as companion activities. The poor state of human health, he attributed to the loss of human totality. Individuals had lost touch with their inner selves, or souls.⁷⁵ Utilitarianism had deprived humans of their higher nature, so they lacked the will to act. The human spirit required revitalisation but so did the social organism. Society's outward maladies such as ignorance, poverty and unrest were symptomatic of the unhealthy spirit of the age. While individuals could treat their bodies by improved hygiene, the nation must also undergo treatment to restore its physical health. To this end, he advocated factory legislation, the building of urban public parks, sanitary reform and improved ease of immigration. The

⁷³ Among other features was the vegetarian restaurant catering to the current popularity of vegetarianism among people with progressive views; *Ibid.*, pp. 102-103.

⁷⁴ Words to this effect were spoken by the Prince of Wales in 1883 when announcing the event; see *Ibid.*, pp. 90-91.

⁷⁵ On one occasion, Carlyle referred to the prevailing 'dyspepsia of society' reflecting spiritual sickness as much as physical derangement; see his essay 'Characteristics' in *Works*, H. D. Traill, ed., London, 1897-1904, 28, pp. 20-21.

past also offered inspiration for improving the future. Carlyle referred to life in thirteenth-century England as demonstrating the vitality of a healthy social organism.⁷⁶

Spencer, writing more than a decade later, formulated his notion of the social organism according to evolutionary theory, the basis of his philosophy. As outlined in Chapter One, he maintained that all organisms, including the social organism, evolve from the simple and homogenous state to the complex and heterogeneous state. Both the organism and its functions become better defined and more and more individuated. Parts of the organism, although distinct and separate, are mutually dependent. Only the unimpeded growth of these parts make the total healthy. Similarly, individuals in society could only develop as moral creatures individually and without restraint. This conclusion contrasted with Carlyle's theory in which only the growth of the total organism determined the growth of its parts. In Spencer's theory, there was also moral responsibility placed on individuals 'to be good animals' because physical energy fuelled mental capacity that achieved advancement.⁷⁷ Growth, however, had to be balanced and one capacity not developed at the expense of the other. Spencer stressed that the preservation of health was a duty and that breaches of health were physical sins. Because matters of health and cleanliness, he thought, were almost exclusively private, he became an outspoken opponent of sanitary reform and the 'universal supervision of private conduct' that it seemed to promise.

In *Social Statics*, Spencer explained that sanitary supervision by the state lacked political and moral justification. He conceded, however, that it was appropriate for the state to repress such 'nuisances' as atmospheric contamination.⁷⁸ Individuals who polluted their neighbours' air impeded the universal right to the free use of the elements and thus the freedom of action. Such trespass on rights called for official redress, but this was the limit to the state's function as protector. Therefore, all taxation for sanitation administration was

⁷⁶ See, for instance, 'St Edmundsbury' in Carlyle's *Past and Present*, Frederic Harrison, introd., London, 1897, pp. 65-68.

⁷⁷ Haley, *Healthy Body*, p. 90. See also Spencer, *Education*, p. 189.

⁷⁸ Spencer, *Social Statics*, pp. 406-407.

wrong because it exceeded the amount required for the effective defence of civil rights. Spencer's arguments on the subject included the point that if the state had a duty to protect consistently the health of its subjects, then to what limits did this extend? Did discharge of this duty include regulation on diet, exercise, hours of sleep, clothing and so on? If so, how were these regulations to be enforced? Also, why was state superintendence limited to bodily health and not moral or spiritual health? Spencer attacked the organisation of a tax-supported class 'charged with the health of men's bodies' and predicted that vested interests with political influence would ensure its continuance.⁷⁹ Spencer, and later Herbert, also strongly opposed medical professionals as having any sort of monopoly because it contradicted individual freedom. Herbert warned that unchallenged public experts generally became intellectually hidebound.⁸⁰ While experts were excellent advisers, they ought not to be authoritative judges, but should place their knowledge clearly before the public and explain their reasons for advising a certain course. Monopolies, whether professional or other, were usually fatal to efficiency. On the subject of official inefficiency, Spencer delivered a severe indictment of the Board of Health's failure to take any effective action during a cholera outbreak despite over a year's warning.⁸¹ This not only exemplified the state's assertion of illegitimate power but also showed that it could not perform the task that it had taken extra rights to carry out. Above all, state interference with individuals' health and sanitation had serious implications for human evolution because it threatened the balance of social organisation and its natural development. Humans, Spencer argued, had to acquire fitness for co-operative life in whatever sphere. This fitness comprised the development of human intellect and character combined with an 'amelioration of physical circumstances'.⁸² Artificial interference in the form of legislation upset the dual natural process of social improvement.

⁷⁹ Ibid., p. 410.

⁸⁰ Herbert, 'A Plea for Voluntaryism', p. 353.

⁸¹ Spencer, *Social Statics*, p. 424.

⁸² Ibid., pp. 426-428.

Herbert's Ideas on Health

Herbert, although broadly supporting this line, was much less dogmatic than Spencer on health and approached the subject largely as an activist of Voluntaryism rather than as a philosopher. His own lifestyle reinforced his position. An energetic and lifelong outdoors person, he frequently practiced what he preached to remain healthy and active.⁸³ He exercised regularly by walking, cycling, sailing and the odd game of cricket. His vegetarian diet, adopted in solidarity with animals, was taken up long before it became fashionable. At the same time, Herbert noted a degree of hypocrisy in people who condemned game hunters but commissioned others to kill animals for their consumption.⁸⁴ Vegetarianism to Spencer, however, entailed diminished energy to the body and mind.⁸⁵ Both thinkers agreed on the necessity for physical exercise, a requirement which Spencer, in the 1850s, thought most people appreciated to some extent. In matters of clothing, however, Herbert was by far more progressive. His 'leather suit' for travelling attracted much attention in Denmark in 1864. Later in life, he adopted the loose woollen clothing favoured by Jaeger's teaching. He travelled with his own woollen bedclothes, as did George Bernard Shaw. Finally, he insisted on the benefits of fresh air, sometimes sleeping outdoors. Herbert once likened pure air to liberty: 'it is the best freedom men have, and yet they take infinite pains to exclude it from their lives'.⁸⁶

Generally, to Herbert, public health did not represent policy formulated in Whitehall or legislation enacted in Westminster and then imposed on citizens. Preferably, it entailed people taking responsibility for their own health and then working with official agencies, as well as co-operating with one another, to improve their neighbourhoods. Ideally,

⁸³ In correspondence with George Bernard Shaw, Herbert agreed that Shaw was 'right to get your feet wet' walking in wet weather and that 'anything was better than being shut up all day'; Herbert to Shaw, 12 December 1900, Cockerell Papers, Add. 50513, fol. 232, British Library Manuscripts, London.

⁸⁴ *Free Life*, September 1899, p. 72.

⁸⁵ Spencer, *Education*, p. 143.

⁸⁶ Auberon Herbert, 'Gospel of the Open Window', in T. Thatcher, *Common Sense Health Reform*, London, 1899, p. 15.

government's role was as advisor not enforcer. The extensive powers granted to local authorities to regulate in sanitation and health matters he considered excessive, and often referred to the actions of these bodies as 'violent sanitary interferences'.⁸⁷ Herbert, and Spencer earlier, correctly identified the shift from the largely personal to the imposition of external control, through official policy, in the preservation of the public health. New restrictions on inhabitants' 'freedom of action', which included the heightened scrutiny of personal behaviours, increasingly characterised urban living.⁸⁸ Moreover, new urban technologies such as sewage, gas and water supplies required the consolidation, or at least cooperation, of local authorities. Herbert strongly and consistently opposed every attempt to make the idea of public safety override individual rights. The position he adopted on compulsory sanitary regulation and inspection did not mean that Herbert either discounted the corresponding health hazards, or supported no control. As he pointed out in *The Right and Wrong of Compulsion by the State*, offences against person and property were legitimate offences to be seriously addressed. In this respect, he referred to sewage draining into a neighbour's well exposing that person to illness.⁸⁹ Damage to personal property also interfered with a person's faculties because property is the result of that person exercising his or her faculties. Either way, the pollution is illegal and the situation must be remedied.

Herbert's call for the repeal of laws enforcing vaccination and those laws directing the compulsory removal of the sick became more controversial in light of contemporary gains made against the spread of contagion. His opposition to compulsory vaccination can be traced to his association with the Vigilance Association for the Defence of Personal Rights during the 1870s.⁹⁰ The issue came to be regarded in a similar way to the campaign to abolish state regulation of prostitution, also undertaken by the Vigilance Association. Those associated with this organisation argued that it was another example of class legislation and questionable

⁸⁷ For instance, see *Free Life*, February 1893, p. 219.

⁸⁸ Allen, 'From Cesspool to Sewer', p. 389.

⁸⁹ *RWCS*, p. 155.

⁹⁰ Edward Bristow, *Individualism versus Socialism in Britain, 1880-1914*, New York, 1987, pp. 69-71.

medical meddling. Only the well-off could afford to pay the fine for refusing to have their children vaccinated under the compulsory legislation enacted in 1867. Opposition to this unpopular measure, seen largely as a working class issue, crystallised around 1870 and spread rapidly through the north. Opponents saw the question as an example of impersonal and uncompromising governmental interference in individuals' daily lives.

Herbert regarded vaccination and the quarantine of individuals during outbreaks of infectious diseases as matters of personal conscience and consent, not as areas where state coercion should apply. Deliberate infection of others by a sick person or similar malicious acts would be grounds for state prosecution, but the harm might already be done. The compulsory vaccination of adults drew significant debate as to its efficacy as well as the trespass on individual liberty. However, the contemporary Individualist Sir Roland Wilson argued that infectious disease equated to a crime in that it potentially harms people.⁹¹ He thought that legislation requiring the compulsory notification and isolation of the diseased or those people suspected of being contaminated were appropriate as exceptional remedies and not an abuse of state power. Interestingly, the conscientious objector clauses, first legislated in 1898, for opponents of vaccination were liberalised in 1906 and made usable for the general public. This measure partly validated Herbert's arguments. Nowadays vaccination in the Western world, although generally thought desirable, tends to be regarded by authorities as a matter of personal consent.

Vaccination and sanitary regulations are two significant areas where the argument of public safety has mostly prevailed over individual rights. Numerous other 'public safety' measures have been introduced in Western societies since Herbert's day. Many of them relate to private transport; for instance, penalties for driving under the influence of alcohol or drugs, or the mandatory wearing of crash helmets for motorcyclists and bicyclists. In the twentieth century, Robert Nozick discussed solutions to overcome similar constraints on individual

⁹¹ Sir Roland Wilson, *The Province of the State*, London, 1911, p. 175.

action by examining the issues of prohibition, risk and compensation.⁹² He raised the following points. How is it decided which actions are to be prohibited and which to be permitted? If the actions most likely to be prohibited are those likely to cause the severest harm, then what about risky actions with a lower probability of harm but those that engender more fear? A manageable system of compensation might allow some potentially dangerous acts to proceed if the risks eventuate. The harm of death, as Nozick concedes, cannot be actually compensated, and not all people are in a position to compensate. As a general principle, however, his suggestion that some acts be permitted, provided that compensation is paid if risks eventuate, offers a practical solution in some individual and community situations. For instance, allowing an epileptic to drive may remove a serious travel disadvantage from that person without increasing harm to others. Communities suffering instances of pollution, for instance airport pollution, may seek compensation to lessen the effects of the problem, such as sound insulating nearby houses. If it is decided to allow the polluting activity to continue because its benefits outweigh its costs, then those who actually benefit should compensate those on whom the pollution costs are initially thrown. Citing the subject of pollution as one commonly held to indicate defects in the privateness of a system of private property, Nozick argues that the real problem of pollution is that high transaction costs make it difficult to *enforce* the private property rights of the victims of pollution.⁹³ Group law suits against polluters, he suggests, may offer one remedy. Recourse to the law was Herbert's solution to pollution problems but, like Nozick, he was aware of the expense and delay in seeking legal redress.⁹⁴

Despite Herbert's position on compulsory vaccination and quarantine, it would be wrong to infer that he was either dismissive of, or oblivious to, public health concerns generally. However, he would have redefined the concept of public health in favour of Voluntaryist, or self-help methods. During the 1890s, he collaborated with others to address

⁹² Robert Nozick, *Anarchy, State, and Utopia*, Oxford, 1974, pp. 54-84.

⁹³ *Ibid.*, p. 80.

⁹⁴ Herbert's views on the legal reform are discussed in Chapter Two.

the environmental health issue of inadequate ventilation in both private and public interiors. This approach was in line with the sort of preventive medicine increasingly favoured by some physicians. Their therapeutics were based on the right sort of air, water, food and sleep.⁹⁵ Unsurprisingly, Herbert's preferred cure was fresh air. He contributed to Harold Wager's book *Bad Air and Bad Health*, in 1894, and to a supplement entitled 'The Gospel of the Open Window' printed in T. Thatcher's *Common Sense Health Reform*, published in 1899.⁹⁶ These books scientifically described the problem of the harmful effects of stale or vitiated air and offered a number of straightforward remedies that could be applied by poor and rich alike.

Wager and Herbert attributed respiratory illnesses, such as bronchitis, to vitiated or deoxygenised air, but also regarded poor air-quality as a likely contributor to more subtle health problems including rheumatism, lumbago and neuralgia. They also concluded that highly infectious diseases, except measles, had a higher prevalence in England in January because most rooms were shut up in winter. Also, they cited evidence that treating soldiers in open air tents may have led to their speedier recovery.⁹⁷ Above all, they advocated regularly refreshing the air in domestic spaces, such as living rooms and bedrooms, by opening windows and securely fastening curtains and other impediments to air exchange.⁹⁸ Fresh air, Herbert later explained, may not be pure as country or sea air but even in the city defective street air was preferable to stale air.⁹⁹ Wager and Herbert advised: 'live as much as you can with open windows wearing whatever extra clothes are necessary'.¹⁰⁰ If this proved unbearable, windows could be left open while the room was empty. Children required large doses of fresh air and the elderly smaller doses. Bedding and clothes were also to be regularly aired, preferably outdoors.

⁹⁵ Haley, *Healthy Body*, p. 17.

⁹⁶ Harold Wager and Auberon Herbert, *Bad Air and Bad Health*, London, 1894, and T. Thatcher, *Common Sense Health Reform*, London, 1899.

⁹⁷ Wager and Herbert, *Bad Air*, p. 21.

⁹⁸ Heavy curtains and furnishings became unfashionable because it was thought they harboured dust and, therefore, germs; see Newtown, *Health, Art & Reason*, p. 111.

⁹⁹ Herbert, 'The Gospel of the Open Window', p. 12.

¹⁰⁰ Wager and Herbert, *Bad Air*, p. 47.

Public spaces, including hospitals, schools, hotels and train carriages, as well as domestic ones, needed to be adequately ventilated. As Herbert wrote, ‘it is a real crime to offer good music, or good oratory, or good food, or good anything else and to accompany it with large doses of poison’.¹⁰¹ Also, those people in sedentary occupations, he thought, ought to be mindful of the ill effects of continually breathing vitiated air.

The upper classes did not escape Herbert’s philosophy of good health and he chastised them for their unhealthy living. Writing of the contaminated air in the rooms of their grand houses, he pointed out that by not opening their windows sufficiently wide they frequently ‘poisoned’ their dinner guests.¹⁰² The observation emerged in a wider examination of social fashion. Critical of the meaningless, wasteful and unhealthy entertaining presently undertaken, he called for simpler lifestyles. This included hospitality of the home being confined to ‘simple and unpretending entertainment of intimate friends’.¹⁰³ A change in this direction, Herbert suggested, would indicate that a standard of ‘really frugal living, as regards the house, the servants, the things eaten and drunk’, might become possible.¹⁰⁴ Furthermore, Herbert, demonstrating a progressive’s frustration with useless rituals, also thought the time and effort invested in the institution of ‘calling’ would be better spent by taking the open air and exercise. Young ladies in London for the season would also be in better health if they went outdoors more often and breathed purer air. Spencer had already expressed similar notions about the need for schoolgirls to physically exercise as regularly as schoolboys.¹⁰⁵

Exercise, fresh air and sunlight were also recommended by Edward Carpenter, whose Simplification of Life philosophy similarly combined the personal with the political, including political economy.¹⁰⁶ Like Herbert a few years earlier, Carpenter expressed concern at the waste of resources, time and labour spent on what he regarded as living luxuriously.

¹⁰¹ Herbert, ‘Gospel of the Open Window’, p. 14.

¹⁰² ‘Under the Yolk of the Butterflies: Pt. I’, pp. 499-502.

¹⁰³ *Ibid.*, p. 496.

¹⁰⁴ *Ibid.*

¹⁰⁵ Spencer, *Education*, pp. 154-155.

¹⁰⁶ See, for instance, Edward Carpenter, *England’s Ideal and Other Papers on Social Subjects*, London, 1895, pp. 95-120. Further discussion of Carpenter’s and Herbert’s views on conspicuous consumption resumes in Chapter Six.

Pointing out that this mode of living was also very unhealthy, he advocated a simplification of diet, clothing and domestic furnishing. He took a similar approach to Herbert providing practical advice but often in more detail. For instance, his advice on diet specified which foods are most nourishing, the frequency of meals to be taken and ideal food preparation.¹⁰⁷ He was also more strident than Herbert on the harmful effects of eating meat as part of the staple diet. At the same time, Carpenter's ideas on clothing and domestic furnishing closely resembled Herbert's. Also an advocate of woollen clothing, Carpenter suggested that woollen coats would be warmer and generally healthier if worn without the usual additions of lining and stiffening materials. Like Herbert, he favoured loosely fitting woollen clothing that was washable. Going barefoot and wearing sandals, as the season and circumstances allowed, were other recommendations he made on health and economic grounds; the saving of darning labour being one of the latter!¹⁰⁸

The unhealthy atmosphere of many houses also drew Carpenter's attention. He criticised their cluttered and fussily furnished interiors that required much care. Worse, the fixed carpets and heavy furnishings created dust and stuffiness. Interior décor of this nature tempted housekeepers to keep out the air and sunlight, two things Carpenter noted as most vitally important. In words that might have been Herbert's, Carpenter added: 'I like a room which looks its best when the sun streams into it through wide open windows and doors'.¹⁰⁹ Although offering a personal philosophy of health, Carpenter was also concerned with the wider environment. In 1889, he began a campaign against air pollution in Sheffield, a thriving industrial centre.¹¹⁰

Breathing pure air, Wager and Herbert wrote around the same time as Carpenter, was only one of the factors in preserving a high standard of health. They also advised drinking pure water, taking regular exercise, ensuring personal hygiene and the avoidance of excessive

¹⁰⁷ Ibid., pp. 102-104.

¹⁰⁸ Ibid., 111-112.

¹⁰⁹ Ibid., p. 108.

¹¹⁰ Chushichi Tsuzuki, *Edward Carpenter 1844-1929: Prophet of Human Fellowship*, Cambridge, 1980, p. 83.

eating and drinking. These steps, some already in vogue, would ensure a better functioning of the human body's eliminatory and circulatory systems and would provide improved immunity against infection and disease.¹¹¹ A final recommendation of establishing a Fresh Air Society to promote their message did not eventuate because the authors were too busy on other projects.¹¹²

In a later article, Herbert emphasised the need for public education, not state regulation, on the best methods of promoting the general conditions of health.¹¹³ New perceptions and new habits were required. While the provision of public sanitary services was beneficial in the short term, he doubted whether these alone would achieve permanent good. Useful public services, such as a good water supply, gave a new margin of available 'health-power' to the community, when first introduced.¹¹⁴ Initially, they checked the preparation of disease. However, Herbert suggested that most people had a general tendency to live up to their 'health-margin' and personally neglected the condition of their health. Consequently, they became ill more easily and required greater 'health-power' to recover. State health measures could only do so much for human health. Herbert denied that the 'compulsory sanitarian' could make a world without disease.¹¹⁵ General improvement had to come from individual improvement and not the other way around. The solution, he thought, was to encourage individuals to adopt new ideas and habits regarding living healthily. His own health regime, rather than faddish, was a personal effort at self-regulation and illness prevention. In part, Herbert's ideas have been adopted. Most Western governments conduct various forms of public health education, most recently persuading people not to smoke tobacco. Usually, however, these official campaigns accompany regulations of some sort.

¹¹¹ Herbert seems to have had a modern understanding of immunity and the need to booster the human body's natural defences against the constant presence of germs. He also thought that the presence of infectious disease in the world acted as a safeguard to the general health. See his 'The Harvests of the Sands', *Humanitarian*, November 1897, p. 319.

¹¹² Harris, *Auberon Herbert*, p. 292.

¹¹³ Herbert, 'Harvests of the Sands', p. 320.

¹¹⁴ *Ibid.*, p. 321.

¹¹⁵ *Ibid.*, p. 318.

Herbert's philosophy of healthy living probably shows him at his most progressive, optimistic and less polemically negative. What better area to demonstrate the universal politics of Voluntaryism than in taking direct personal responsibility for improving your own health? Herbert, by his actions, proved an ideal advocate. His philosophy of a simpler healthier lifestyle was very similar to that later recommended by Carpenter. More significantly, Herbert recognised the idea of environmental and population health, but did not think that improvements in these areas could be successfully addressed by coercive, regulatory measures introduced in the name of 'public health'.

Conclusion

On the surface, Herbert's chief essays barely touch the subject of local government, although it is obvious that its expansion and compulsory powers worried him. Wider examination of his writing, however, reveals a highly interesting and sometimes entertaining insight into applied Voluntaryism, specifically in some areas of municipal management and in public health. His views on these subjects are distinctive and imaginative. They also contrast with his comments on the Poor Laws that appear to merely echo Spencer's. Yet, Herbert's views on poor relief are less vehement than Spencer's or Bosanquet's. Above all, examination of Herbert's thoughts on municipal management and public health reveals the way in which Voluntaryism combined self-responsibility and community co-operation among willing individuals.

CHAPTER FOUR

VOLUNTARYIST INTERNATIONALISM

Herbert's attitude towards foreign and imperial policy is best described by the terms 'non aggression', 'internationalism' and 'anti-jingoism'. His was not a popular position at a time when British imperialism entered a more aggressive phase, competing with European rivals and the United States to retain pre-eminence as a world power. This chapter argues that Herbert's ideas on foreign policy and imperialism were progressive and consistent with the core principles of Voluntarism: liberty, peace and friendliness. His staunch opposition to compulsion manifested itself in foreign affairs as internationalism based on peaceful co-operation and international arbitration, which anticipated later forums such as the League of Nations and the United Nations. Although he opposed jingoism, he supported true expressions of nationhood, whether in Egypt or Ireland. In keeping with his non-aggressive stance, generally he opposed the use of the armed forces as an instrument of imperialism or militarism. Instead, he emphasised the deployment of the army and navy primarily as self-defence forces based upon voluntary service. Herbert's thoughts on military reform, Ireland, and foreign and imperial affairs reflect a mixture of an informed commentator, political activist and philosopher.

British Foreign Policy

The subject of nineteenth century British foreign policy is vast and, as such, cannot be comprehensively discussed within a chapter. It is, however, possible to identify some major considerations that provided the historical and philosophical contexts of Herbert's ideas on the implications of Voluntarism. Victorian foreign policy, trade and empire were inextricably linked as they fundamentally concerned British interests. Britain consolidated its hegemony following the Napoleonic Wars by avoiding major costly and disruptive

Continental wars, and by escaping the internal instability that preoccupied other powers except Russia.¹ The United States, another potential rival, was preoccupied with the Civil War during the 1860s. Yet, Britain was ever mindful of maintaining the territorial ‘balance of power’ among the five great powers of Europe: Britain, Russia, Austria, Prussia and France, and of the threat of an alliance against it. By the 1870s, European events increasingly affected British foreign policy as its direct influence there waned. The unification of Germany and Italy rearranged the distribution of European power. The emergence of modern states initially brought greater internal stability to Western Europe and fostered industrial expansion, technological development and population growth. Germany, particularly, exemplified this trend. European nations began looking outward as Britain had done earlier. In addition, the United States was increasing its industrial might. For the remainder of the century, Britain faced much greater competition in the world for political prestige, imperial hegemony, and trade supremacy. Moreover, the new industrial states favoured protected trade rather than free trade.

Free Trade and Imperialism²

In earlier decades of the nineteenth century, Britain spread its significant commercial and financial interests worldwide.³ The dominant philosophy underpinning British expansion in the mid-Victorian period was one of free trade: the exchange of goods with foreign countries ‘free’ from all revenue tariffs. Exponents of free trade believed that open trade with other nations was the best means of achieving world peace. By adopting free trade practices, Britain was setting an example that other nations would follow. The notion that the building of

¹ Britain viewed minor wars differently as these often repaid the initial investments there; see K. Theodore Hoppen, *The Mid-Victorian Generation 1846-1886*, Oxford, 1998, p. 160. Britain escaped the liberal uprisings of 1830 and 1848 that occurred in much of Europe. The Chartist unrest of 1848 never posed a similar threat.

² The word ‘imperialism’, meaning a concept of power and influence, entered English political language in the 1840s to describe potentially aggressive French foreign policy. In the 1870s, it was applied to the unpopular and aggressive aspects of Disraeli’s foreign policy. Late in that decade, however, ‘imperialism’ was redefined to represent more benign values; see Robert Johnson, *British Imperialism*, Basingstoke, 2003, pp. 2-3.

³ Around 1860, British commerce generated about a quarter of the world’s trade, a figure twice that of France, the next most important trading nation; see Hoppen, *Mid-Victorian Generation*, p. 156.

commercial bridges between nations had a civilising and enlightening effect was widely supported by contemporary Britons.⁴ As free trade contained a moral dimension as well as a materialist one, it was regarded as the duty of British statesmen to protect and expand international trade for mutual benefit and not just for Britain. Commercial enterprise should drive overseas expansion but this did not exclude all state involvement. Although commercial treaties negotiated from the 1860s onwards indicated greater official involvement and a shift from unilateral free trade, free commercial exchange remained the underlying goal of successive governments.⁵ British free trade policy, with modifications, persisted well into the twentieth century despite vigorous efforts by critics to replace it by various forms of protection. Internationally, however, the trend towards free trade met reversals in Europe and the United States, partly due to the economic depression of the 1870s. Also, European militarism and expanding imperialism required large increases in state revenue, part of which was obtained from tariffs. Britain, uniquely, declined to return to protection.

For much of the century, 'free trade' backed by political and naval power had given Britain international dominance, although the extent to which free trade was consciously deployed as a tool to achieve this has been debated.⁶ Evidence strongly suggests that Britain wanted other nations to adopt free trade practices partly because it benefited international relations. Some of the strongest protectionist arguments, however, came from British colonies and not from foreign countries. Even so, the empire, particularly in Asia and Africa, offered the most accessible openings for free trade from the 1880s. But given Britain's stronger bargaining position, this did not necessarily mean equality of trade. Meanwhile, although free trade continued to be linked with overseas expansion, the nature of imperialism changed.

⁴ Bernard Porter, *The Lion's Share: A Short History of British Imperialism 1850-1995*, London, 3rd edn, 1996, p. 6.

⁵ Anthony Howe, *Free Trade and Liberal England 1846-1946*, Oxford, 1997.

⁶ Howe, *Free Trade and Liberal England*, p. 22.

The Changing Nature of Imperialism

The subject of British imperialism remains contentious and its historiography has been described as ‘tortured’.⁷ Several competing theories account for the motives behind the acquisition of empire. Other historians, however, conclude that there was never one monolithic idea or process at work, and that the British Empire continuously evolved in a incoherent, even contradictory, manner.⁸ Territories were acquired at various stages, in various regions and for various reasons: strategic, economic, political, and cultural plus a combination of the above. Yet, most sources agree that, between the middle and late nineteenth century, attitudes to imperialism changed. The spread of mid-Victorian commerce, financial investment and influence abroad, without incurring the expense and responsibility of colonial sovereignty, has often been referred to as the ‘imperialism of free trade’ or ‘informal empire’, in comparison to the annexations that occurred under the ‘New’ Imperialism of the 1880s and 1890s.⁹ While there is agreement that more territories were annexed in the later period, there is no consensus on the motives for the rapid extension of formal control.¹⁰

Throughout the entire period, the established ‘Retrenchment’ policy endured with politicians ever mindful of spending taxpayers’ money on colonial or imperial affairs. Existing colonies had to be self-supporting financially and pay for their own administrations, particularly the ‘white’ colonies. These territories, in Canada, Australia, New Zealand, South Africa and the West Indies, were cautiously granted self-government, although Britain retained responsibility for external defence.

⁷ Johnson, *British Imperialism*, p. 2. The number and nature of competing theories has been identified as posing ‘an unprecedented challenge, or threat, to Imperial history; see Stephen Howe, ‘The Slow Death and Strange Rebirths of Imperial History’, *Journal of Imperial and Commonwealth History*, 29, 2001, p. 133.

⁸ For instance, see Johnson, *British Imperialism*, p. xii.

⁹ Robinson and Gallagher warn against making too rigid a distinction between ‘formal’ and ‘real’ influence and authority, and stress there are different and often more effective kinds of control by one nation over another than military takeover; see Ronald Robinson, John Gallagher, with Alice Denny, *Africa and the Victorians: The Official Mind of Imperialism*, London, 2nd edn, 1981, p. xv. Recent research, however, has voiced doubts concerning the extent and effects of Informal Empire; see Johnson, *British Imperialism*, p. 6.

¹⁰ Johnson, *British Imperialism*, p. 39.

India, in contrast, was placed under direct imperial rule following the Indian Mutiny of 1857-58. The Indian Empire was extremely important to Britain economically and strategically.¹¹ More significantly, India was a power base for trade with South East Asia and the Far East. Strategic protection of the sea routes to India, some historians claim, provided the chief justification for Britain's occupation of Egypt and intervention in southern Africa against Transvaal independence.¹² They also attribute the seizure of Egypt, in 1882, as the catalyst for the 'Scramble for Africa', whereby the European powers divided up African territories among them. Other historians, however, reject this interpretation arguing instead, for instance, that economic forces and political decisions emanating in Britain chiefly explain these interventions.¹³

Before the 1880s, there was little European colonial rivalry for reasons mentioned above. When this situation changed it affected the nature of British Imperialism. Britain became more defensive towards the existing empire and also more willing to acquire new territories. Many of the justifications for further acquisitions were made on grounds of 'self-defence' that Britain was protecting her interests or had to take pre-emptive action ahead of European rivals. The reality, as critics like Herbert publicly pointed out, was British aggression against a number of countries and peoples, particularly in Africa. Even so, few territories were seized outright, to limit expenditure and administrative responsibility, and these became either 'protectorates' or 'spheres of influence'.¹⁴ Before 1900, little was done to administer and develop these areas.

¹¹ By the 1880s, Britain had nearly one fifth of its entire overseas investments in India. India became a valuable exporter and importer taking about nineteen per cent of total British exports; see Robinson, *Africa and the Victorians*, p. 11.

¹² *Ibid.*, p. 12.

¹³ Leading exponents of the 'metropolitan' interpretation of 'New Imperialism' are P. J. Cain and A. G. Hopkins who attribute the development of the empire to metropolitan financial and political elites seeking to protect their commercial interests in a system of 'Gentlemanly Capitalism'. Their theory, however, has been challenged by a number of historians. For an overview of the main historical approaches to the subject and major critiques; see Johnson, *British Imperialism*, pp. 39-58.

¹⁴ In the 1880s only British Bechuanaland was annexed outright and could be strictly called a 'colony'; Porter, *The Lion's Share*, p. 113.

Although the leaders of Conservative and Liberal administrations professed to have different approaches to Empire, there was actually a great deal of continuity. Assumptions of British power and influence in the world underpinned foreign and imperial policy. Thus, no statesman was ever serious about dismantling the empire.¹⁵ By the 1880s, however, the climate of the time meant that the politics, morality and economics of imperialism became a subject of vigorous debate. Contemporary British thinkers expressed divergent views on the Empire, a subject which dominated foreign policy. Political parties contained both supporters and opponents of Imperialism. Fabian Socialists, for instance, became divided on the subject, although the imperialists among them differed essentially from, say, imperialists in the Conservative Party. Generally, critics of empire were in a minority.

Herbert's Internationalism

Herbert, an internationalist rather than an imperialist, strongly opposed the aggressiveness of British expansion abroad and became one of the staunchest critics of late Victorian British foreign and imperial policy. His views, expressed as a political philosopher and peace activist, were formulated over a number of years. Beginning as a young man with an active interest in foreign affairs, Herbert became increasingly well informed on the subject. Evidence shows that he frequently studied parliamentary reports published in the Blue-books. An early peace activist, he joined a group of eminent persons convening a national conference on the Eastern Question discussing Britain's position in relation to Turkey and Russia, then in conflict in the Balkans.¹⁶ He also travelled extensively: in Western, Central and Eastern Europe, Scandinavia, North America, India, and in regions of Africa. Much later in life, his archaeological interests took him to parts of North Africa, including Egypt, then a British

¹⁵ It is argued that Gladstone's and Lord Granville's supposed efforts to dismantle the empire in 1869-70 were vigorous efforts to revive the flagging idea of retrenchment; see Hoppen, *Mid-Victorian Generation*, p. 225.

¹⁶ Herbert also joined a monitoring body, the Eastern Question Association, for which William Morris was treasurer; see Richard Millman, *Britain and the Eastern Question, 1875-1878*, Oxford, 1979, pp. 233-237.

protectorate. Herbert's cosmopolitanism found expression in an optimistic internationalism, which was strongly opposed to war. At the same time, his internationalism, although concerned with the larger human condition, did not strictly seek to overturn constitutions or dissolve geographical boundaries. Instead, it encouraged peaceful and friendly co-operation among nations and arbitration, if need be. Nevertheless, it was a position at variance with the majority contemporary view. The progressiveness of Herbert's outlook and the distinctive way in which he expressed it warrant closer examination.

During the second Boer War (1899-1901), Herbert professed to being 'a peace-fanatic' conceding that it was a minority position.¹⁷ In a letter to William Gladstone's daughter Mary, he wrote: 'we peace-people are today a very small despised remnant' but he also thought that, in time, this would change: 'we are not forever going to march in Chamberlain's army'.¹⁸ His strong opposition to the Boer War resulted in Herbert and the Positivist reformer Frederic Harrison writing an open letter, subsequently published, to the Prime Minister, Lord Salisbury.¹⁹ Although he was not a pacifist, Herbert believed war to be a 'horrible solution' to resolving conflicts, internal or international. Furthermore, aggression was morally wrong. Most wars, he thought, were avoidable if nations pursued a policy of peace and friendship rather than one of belligerence and enmity. For the sake of greater humanity, disputes must be resolved by negotiation. Military action must not be the first resort. Herbert submitted his philosophy as a method of analysing the present militarism and rivalry between the great powers, and as an alternative approach to conducting international and imperial affairs.

Philosophically, Herbert argued that the way to international peace and world progress lay in applying the principles of Voluntarism, primarily the renunciation of force, except that

¹⁷ Herbert stated this when urging Britain not to embark on war over the Transvaal; see *Times*, 19 September 1899, p. 6. *Free Life* extensively discussed the second Boer War, with the entire November 1899 issue devoted to it.

¹⁸ In 1900, Herbert replied to Mary Drew who had commended an article of his on the Boer War; see Herbert to Drew, 11 March 1900, Mary Gladstone Papers, XXXIV, Add.46252, fol. 8, British Library Manuscripts Collection, London.

¹⁹ See Frederic Harrison and Auberon Herbert, *Two Open Letters to Lord Salisbury on the Iniquity of a War Against the Transvaal*, London, 1899.

employed in repulsing aggression. Essentially, the solution began at home with the ideal of a 'nation at peace with itself'.²⁰ It entailed instituting the system of Voluntaryism, which stressed the value of each citizen's conscience, will, and self-direction within a wider common respect, to bring about such an attitudinal shift that there would be little interest in fuelling local quarrels, let alone embroiling the nation in warfare abroad. A nation that cherished individual liberty and renounced aggression was far less likely to be a belligerent one. There would be little incentive, therefore, for politicians to adopt jingoistic positions hoping to carry popular sentiment with them. Moreover, energies within the country would focus on exploring multi-various forms of co-operative industrial and social development with little room for the old political rivalries and quests for power. But above all, strictly limiting the authority of government, Herbert believed, was the vital measure to ensure the nation did not embark on unnecessary or illegitimate wars, as currently. If governments did not possess the power, either to tax or conscript, they could not so readily wage war. The notable exception would be a defensive conflict. Also, Voluntaryism meant that government would not be able to declare war without a plebiscite. Consequently, the incidence of warfare would markedly decrease. Herbert hoped that Britain's libertarian tradition might bring about this transforming ethos and that it would be an example to other nations, more specifically western ones. If other countries followed suit then

the great causes of strife and hatred would pass away. Perfect free trade and friendly cooperation would satisfy all wants, and the world would at last begin to fulfil its destiny—as the free and peaceful meeting place of all opinions, all desires and all energies.²¹

This statement reflects the sentiments expressed earlier in the century by leading exponents of free trade and internationalism, Richard Cobden and John Bright of the Manchester School. Both thinkers believed that open trade with other nations was the best means of achieving

²⁰ 'Principles of Voluntaryism', p. 378.

²¹ Ibid., p. 379.

world peace. The slogan 'Free trade, peace and goodwill' encapsulated this philosophy.²² Cobden spoke of the 'mighty principle' of free trade as having the power to act upon the moral world as the principle of gravitation in the universe, 'drawing men together, thrusting aside the antagonism of race, and creed, and language, and uniting us in the bonds of eternal peace'.²³ Free trade broke down the barriers that separated nations and fostered greater cultural understanding. Countries that traded among one another were less likely to engage in warfare. For this reason, Cobden believed that a system of international free exchange entailed much more than pecuniary interest and would one day transform the world for the better by replacing the motive for 'large and mighty empires' and 'gigantic armies and great navies' with their materials of destruction. Ultimately, humankind would become one family.

This aspiration incorporated Cobden's early and more radical vision of free trade's role in international relations as inspired by Britain's example.²⁴ International trade involving free exchange among peoples would replace traditional aristocratic diplomacy and would provide the basis for a pacific world order. Commerce, along with culture, represented an important means of communication between peoples. In addition, Cobden believed in the democratic potential of free trade to liberate the peoples of Europe from aristocratic and protectionist control. Ideally, he envisaged a Europe without states, a wide area of municipalities within an international division of labour. Cobden, however, reassessed his cosmopolitan world view due to the outbreak of war in the 1850s.²⁵ He accepted the necessity of relations between nation states based on sovereign peoples. His recognition of national interests, once the realm of protectionists, became part of Cobden's ideal liberal international order based on the self-interests of nations. Commercial treaties, to him, represented 'peace bonds between nations' rather than pacts between rulers. Moreover, as these agreements were free trade treaties, they would continue to encourage political progress in Europe.

²² Howe, *Free Trade and Liberal England*, p. 112.

²³ Speech made in Manchester in 1846; see Richard Cobden, *Speeches on Questions of Public Policy*, John Bright and James E. Thorold Rogers, eds, London, 1878, p. 187.

²⁴ Howe, *Free Trade and Liberal England*, pp. 71-72.

²⁵ *Ibid.*, p. 91.

For Herbert, as for Cobden, free trade represented a significant method of promoting international peace and goodwill that transcended purely material considerations. Usually, these are the aspects of free trade he stressed rather than the economic ones. Herbert's internationalism reflects more of an early Cobdenite position. However, his comments on current events, which express a firm commitment to peace and recognition of national sovereignty, are closer to Cobden's later views. Unsurprisingly, Herbert never considered Cobden's theory of free trade, international relations and the democratic state to be compatible with the notion of greater state intervention in welfare and distribution promoted by the New Liberals.²⁶

Other contemporaries rejected free trade outright. Joseph Chamberlain, an imperialist and protectionist, believed that Britain's free trade policy endangered the continued union of the Empire. Stating that 'if Imperial trade declines we decline', he urged that Britain adopt similar protectionist trade policies to those of Canada and Australasia.²⁷ In 1896, he outlined a proposal for a customs union, a British 'Imperial Zollverein' that would prefer and promote colonial trade over foreign trade. Although Chamberlain's motives were partly to protect British manufacturers against protectionist foreign competitors, he also believed that a tariff system would make the Empire more powerful and a greater influence for good. Unlike Chamberlain's belief that free trade threatened imperial unity, Herbert's opinion was that free trade was universally beneficial, including to the empire. Free trade was 'another great world trust' placed in British hands, and its liberating light had to be tended religiously.²⁸ However, free trade alone was insufficient.

Herbert thought that Cobden did not allow sufficiently for 'all the reactionary influences' that would impede the path of free trade practices internally and externally. Only by thoroughly adopting the principles of International Voluntaryism, would lasting peaceful

²⁶ Further discussion of free trade within a domestic context appears in Chapter Six.

²⁷ Chamberlain's speech to Unionists in West Birmingham in 1903: see Joseph Chamberlain, *Mr Chamberlain's Speeches*, Charles W. Boyd, ed., London, 1914, 2, p. 148.

²⁸ 'Plea for Voluntaryism', p. 359.

co-operation come about. By the time he referred to the notion of Voluntaryism on an international scale, he included criticism of those European governments which ‘founded on unlimited force have become the gravest danger of civilisation’.²⁹ Presumably, he meant Germany, Austria-Hungary and Russia. The authoritarian regimes of these countries, according to Herbert, built up great machines of government that disadvantaged all but the few. They employed unlimited force to impose crushing taxation, to accumulate ever-growing armies and fleets, and instituted military conscription. Not only did they encourage internal divisions and rivalries but also quarrelled belligerently and intrigued with other governments so that ‘the explosion of war’ was increasingly likely. Herbert thought that this situation urgently required an ethical change: from the ‘ethics of killing’ to the ‘ethics of friendliness, free trade and international co-operation’.³⁰

A few years earlier, Herbert, in publicising *Free Life*, denounced all forms of war as ‘mere survivals of barbarism’, and as ‘mere outbursts of senselessness’, and prescribed an end to international war by agitating widespread opposition to the underlying coercion it involved.³¹ He pointed out that the military systems of Europe, so fatal to happiness and so productive of evil, depended upon a false national cohesion driving all citizens along the same path, although some did not desire to go in that particular direction. Compulsion, particularly in the form of compulsory taxation, enabled this to happen. Herbert claimed that once the right of the individual to give or withhold his war-tax was conceded the militaristic states would gradually collapse of themselves.

Herbert’s words on the barbarity and futility of war echoed those of Spencer, who grew concerned at the imperialistic and militaristic currents dominant in foreign policy and public opinion. This social trend, according to Spencer’s evolutionary theory, represented an alarming retrogression to an earlier militant form of social organisation characterised by despotism and barbarism, and which starkly contrasted to the more advanced industrialism

²⁹ Herbert, *International Voluntaryism*, p. 4. This was published in 1898 (see Chapter One)

³⁰ For Herbert’s use of this expression see *Times*, 23 May 1899, p. 6.

³¹ Auberon Herbert, *Windfall and Waterdrift*, London, 1894.

with a freer form of government. Furthermore, the latter was accompanied by more just and humane beliefs and sentiments conducive to greater happiness. Spencer attempted to counter this return to militant activities, to check the 'aggressive tendencies displayed by us all over the world', by breaking a personal resolution to refrain from active participation in politics.³² In 1881, he co-founded the short-lived Anti-Aggression League. By its adoption of the principle of non-aggression, he hoped the organisation would provide a more effective propaganda vehicle than the largely ineffective Peace Society that espoused pacifism.

Spencer and Anti-Aggression League members stated that foreign and colonial policy was often found at variance with English public opinion because it was formulated in an unrepresentative manner.³³ This criticism resembles Cobden's dislike of aristocratic diplomacy. League members claimed that official policy was chiefly decided by a small but cohesive upper class elite, concentrated in London, and who formed a large proportion of the legislature. In contrast, those with opposing views, although larger in number, were diffuse, often provincial and unorganised. Their voice, largely in favour of peaceful dealings with other nations, found public expression in a range of journals but was without a common utterance, and so had little influence in London. Consequently, the real will of the nation was not being manifested in determining external policy. The League's recommendations included better public access to official information in order to more closely scrutinise government proceedings and decisions. It sought greater control of parliament over the executive in international and colonial transactions and closer control of British agents abroad. Also, it urged the government to qualify the use of force in defence of every British subject, 'withersoever he might choose to wander'.³⁴ Thoughtless expeditions later requiring the assistance of British troops were to be discouraged. A final object supported the furtherance of international arbitration.

³² Herbert Spencer, *An Autobiography*, London, 1904, 2, p. 375.

³³ Report of speeches made at an Anti-Aggression League meeting; see *Times*, 23 February 1882, p. 5. Herbert was not directly involved in the League's activities because of the fatal illness of his elder son.

³⁴ *Ibid.*

Herbert, formulating his philosophy about the same time, supported the principle of international agreement in distinct and defined cases, but stated that there was to be ‘no wholesale placing of our national judgement and action in the hands of unknown keepers’, something which also troubled the Anti-Aggression League.³⁵ Although he cautioned against a select few deciding foreign policy, Herbert always strongly favoured international arbitration as a means of preventing war. He urged that some form of European tribunal judge Poland’s rebellion against Russia in 1863.³⁶ In the early 1870s, he had called for international arbitration in the Franco-Prussian War and regretted that England did not press more strongly to act with other European nations to bring about reconciliation.³⁷ In later decades, he offered a ‘safety-valve’ for situations in which arbitration otherwise failed to prevent hostilities. In 1899, he called on the Peace Conference, between British and Transvaal representatives, to agree that no declaration of war take practical effect until three months had passed, a period which would allow peaceful influences to be felt.³⁸ Nations, he observed, had too often yielded fatally to the heat of the moment and had precipitated wars. If provided with time to reflect, then they might reconsider embarking on armed conflict. Although his proposal arose specifically in relation to the second Boer War, it had universal application. The suggestion, while it may have been overly optimistic or idealistic, clearly demonstrated Herbert’s commitment to peace, whether within the Empire or internationally. It also gives a distinctiveness to his support of mediation in cases of international conflict that otherwise resembled the position of early Liberals, such as Cobden and later Gladstone, who, influenced by Cobden, upheld the Concert of Europe, a mechanism for regularly discussing European problems. Herbert, therefore, must be placed firmly within the movement for international

³⁵ *RWCS*, p. 174.

³⁶ For Herbert’s article on the Polish Question; see *The Press*, June 27 1863.

³⁷ For instance, see Herbert’s contribution to the parliamentary debate on France and Germany in February 1871. He presented a motion recommending joint action by the neutral powers to obtain moderate peace terms but later withdrew it on the urging of Gladstone, who stated that the belligerents had indicated they did not want such intervention; *Hansard*, CCIV, 17 February 1871, cols. 387-396.

³⁸ For Herbert’s letter on the Peace Conference; see *Times*, 23 May 1899, p. 6.

arbitration, which anticipated later forums such as the League of Nations and the United Nations.

International co-operation and free trade also required individual countries to act peacefully. Herbert recommended that Britain adopt a strictly non-aggressive policy abroad, one that assumed British interests not be placed before the rights of any people, even though the age tended towards armed expansion. With this in mind, he advocated even stricter control on the executive's ability to undertake foreign expansion by advocating voluntary taxation. Herbert conceded that the government was the appropriate agent to conduct international affairs. At the same time, he declared that Voluntaryists would withhold from it its 'present most dangerous powers' of declaring war, or of making alliances and treaties; these only could be undertaken following general approval gained by public referenda.³⁹

The difficulty faced by ordinary people, especially the working classes, in presenting an alternative voice also deeply concerned Herbert because it directly related to the freedom of self-determination. The principle remained the same whether it related to matters concerning labour, property or foreign policy. Earlier, in 1878, he protested in a letter to the *Times* that a demonstration in Hyde Park supporting peace and opposing Britain's departure from neutrality against Russia had been violently interrupted by pro-war supporters.⁴⁰ Herbert pointed out that meeting in a public park was one of the few affordable means whereby London workmen could express their political opinions. However, when legitimately exercising the freedoms of assembly and speech, they had been subjected to the sort of intimidation and force that their opponents had objected to concerning Russian repression in the Balkans.⁴¹

The Hyde Park demonstration co-organised by Herbert was also protesting at the growing climate of jingoism, or the manifestation of exaggerated public patriotism that began

³⁹ 'Principles of Voluntaryism', p. 376.

⁴⁰ *Times*, 26 February 1878, p. 11.

⁴¹ *Ibid.*

in the 1870s but eventually subsided.⁴² Jingoism in support of empire for its own sake broke out again in the 1880s and the late 1890s. Outbreaks of this type of imperial sentiment alarmed many Radicals, Herbert among them, because it entailed more than the ‘mafficking’ and flag waving celebrated in popular contemporary culture. Underneath, jingoism represented a perverted sort of patriotism that asserted racial superiority, worshipped power and glorified war and aggression.⁴³ These were all traits that Voluntaryism sought to overcome. Although, it is said that the Radicals’ anti-imperialism was directed more against jingoism at home than imperialism in Africa, Herbert, like Spencer, took a wider view.⁴⁴ All manifestations of aggression, whether threatened or real, were morally wrong and harmful to human progress. Spencer, particularly, was condemnatory of the evils inflicted on ‘aboriginal peoples’ of countries conquered under western government colonization.⁴⁵ Herbert, although much less expansive on the subject, indicated similar sentiments. As late as 1901, in a letter to the *Times*, he denounced the violent and lawless conduct of allied occupying troops, including British troops, against the Chinese people.⁴⁶

On foreign and imperial policy generally, Herbert maintained consistency. His final position was that Britain, while maintaining its duty to protect the countries already connected to it, should proceed to settle peacefully all the unsettled external questions. He also thought it should narrow its responsibilities by ceasing to acquire territorial influence in the current manner. Most significantly, he stated that Britain was to ‘resolutely give up an aggressive and grasping policy’.⁴⁷ Instead, the nation was to seek to establish international friendly agreements on all questions in dispute. This had been his position regarding the Balkans in the 1870s and over Egypt in the early 1880s. Non-aggression, peaceful resolution and close co-

⁴² Porter, *Lion’s Share*, p. 63, 115.

⁴³ Bernard Porter, *Critics of Empire: British Radical Attitudes to Colonialism in Africa 1895-1914*, London, 1968, pp. 36-40.

⁴⁴ Porter, *Critics of Empire*, pp. 89-91.

⁴⁵ Spencer, *Social Statics*, pp. 328-330.

⁴⁶ *Times*, 2 February 1901, p. 12.

⁴⁷ ‘Principles of Voluntaryism’, p. 361.

operation were also crucial elements in Herbert's thoughts on the British Empire and its future.

Although an internationalist, Herbert was not an anti-imperialist in the sense that he advocated the immediate dissolution of the Empire as did the members of the Little Englander movement who gave little thought to the future of colonial rule, or those Cobdenites who believed imperialism was fatal to internationalism.⁴⁸ His views also differ in emphasis from those of Spencer, who, writing mid-century, opposed government colonization on the grounds that it breached state duty, which was primarily to administer a proper justice system at home.⁴⁹ Committing additional expenditure on colonial administration and defence was unjustifiable. Moreover, Spencer found most governing arrangements unsatisfactory because they broke the law of equal freedom.⁵⁰ J. S. Mill, in contrast, saw the relationship between Britain and the colonies as a step towards universal peace, and general friendly co-operation among nations.⁵¹ For this reason, he thought there were strong reasons for maintaining the 'present slight bond of connexion' provided all parties consented. It also reduced the likelihood of war among a large number of otherwise independent communities, as well as preventing any of them from absorption into a foreign state. Herbert also acknowledged the human worth of empire and stated that it might be an instrument of 'help and usefulness and friendliness' for the whole world.⁵² Like free trade, he referred to it as 'a great world trust placed in our hands' and as such must be interpreted in neither a selfish and narrow nor in boastful or vainglorious spirit.⁵³

Unlike many of his contemporaries, however, Herbert put little emphasis on racial superiority in the empire. Sir Charles Dilke, a leading imperialist, considered the Anglo-Saxon origins of Britain and the dominions important in maintaining a leading role for the

⁴⁸ Porter, *Critics of Empire*, p. 2. See also Howe, *Free Trade and Liberal England*, p. 213.

⁴⁹ Spencer, *Social Statics*, pp. 390-392.

⁵⁰ For instance, colonial government transgressed the rights of colonialists because they were dictated to by authorities sent out from the parent country; *Ibid.*, p. 391.

⁵¹ Mill, *On Representative Government*, in *CW*, XXVIII, p. 565.

⁵² 'Plea for Voluntaryism', pp. 353-354.

⁵³ *Ibid.*, p. 353.

British Empire in future world politics.⁵⁴ The United States, with its significant Anglo-Saxon population, would also be prominent, although Dilke regarded these particular peoples in both countries as ‘essentially one’.⁵⁵ Importantly, too, Dilke believed the Empire to be mutually beneficial because it stimulated the energy of the English people and also because it prevented the ‘growth of a hopeless provincialism in the colonies themselves’.⁵⁶ Herbert, an exponent of friendliness and international goodwill, would likely have agreed.

In contrast to Dilke, however, Herbert focussed on the British national character in terms of the tradition of liberty fostered among its people, rather than its racial superiority or the political or military power it had constructed. In 1879 he stated: ‘England’s greatness depends on her sympathy with liberty, upon her preferring rights of others to her own selfish interests, upon her love of peace, her hatred of unjust war, her frank and open speech, her unflinching allegiance to truth’.⁵⁷ Any further advancement of that liberty indicated a progressive people, who wished to live in harmony with other nations. Herbert never viewed the Empire in terms of conflict or competition, unlike Chamberlain whose object, after securing the strength and prosperity of the United Kingdom, sought to create an Empire ‘such as the world has never seen’.⁵⁸ Chamberlain expressed his ideal of Empire in terms of commercial and political struggle against foreign nations, along with the importance of consolidating the British race. This was not Herbert’s vision.

Herbert’s empire of the future was to be greatly different, built on peace and friendship and not on military might. In other words, it was to be strongly internationalist. Its members would enjoy ‘equal generous rights, with no privileges reserved for any of us’.⁵⁹ This statement appears to indicate some form of what nowadays would be regarded as cultural imperialism, in the sense that Herbert implied that non-western countries would readily

⁵⁴ He also considered Russia the other growing power; see Sir Charles Wentworth Dilke, *Problems of Greater Britain*, London, 1890, pp. 2-3.

⁵⁵ *Ibid.*, p. 3.

⁵⁶ Dilke, *Problems of Greater Britain*, p. 697.

⁵⁷ *Nottingham and Counties Daily Express*, 17 March 1879, p. 3.

⁵⁸ Chamberlain, *Mr Chamberlain’s Speeches*, 2, p. 143.

⁵⁹ ‘Plea for Voluntaryism’, p. 354.

embrace western liberal values at the expense of jettisoning their own. This inference, however, has little validity. Herbert also stated that each of the countries linked to Britain should be able to fairly decide whether to continue their ties with it or to be independent. In some instances, this might result in a closer drawing together of Britain and the colonies for the purposes of foreign policy and defence.⁶⁰ If so, Britain should loyally and vigorously discharge its obligations or renounce them frankly. Furthermore, if confederation were proposed, then it should be constructed on such principles that any colony may withdraw from it in the future. Two additional factors must also be considered here. Herbert was suggesting a scenario within the context of Voluntaryism that eschewed force but, admittedly, not influence. Also, those countries that agreed to closer union would naturally share some common systems of administration. Given his support for national self-determination, it is highly doubtful whether Herbert intended there to be British or western cultural dominance as it existed in the late nineteenth century.

Nationalism

Nationalism transformed Europe after the mid-nineteenth century and emergent nationalism, already demonstrated in India, impinged on late-Victorian imperialism. In 1880, the Transvaal republic in southern Africa rebelled against annexation as a precursor to confederation similar to that successfully achieved by the British in Canada. Consequently, Transvaal was given back its independence in 1881. The following year, Egyptian nationalists protested violently against the level of debt repayment insisted upon by foreign creditors. Egypt, once controlled by Turkey's Ottoman Empire, had more recently been under the dual control of France and Britain. France, however, decided not to intervene further and also opposed any reassertion by Turkey of the control it once had. More extreme rebellion in Egypt persuaded Britain to invade and make it a British protectorate. Nationalist struggles also came much closer to

⁶⁰ *RWCS*, p. 174.

home. When dissension in Ireland re-erupted in the 1880s, politicians were divided over whether to address the problem as a domestic one, concerned primarily with agrarian reform, or as a rebellion within the empire. Some thought that concessions to home rule would continue to bind Ireland close to Britain in a similar manner to the former ‘white colonies’. The expressions of nationalism in southern Africa, Egypt and Ireland largely provoked authoritarian responses, although inconsistently in Ireland, as discussed below. Furthermore, Afrikaner independence was again at the heart of the second Boer War.

Herbert’s Support for National Self-Determination

Herbert’s idea of imperialism allowed room for national self-determination, a principle that he consistently upheld by stating that Britain had no right to forejudge the future for new and growing countries.⁶¹ Nations, like individuals, had the right of self-determination. In the same way that Voluntaryism supported individual liberty, it provided the foundation for nationalism as well as internationalism. Earlier, Mill wrote of nationalism as a principle of cohesion and one of the essential conditions of stability in political society.⁶² At the same time, he was critical of xenophobia and a narrow or ‘vulgar’ nationalism, preferring states to consist of a more pluralistic populace.⁶³ Like Mill, Herbert regarded nationalism in this light. He linked it to political liberty rather than jingoism and its associated aggressiveness or xenophobia. For this reason, Herbert believed that true nationalism, that is, national self-determination, was compatible with internationalism and world peace. He supported the pursuit of national self-interest provided that it did not entail aggression against another nation or community.

Most of his ideas on nationalism refer to examples within the Empire: India, Egypt and Ireland most specifically. India, he recommended, should be ruled with a view to its own

⁶¹ Ibid.

⁶² J. S. Mill, *System of Logic*, in CW, VIII, p. 923.

⁶³ Katherine Smits argues that Mill’s pluralism preferred states to comprise a heterogeneous mix of ethnic and cultural groups that would be mutually enriching; see her ‘John Stuart Mill and the Social Construction of Identity’, *History of Political Thought*, XXV, 2, 2004, p. 304.

approaching self-government. Significantly, he added that this be done without any attempt at developing its civilization according to British ideas and through taxation imposed by British force. Expenditure was to be limited to preserving peace and order. Herbert's cautionary words on the imposition of British ideas on Indian peoples resemble Mill's warnings about the British governing India inappropriately or insensitively.⁶⁴ As he thought Indian self-government some distance away, Mill recommended that the English provide India with good rulers, familiar with that country and its peoples, rather than direct rule. He also believed that British rule ought to be supporting policies for eventual Indian self-government, such as the appointment of Indians to senior administrative positions.⁶⁵ Writing over two decades later, Herbert's support of Indian independence also grew out of his observations of that country when on army service there directly after the Mutiny. This experience acquainted him with the reality of people living under colonialism and he noted the local resentment of the British.⁶⁶

In the 1880s, Herbert became critical of the way in which Egypt's national rights of self-government were being sacrificed to British interests. Writing to the editor of the *Daily News*, he asserted that parts of him remained a good Radical, 'nowhere more in the matter of Egypt'.⁶⁷ British intervention in Egypt, he thought, tested Liberal values. Gladstone, as late as 1879, presented six principles of foreign policy, including the preservation of peace internationally and the acknowledgement of the equal rights of all nations.⁶⁸ The final principle stated that English foreign policy should always be inspired by the love of freedom. However, the policy adopted by the Liberals in government concerned Herbert. Previously, he had worried that the earlier purchase, by Disraeli, of the majority share holdings in the Suez Canal might lead to international jealousies. He also expressed concern that the shareholding

⁶⁴ Mill acquired specialist knowledge of India from his lengthy employment in the East India Company.

⁶⁵ Martin Moir, 'Introduction' to Mill's 'Writings on India', in *CW*, XXX, p. xlv.

⁶⁶ Harris, *Auberon Herbert*, p. 30.

⁶⁷ *Ibid.*, p. 237.

⁶⁸ H. C. G. Matthew, *Gladstone 1809-1898*, Oxford, 1997, p. 375.

might be used aggressively by Britain.⁶⁹ Britain, he thought, should seek neither a monopoly of the canal nor the occupation of Egypt. Rather than secure an agreement with France over its future exclusive control of Egypt, as actually happened, Britain ought to seek a European understanding and then secure self-government for Egypt, an approach which owed much to Cobden. These steps, Herbert maintained, would preserve international peace and realise Egyptian national self-determination. That Britain under Gladstone's government did neither drew scorn from Herbert.⁷⁰ In a letter published in the *Times*, he claimed that Britain had recklessly intervened and destroyed the existing institutions without replacing them with anything workable. Consequently, Egypt was politically unstable. The lame Khedive's administration was almost fictitious and merely a screen 'between us and Europe'.⁷¹ This situation could be remedied by either Britain ruling Egypt directly, as in India, or by recalling the Egyptian nationalist leader Arabi Pasha to attempt a reconstruction. On a later occasion, Herbert expressed a 'longing to see us use our power there to build up a nation going its own way, free from the foreigner'.⁷² Herbert's approach to Egypt reveals again the degree to which he participated in contemporary politics and, in doing so, communicated with a range of contemporaries. Among them was the anti-imperialist and strong supporter of Egyptian nationalism Wilfred Scawen Blunt. Blunt, an Arabist amongst other things, mediated between Arabi and the Egyptian nationalists and British representatives in 1882. In a letter to the *Times*, he urged British aid for the Egyptian nationalists who were attempting to rectify gross mismanagement, a plea that Herbert echoed soon afterwards.⁷³ Blunt argued that as Egypt was not a stronghold of fanaticism but of liberal thought, forcible intervention was

⁶⁹ In 1869, Herbert wrote to George Howell on the subject and wondered whether a public meeting could be organised to express similar concerns; see Herbert to Howell, 13 December 1869, George Howell Collection Letters 1868-71, fol. 8, Bishopsgate Institute, London.

⁷⁰ *Times*, 29 February 1884, p. 2.

⁷¹ *Ibid.*

⁷² Herbert to Stead, 1 February 1886; Papers of William T. Stead, STED 1/39, fol. 7, Churchill Archives Centre, Cambridge.

⁷³ *Times*, 7 February 1882, p. 3. Blunt, in later letter, outlined his proposals for a permanent settlement in the Sudan and Egypt; see *Times*, 10 April 1884, p. 10.

extremely ill-judged. Instead, Britain ought to assist with Egyptian self-government and thereby earn the gratitude of Egyptians not their resentment.

Blunt, also an active supporter of Irish Home Rule, was imprisoned in 1888 for organising a protest meeting in a banned area of Ireland. Herbert, although taking a less active role than Blunt, supported Irish nationalism but stressed that it primarily concerned independence and not the domestic issue of land reform. Because Herbert's thoughts on Ireland are pertinent to key elements of his philosophy, they are considered in some detail below.

The 'Irish Question'

British politics became increasingly obsessed with Ireland during the latter decades of the nineteenth century, but no lasting political solution for the future of that country had been reached early in the first decade of the twentieth, around the time of Herbert's death. Interacting political, economic and social factors, many of them historical, brought the 'Irish question' to the fore. Of these factors, the tenure of agricultural land played a major part. Certainly, it greatly shaped British perceptions of the difficulty of governing Ireland.⁷⁴ To many Irish, the imposition of English 'landlordism' on an indigenous 'system' of land occupancy represented a constant reminder of Ireland's conquest and subsequent colonisation. By the 1860s, the reluctance of the British Parliament to legislate on long exposed and articulated land tenure reforms created the most substantial basis for Irish nationalism and a more cohesive political movement.⁷⁵ Political leadership became more radical under leaders such as Charles Stuart Parnell and Michael Davitt. From the 1880s, Irish considerations increasingly shaped British politics, notably splitting the Liberal Party between those who favoured Home Rule, and those who did not. By now, the revolutionary nationalist movement

⁷⁴ Philip Bull, *Land, Politics and Nationalism: A Study of the Irish Land Question*, Dublin, 1996, p. 5.

⁷⁵ *Ibid.*, p. 60.

had become a compelling force for social change and Home Rule. Nationalist leaders waged their campaigns simultaneously in the Westminster Parliament and in Ireland, where political agitation, co-ordinated by the national Land League, frequently resulted in violence. Successive British governments responded with a mixture of coercion and concessions in the form of land reform acts and proposals for devolution. Home Rule Bills were proposed in 1886 and 1893 but found insufficient British political support.⁷⁶ The failure of this legislation reflected growing differences in English party politics and a polarity in Irish politics between Irish republicanism and the more conservative and Protestant Ulster-driven Irish Unionism. Ultimately, however, Irish nationalists and Anglo-Irish landlords proved the most successful of numerous pressure groups in placing demands on the state.⁷⁷ They provoked state intervention in Irish social and economic affairs to an unparalleled degree in the United Kingdom. Herbert anticipated this political development and thought it an undesirable outcome.

An Issue of Nationalism not Land Reform

Herbert's views on Ireland contain several pertinent elements. He was aware that the 'Question of Ireland' involved a duality between domestic and imperial affairs. Unlike some contemporaries (most notably Mill), however, he viewed the separation of Ireland as largely a matter of nationalism and not an internal one of agrarian reform.⁷⁸ To institute land reform acts was merely postponing the inevitable separation of Ireland, probably with the exception of Ulster, from the rest of Britain. Not to acknowledge this inevitability, he concluded, was causing great harm to all Britain. Increasingly, he considered the Liberal government to be handling the situation expediently without serious consideration of the long-term implications. It was also acting paternalistically towards Ireland, which ought to be granted the liberty to determine its own future directions. Most of all, as a Voluntaryist, he opposed

⁷⁶ The third Home Rule Bill introduced in 1912 falls outside the scope of this thesis.

⁷⁷ Harris, *Private Lives, Public Spirit*, pp. 203-204.

⁷⁸ The contrast between Mill's and Herbert's ideas on Irish agrarian reform appears in the following chapter.

the hitherto unmatched state interference in areas previously regarded chiefly as those belonging to private contract, and worried about the effect of precedents being set there on the rest of Britain. The following discussion is restricted to Herbert's thoughts on Irish self-determination; his views on Irish land reform appear in a wider context in the following chapter.

Unlike many of his English contemporaries, Herbert was sympathetic to the Irish cause and increasingly saw the unrest there as a manifestation of an emergent nationalism. Several sources note the contemporary British avoidance of any real engagement with developments in Ireland and the changing nature of the Irish question.⁷⁹ In some respects, Herbert's understanding of the situation may have been better than that of many politicians of the day. His brother-in-law, Lord Francis Cowper, was Viceroy of Ireland in 1880 and 1881, and his brother Lord Carnarvon held the same position from 1885 to 1886.⁸⁰ Carnarvon also came to sympathise with Irish demands for Home Rule, if possible without separation, and met privately but unfruitfully with Parnell. When Carnarvon was in Dublin, Herbert took the opportunity of visiting him there. Also, it is likely that Herbert's changing views on Ireland anticipated the thinking of several of his contemporaries, including Gladstone. His support for Irish self-determination predated the Liberal leader's change of heart in 1885.

Herbert demonstrated an awareness of some of the social and economic differences between Ireland and England from the outset of his career. His muted support for the Irish Catholic clergy had been unpopular with the Conservative selection committee of West Somersetshire.⁸¹ Later, when campaigning for Berkshire, he publicly expressed his support for the disestablishment of the Anglican Irish Church. The Irish Church, he thought, could not

⁷⁹ For instance, see Hoppen, *The Mid-Victorian Generation*, p. 558. Other factors also contributed to complications in British-Irish relations, among them the Great Famine that dissipated Irish responsiveness to British interests and concerns; see Bull, *Land, Politics and Nationalism*, p. 7.

⁸⁰ Cowper served in Gladstone's Liberal Ministry and Carnarvon in Salisbury's Conservative Ministry.

⁸¹ Herbert's position was mentioned in the Introduction.

stand because it was ‘tainted with a gross injustice’ in that only about one tenth of the population belonged to it.⁸² An act disestablishing the Irish Church was passed in 1869.

In parliament, Herbert raised the issue of Irish absenteeism when questioning the government’s appointment of a non-resident, currently without property, to be Lord Lieutenant of County Clare, passing over local magistrates who had resided there for many years.⁸³ He thought the government wrong in encouraging a practice that had already caused much dissatisfaction. Absentee landlords were not widespread and not unique to Ireland, but their existence became increasingly contentious with the development of the land question as a national political issue.

Herbert addressed the subject of Irish nationalism on several occasions, gradually supporting complete self-determination for each of the distinctive areas, a position consistent with his support of nationalism elsewhere. His ideas on Ireland shifted slightly as he developed Voluntarism. An example of his less radical position occurred in 1879 when Herbert contemplated returning to parliamentary politics. Speaking before representatives of the Liberal Party in Nottingham, he supported Irish devolution but not total separation from Britain.⁸⁴ He also referred to Ireland’s being in a ‘very backward condition in some respects’ and suggested that some sort of co-ordinated municipal or district action might gradually overcome this condition. Even at this point, however, he thought that localities should have ‘perfect freedom’, Ireland included.

The previous chapter discussed the degree to which Herbert supported local self-government and opposed increasing central interference, whether in the north of England or Ireland. His views on this subject partly explain how he envisaged a just solution being reached in Ireland. Moreover, he stated that England ought to deal with Ireland generously

⁸² For Herbert’s reported campaign speech; see *Times*, 8 July 1868, p. 12. Bull claims that full Roman Catholic emancipation was understood to be part of the 1800 Act of Union but was not granted until 1828. Consequently, it prevented Irish political and constitutional life from being absorbed into the ‘normality’ of British politics; see his *Land, Politics and Nationalism*, pp. 6-7.

⁸³ *Hansard*, CCXI, 7 May 1872, col. 431.

⁸⁴ *Nottingham and Mid Counties Daily Express*, 17 March 1879, p. 3.

and not use its parliamentary majority to treat Ireland as England's handmaid. If, however, Ireland as a nation claimed separation, Herbert thought it would be a very unhappy moment for England but believed the event need never arise. Asked whether he would vote with the present Home Rule party on Irish questions, he replied that, as his views differed in many respects from theirs, for the most part he would not. He added, however, that if they presented a motion granting the 'widest possible local administration', which he considered rightly and wisely framed, then he should vote with them.⁸⁵ Evidence suggests that, at this stage, he considered England should retain control over foreign policy, a provision that appeared in the proposed Home Rule legislation of 1886 and 1893.

Herbert's response to the Irish crisis of 1879 to 1881 was mixed. Although he found 'all the terrorism, and all the cheating about rents detestable', he thought that the accompanying expression of Irish national feeling, or the conviction the Irish believed they had a national cause, the one redeeming feature in the conflict.⁸⁶ His view that the issues of land reform and nationalism were separate departed from Mill's thinking. Earlier, Mill identified agricultural tenure as the chief source of Irish dissatisfaction and one that fuelled militant Fenianism.⁸⁷ He thought that justice demanded England settle the land question conclusively or acknowledge the bankruptcy of her rule.⁸⁸ If England did not remove the difficulty and attempted to hold Ireland by force, Mill stated, 'it would be at the expense of all the character we possess as lovers and maintainers of free government, or respecters of any rights except our own'.⁸⁹ This course of action would also alienate other great powers who would shame or coerce England into releasing Ireland from the connection. Although Herbert rejected continued union by coercion, his solution did not include tenure reform.

⁸⁵ Ibid.

⁸⁶ Harris, *Auberon Herbert*, p. 232.

⁸⁷ J. S. Mill, *England and Ireland*, in 'Essays on England, Ireland and the Empire, *CW*, VI, pp. 505-532. Mill's pamphlet on Ireland first appeared in 1868.

⁸⁸ For an account of Mill's changing views on Ireland and his final position see Bruce L. Kinzer, 'J. S. Mill and Irish Land: A Reassessment', *Historical Journal*, 27, 1, 1984, pp. 122-123.

⁸⁹ Mill, *England and Ireland*, p. 532.

Privately, he also indicated misgivings about the ability of the Gladstone government to equitably settle the 'Irish Question', particularly the fate of the predominantly protestant Ulster. Writing to Stead around 1885, he stated that 'it will be, however, infernal meanness to hand over Ulster. She must be guaranteed autonomy or continuance with us'.⁹⁰ Of the Government's perceived favours to the south, he added: 'I don't understand one law for the feelings of a Celt and another law for the feelings and desires of a better race'.⁹¹ Herbert's assumption about the Irish was fairly commonplace. Many contemporaries thought the largely 'Celtic' Irish and Welsh somewhat inferior to the more 'Germanic' English and Scots, these comparisons took into consideration differing political and cultural traditions more than biological characteristics.⁹² Herbert, despite feeling aggrieved about the unequal application of the law, continued to support independence for southern Ireland.

He published his final position on Ireland during the early 1880s before the introduction of the first Home Rule Bill.⁹³ It reiterated the view that Ireland was to choose its own government but that the North East part was to stay with England if it wished. A loan was to be raised by the Irish Government to buy out, at a fair price, such landowners as desired to leave the country. Significantly, this proposal for Home Rule was one of the points of Herbert's political programme from which Spencer completely dissented.⁹⁴ Spencer held that all nations had been welded together by violent and inequitable means and not by peaceful and equitable means. He did not think it possible that nations could be formed in any other way. Therefore, to dissolve unions now formed, because they were once inequitably formed, was a retrograde step. Society would dissolve forthwith if it were possible to revisit the past and address all the bad things done. Spencer's disagreement with Herbert on Ireland is very significant. It suggests a social determinism and inflexibility in Spencer's ideas quite

⁹⁰ Herbert to Stead, nd, Papers of W. T. Stead, STED 1/39, fol. 11.

⁹¹ Ibid.

⁹² Harris, *Private Lives*, pp. 233-234. This divide was highlighted further with the Reform Act of 1884 that enfranchised a large bloc of Irish voters, many of whom did not share the English view of the historic working relationship between nation and constitution, society and the state; Ibid., p. 190.

⁹³ See, for instance, *RWCS*, p. 173.

⁹⁴ For Spencer's letter to Herbert; see Duncan, *The Life and Letters of Herbert Spencer*, London, 1908, pp. 300-301.

absent from those of Herbert whose position allowed change in social and political arrangements provided that any change was voluntary and unforced.⁹⁵

Another critic of Herbert's plan for Ireland as outlined in *The Right and Wrong of Compulsion by the State* was Donisthorpe.⁹⁶ As indicated earlier, Donisthorpe was highly critical of the basis of Herbert's treatise but his comments on Herbert's Irish position also reveal the contentious nature of devolution within the United Kingdom, something which was not completed until the late twentieth century. Specifically, Donisthorpe asked why Ireland should choose its own form of government any more than Wales, or even Anglesey. If there was any good ethnographical reason, then why should the northern part be allowed to federate with a foreign country against the wish of the whole of Ireland? This issue still awaits final resolution. Donisthorpe also suggested that as Cumberland inhabitants are mostly of Celtic descent, they might be tempted by the Irish land system to break with England and elect to join Ireland. Moreover, Ireland could not afford a loan to buy out landowners. The measure would half-ruin every Irish tradesman. Overall, he implied that Herbert's ideas were ill conceived, a charge that Herbert levelled at Gladstone.

One of Herbert's main criticisms about attempts to remedy the 'Irish Question' was that politicians failed to consider adequately the full implications of contemporary Irish self-government. The defeat of Gladstone's Government of Ireland Bill of 1886, which ignited a second wave of Irish political agitation lasting several years, appeared to confirm Herbert's judgement. The Bill proposed to establish a unicameral legislative body and executive in Dublin, which would have legislating powers and control over all but reserved subjects, such as defence, foreign policy and international trade.⁹⁷ Ireland was to bear one-fifteenth of

⁹⁵ Discussion of the rigidity of Spencer's doctrine of social evolution appears in Chapter One.

⁹⁶ Wordsworth Donisthorpe, 'Absolutism in Politics', in *Individualism: A System of Politics*, London, 1889, pp. 385-386.

⁹⁷ The legislative body was to consist of two 'orders' that would deliberate together but vote separately. One order would be made up of 28 Irish representative peers and 75 other elected persons of some property, and the other would consist of the existing Irish MPs plus an almost equal number elected on similar grounds; see Hoppen, *Mid-Victorian Generation*, p. 685.

imperial costs, a rate that was fixed for thirty years. No Irish members, however, would sit at Westminster although a British parliament would fix Irish taxes.

Herbert believed that Gladstone had been precipitous in introducing the legislation.⁹⁸ Firstly, insufficient deliberation meant that the true nature of separation had not been clearly established. Herbert argued that in reality there were two policies: one of union and one of separation. Had Gladstone considered the possibility that the intended partial separation may actually become complete separation? Too many issues, according to Herbert, had been left unresolved. Would Ireland, for instance, agree to continue paying British taxes? Would the British taxpayer continue to fund Ireland in any way? Herbert reiterated that Ireland must fund its own land purchases. Secondly, did Parnell have the power to persuade the Irish to accept such an agreement? This question would be answered in the negative in 1890 when Parnell, cited in divorce proceedings, was forced from the leadership of a split Irish nationalist movement. Thirdly, Gladstone had compromised himself and the issue by becoming too personally involved instead of appearing disinterested. Not only did he seem to follow Parnell's agenda but also had 'mixed up his own personal interests with the national interests entrusted to him'.⁹⁹ According to Herbert, Gladstone had devised, by a combination of secrecy, expediency and populist appeal, the worst policy regarding Ireland, and one that would not heal anything. There is an element of truth in Herbert's assertions. Evidence suggests that Gladstone withheld his intentions from his cabinet until just before the introduction of the Bill. Consequently, Chamberlain and Sir George Trevelyan resigned from the cabinet. While Herbert was highly critical of Gladstone, he was more complimentary about Liberal Unionists like Chamberlain and Trevelyan because they had resigned on a matter of principle. Principles, to Herbert, were essential in politics, above all. Although professing not to be a Unionist, he declared his respect for the Unionist Party and his gratitude to those politicians for placing conscience before party.

⁹⁸ Herbert's letter is captioned 'Is Mr Gladstone Serving Ireland, Or Ireland Mr Gladstone?'; see *Times*, 7 July 1886, p. 7.

⁹⁹ *Ibid.*

Outlining the Unionist policy on Ireland in 1888, Chamberlain, unsurprisingly, criticised Gladstone's concealment of his Irish policies and suggested, like Herbert, that had they been presented to the public for consideration then the settlement of the Irish question might have been closer. Despite previous attempts by Gladstone, settlement had still not been reached and Ireland continued to absorb the whole energies and attention of parliament. Unionist policy, he stressed, was not reactionary but reformist. He added, however, that already a great deal had been done for the Irish. However, the game of 'disorder' by the Home Rulers to force more concessions was 'up'.¹⁰⁰ Chamberlain thought that the government must rule firmly in Ireland but, at the same time, the resources of that country must be developed in an Irish improvement scheme.¹⁰¹ He rejected outright the notion of Ireland as a separate political nationality. To have a new foreign country at such close proximity, and one created by animosity, would be dangerous to the security of the rest of Britain. Earlier, he thought that following Irish separation a civil war would ensue and that Britain would be forced to take a side.¹⁰² As there would be ongoing conflict, Ireland would have to be reconquered. Interestingly, Herbert did not raise such a scenario when supporting Irish independence, most probably because of his belief in peaceful and friendly relations among nations. Theoretically, any response Herbert might have made to Chamberlain's scenario would come from the principles of Voluntarism: self-defence, popular consent, voluntary taxation and voluntary military service. Earlier discussion of Herbert's internationalism supports this supposition. Importantly also, Herbert, unlike Chamberlain and the Salisbury Government, did not consider the Irish nationalist movement as setting some sort of dangerous precedent to the future of the Empire, although he worried about the implications of land agitation there for the rest of Britain.

One of the last statements Herbert made on Ireland was in *Free Life* where he made a strongly worded comparison between Fenianism and land agitation. Although Fenianism had

¹⁰⁰ *Mr Chamberlain's Speeches*, 1, p. 304.

¹⁰¹ *Ibid.*, and pp. 306-307.

¹⁰² From a speech made by Chamberlain in September 1885; *Ibid.*, pp. 242-243.

made mistakes, especially by using force, he thought it stood on much higher moral ground than land agitation. Whereas Fenianism had been ‘frank, honest and proud’, land agitation had been ‘of the reptile tribe, a poor sort of thing crawling in the dust, with a double tongue and corrupt motives—a political instrument in both Irish and English hands’.¹⁰³ As shown, Herbert supported Irish national self-determination on the grounds of liberty but, in contrast to reformers like Mill, he had little sympathy with the land campaign. As the ‘Irish Question’, to Herbert, was very much about nationalism and not land reform, he greatly regretted that England had missed a chance at solving it, a sentiment later expressed by many other people.

The uncertain future facing Ireland following the defeat of Home Rule legislation had been caused also, he thought, by the selfishness of politicians preoccupied with personal success.¹⁰⁴ Political success, not nationalism, had become the god of both Irish and English leaders. Nonetheless, Herbert stated that the ‘true liberty view of Ireland’ was that ‘undoubtedly Ireland—minus a part of Ulster—has the right to complete nationality’.¹⁰⁵

The ‘Irish question’ dominated late Victorian politics and divided opinion as to its resolution. Some commentators regarded Irish grievances as a matter of economic development, and possibly devolution within the United Kingdom, while others, like Herbert, firmly believed it an issue of national self-determination within the British Empire. An independent Ireland would be free to remain or leave the Empire.

So far, this chapter has examined Herbert’s ideas on imperialism, internationalism and nationalism, particularly Ireland. It closes by discussing his thoughts on defence and military reform. As the armed forces, already vital to protecting British trade, became increasingly the instrument of British imperialism, it is pertinent to discuss Herbert’s views at this point.

¹⁰³ *Free Life*, August 1897, p. 64.

¹⁰⁴ Herbert’s comments were headed ‘A Great Chance Lost’; *Free Life*, 24 May 1890, p. 3.

¹⁰⁵ *Ibid.*

Defence and Military Reform

Defence, a long-accepted legitimate function of central government, was the largest element of British public expenditure throughout the nineteenth century.¹⁰⁶ For geographical and historical reasons, the navy, and not the army, was considered the first line of defence. Naval pre-eminence prevailed for most of the period because of its importance in protecting commercial sea routes and the colonies, apart from India and Canada. It also owed much to the political clout of the 'Blue Water' lobby of senior naval officers and influential parliamentarians. However, the expansion of empire towards the end of the century saw the army take the leading role in defence matters. For this reason, and the fact that Herbert maintained a keen interest in military organisation, discussion here focuses chiefly on the army.

The purposes of maintaining an army were several: to aid the civil power; to garrison India and the other colonies; to provide home defence.¹⁰⁷ As foreign policy for much of the time reflected the Liberal goals of 'peace abroad' and 'retrenchment at home', a major Continental European war involving British troops was thought unlikely. Following the Crimean War (1853-56), England was not involved in any major European engagement for the remainder of the century, although tensions occurred with European countries, notably Russia and France. There were, in contrast, numerous colonial conflicts and punitive expeditions. Between 1869 and 1902, the British army saw active service every year except 1883.¹⁰⁸ Yet, army capability remained largely untested until the second Boer War, a major conflict which revealed numerous shortcomings in the existing systems largely established by the first Gladstone Ministry.

¹⁰⁶ Hoppen, *Mid-Victorian Generation*, p. 113.

¹⁰⁷ Priorities listed by Edward Stanhope, Secretary of State for War (1887-1892); see Edward M. Spiers, *The Late Victorian Army 1868-1902*, Manchester, 1992, p. 60.

¹⁰⁸ *Ibid.*, p. 59.

For several decades, military organisation operated under the Liberal reforms instituted by Edward Cardwell, Secretary of State for War (1868-74). These reforms, completely transforming the organisation of the army, were chiefly prompted by economic imperatives. The changes, some of which drew on proposals of previous Ministers, included: the introduction of short-service enlistment; the abolition of the sale and purchase of commissions; the localisation of home army regiments into specific territorial areas and affiliated to the local auxiliary forces. All duties of the war department were formally centralised under the Secretary of State, thus removing the perception of 'dual government' by the War Office and the Horse Guards, the army's headquarters. Apart from some improvements in the 1890s, the Cardwellian system endured until the turn of the century. Not all the intended reforms were implemented, however, largely because of the unwillingness of successive governments to fund them, combined with an ongoing recruitment problem exacerbated by Britain's expansion overseas. In addition, the reforms immediately invited opposition from a mainly conservative military establishment resentful of civilian politicians interfering with the army. Vigorous resistance to change was led by the army's Commander-in-Chief, the Duke of Cambridge, the Queen's cousin.

Of all the reforms, the abolition of purchase proved to be the most controversial and was only achieved by the government in 1871, after cancellation of the royal warrant which enabled purchase to occur. Traditionally, the purchase system enabled officers to purchase their commissions to a fairly senior rank. Critics, including Herbert, found fault with the concept of promotion by purchase, which favoured seniority and not ability. It also perpetuated class privilege. Only those with private incomes, traditionally members of the landed classes, could afford to buy a commission and subsequent promotion. The purchase system also enabled a particular ethos to prevail in the army.¹⁰⁹ Officers were usually bred and educated as gentlemen and held a set of values in common with others of the English

¹⁰⁹ Edward M. Spiers, *The Army and Society 1815-1914*, London, 1980, pp. 1-3.

ruling class, many of whom served the state as bishops, magistrates, parliamentarians and so on. This ethos prevailed over merit, which recognised qualities such as intellect, application and professional skills rather than social background. Also, many senior military commanders supported the status quo believing it essential in maintaining harmony in the officers' mess and in earning the respect of the rank and file. Above all, they believed in the *esprit de corps* of the regimental system as being crucial to efficiency.

The system of purchase was also subject to frequent abuse; for instance, over-regulation payments were made by younger officers to induce their senior colleagues to retire.¹¹⁰ Purchase at this level, however, obviated the need for increased rates of pay and proper pensions. Initially, Cardwell did not intend to abolish the purchase system completely but to prevent the over-regulation payments. He did wish, however, to alter the social composition of its officers and other ranks but had little success in the short term.

Herbert and Military Reform

Herbert was among a number of reformers who strongly supported promotion on merit along with other modernising changes. However, his ideas on military reform became vastly different from most of his contemporaries because of the implications he drew from the radical political philosophy underpinning them. His thinking on the subject falls into two main periods: those expressed as a Radical Liberal MP during the introduction of the Cardwell reforms, in the early 1870s, and those voiced later as a political theorist and peace activist. The thoughts expressed in both periods, however, also reflect Herbert's prior experience as an army officer and military observer. His observations of armies abroad, particularly of the Prussian Army, reinforced his growing anti-militarism. Interest in military reform also predated his parliamentary career.

¹¹⁰ *Ibid.*, p. 12.

Several of Herbert's earlier ideas on army improvement appear in the context of his connection with Liberal Party and Cardwell's programme. Although they demonstrate a depth of research along with a progressive outlook, they lack the later extremely radical hue of Voluntarism. For instance, when campaigning for the Berkshire electorate in 1868, Herbert stated that he would support measures that opened the path of military distinction to merit and ability.¹¹¹ When later elected, he joined other Radical Liberal MPs pressing for reform, including the abolition of purchase and the total cessation of flogging. These specific issues and reorganisation, generally, were the subject of several public meetings, some of which Herbert attended. For instance, at a meeting held under the auspices of the Birmingham Liberal Association, he seconded a motion on the urgent need for army reorganisation and supporting the abolition of purchase.¹¹² This particular reform was regarded as significant in challenging class privilege in a key institution.

However, the abolition of purchase did not alter the social composition of the officer corps as intended. Remuneration was not increased and the sometimes considerable regimental expenses did not decrease. As a result, officers continued to be drawn from the upper classes. The tradition of officer and gentleman remained pervasive in the army.¹¹³ Promotion from the ranks was never really encouraged and, with a few exceptions, the army largely preserved its social homogeneity. Given its aim, the abolition of purchase failed in the short term.

Like many Liberals, Herbert opposed high military expenditure in peacetime. During a debate on army estimates, he questioned the principle of maintaining a large and hence costly standing army.¹¹⁴ The Franco-Prussian War, he stated, had proved that standing armies were ineffective as the French army had been overrun by the well-organised conscripted Prussian army. While he opposed the German system of conscription, he wondered whether an

¹¹¹ Harris, *Auberon Herbert*, p. 86.

¹¹² *Times*, 17 January 1871, p. 5.

¹¹³ Spiers, *Army and Society*, p. 2.

¹¹⁴ *Hansard*, CCIX, 22 February 1872, cols. 910-911.

arrangement based on the Swiss system might better serve the country's needs. In Switzerland, at this time, every male citizen between the ages of nineteen and forty-five was required to serve in the army annually, but for very short periods in peacetime. Herbert thought that if a similar system were to be adopted, then the nation would be better equipped to carry out defensive warfare without the huge cost of maintaining a standing army. This suggestion drew a favourable response from Mill, a firm proponent of the Swiss system, who wrote to Herbert in support of his speech.¹¹⁵ Mill added that he thought general opposition to the idea of training the able-bodied male population would mostly disappear if it were understood how little interruption, after initial instruction, need be caused in the ordinary pursuit of life.¹¹⁶ Later, however, Herbert, came to strongly support conscientious objection to compulsory military service. In the meantime, he thought some of Cardwell's proposed reforms would be an improvement as the existing system was expensive and inefficient. In 1872, for example, the withdrawal of colonial garrisons in favour of local self-defence forces continued the previous policy of promoting colonial self-reliance.¹¹⁷

Early the following year, Herbert spoke again on the shortcomings of the army.¹¹⁸ On this occasion, he commented that the current reforms were ineffective in the long run because the system itself was defective; the army was expensive, immoral, and inefficient. As the new estimates proved his first point, he primarily dealt with the second point: immorality in the army. He drew attention to the high number of desertions in the last ten years and the low rates of recruitment. Herbert observed that, as civilian rates of wages were increasing, fewer among the labouring classes were inclined to join the military that offered them pitiful terms. Only those who had fallen into misfortune took refuge under the system of compulsion and enlisted. Cardwell agreed that high wages in industry and the opportunity to emigrate to America or the colonies offered the greatest temptation to desert but that desertion rates

¹¹⁵ Mill, 'Later Letters 1848-1873', in *CW*, XVII, p. 1808.

¹¹⁶ Earlier, Mill wrote to Chadwick outlining similar suggestions for military training; see *Ibid*, p. 1792.

¹¹⁷ Spiers, *Late Victorian Army*, p. 4.

¹¹⁸ *Hansard*, CCXIV, 28 February 1873, cols. 1132-1135.

varied directly with the number of recruits enlisted each year.¹¹⁹ Low pay, however, was a continual drawback to recruitment, a situation that did not greatly improve until the early 1900s. Moreover, failure to attract a sufficient number of soldiers limited the successful operation of Cardwell's 'linked battalion' alternating system, whereby one battalion remained at a home depot, while the other served a period abroad. Insufficient numbers in home battalions meant a constant shifting between depots to make up numbers.¹²⁰ The home army consequently suffered inadequate administration and training. Although it became increasingly popular in national culture, as Britain's imperial might grew, the army had much less appeal as a career choice.

What of the moral character of those who did enlist? Herbert wondered whether the calibre of new recruits was deteriorating, given the numbers of soldiers committed to military prisons, and he cited several statistics on military offences. These figures were high when Herbert spoke in parliament, but by the 1890s figures for serious crime in the army had had decreased.¹²¹ Also, because of the progressive abolition of corporal punishment between 1867 and 1881, greater use was made of imprisonment. However, the incidence of drunkenness, desertion and insubordination continued at a high rate, particularly among young recruits. This situation, Herbert argued, proved that army life did not morally reform but further deteriorated the character of its soldiers.

When Herbert's concern about immorality in the army turned to the more delicate issue of the prevalence of venereal disease therein, he was challenged on the decency of addressing the topic in the House.¹²² He argued that the prevalence of venereal disease in the army formed another ground for suspecting the soundness of the institution. Herbert argued that the figures of 124 hospitalised cases per 1,000 men did not show the extent of the evil,

¹¹⁹ Alan Ramsay Skelley, *The Victorian Army at Home: The Recruitment and Terms of the British Regular, 1859-1899*, London, 1977, p. 143. Cardwell addressed desertion numbers during the debates on Army Estimates; see *Hansard*, 24 Feb. 1873, cols. 860-863.

¹²⁰ Sir Charles Wentworth Dilke and Spenser Wilkinson, *Imperial Defence*, London, 1892, pp. 176-178.

¹²¹ Short-service enlistment, introduced in 1870, also contributed to the decrease; see *Ibid.*, pp. 128-129.

¹²² *Hansard*, CCXIV, 28 February 1873, col. 1134.

and thought that a study of the statistics was long overdue. Once the country understood the true extent of the problem no government could delay military reform. Despite the operation of 'certain Acts' (the controversial Contagious Diseases Acts), which aimed at regulating prostitution, the incidence of the disease was unacceptably high.¹²³ This situation was another indication to Herbert that the contemporary system was morally suspect and, therefore, an unattractive source of employment.

Again, Herbert's criticisms were well founded. The underemployment of peacetime soldiers contributed to drunkenness that frequently led to desertion and the spread of venereal disease. Recreational facilities were only gradually introduced. Although the army provided basic education, it provided little opportunity for men enlisted on short service to learn a trade. As many left the service unskilled, the unemployment rate of ex-servicemen was high. This situation did nothing to make the army an attractive career for the ranks. Overall, peacetime military life was frequently dull and the discipline harsh.

Reform of capital punishment was included in Cardwell's measures to improve the army's image and attract a better quality of recruit. Flogging during peacetime, except for the most serious offences, was abolished in 1868. Branding was abolished in 1871. The total abolition of flogging proved harder to achieve against resistance from senior commanders. After 1868, the practice declined until 1878-79 when its extensive use in Zululand provoked parliamentary protest and ignited a wider campaign for its abolition. In 1879, Herbert prepared an address for a public demonstration in Hyde Park to protest the use of the cat-of-nine-tails in the navy, army and prisons. The meeting unanimously resolved that the punishment of flogging was a 'disgraceful relic of barbarism', was utterly ineffective in maintaining order, and was calculated to debase the lowest class of offenders and to brutalize

¹²³ Ibid. It appears the claims of the Army Medical Department on the effectiveness of the Contagious Diseases Acts in contributing to the declining incidence of venereal disease are exaggerated. Decline in the disease's virulence and better standards of sanitation and cleanliness are more likely explanations; see Spiers, *Late Victorian Army*, p. 144.

the masses.¹²⁴ In calling for its abolition, the meeting also noted the legal inequality of treatment between sailors and soldiers drawn from the working classes, who could be subject to the lash, and those sailors and soldiers from the upper classes, who were never flogged. The gathering commended the conduct of the Irish members of the House of Commons who endeavoured to ‘obstruct any business which might set aside the permanent settlement of the flogging question’.¹²⁵ It also thanked the few English members who, independently of the ‘trammels of party’, had worked towards this end. Flogging, however, was not abolished for active service until 1881.

This reference to the unequal treatment of classes in the armed forces, as well as to the independent actions of MPs, signals a more politically radical Herbert, who was even keener to publicly challenge the contemporary political and social establishment. His thoughts on military reform, as on many subjects, now reflect this shift. Herbert’s plans for an ‘efficient, contented and popular army’ were informed by strong democratic and anti-militaristic convictions.¹²⁶ In accordance with the principles of Voluntaryism, the army would be almost entirely defensive and consist mostly of volunteers.

Herbert’s starting point was that the military must be transformed into a citizens’ army, a concept which he first embraced as an MP. Like Mill, he thought that an army recruited in this way was less remote from the general citizenry and, therefore, less likely to be misused against the people. Also, he welcomed its clearly defensive nature, as explained later. All armies, he wrote, should be in close touch and kinship with the people.¹²⁷ Insisting they were not things apart, he noted, from personal experience, that the rigid caste feeling in the German army caused a ‘deep gulf’ between it and the rest of the people.

Associated with Herbert’s call for the army to become more democratic was the novel recommendation, first made in *The Right and Wrong of Compulsion by the State* that all home

¹²⁴ *Times*, 14 July, 1879, p. 8.

¹²⁵ *Ibid.*

¹²⁶ *Free Life*, 25 July 1890, p. 56.

¹²⁷ *Times*, 17 September 1895, p. 3.

service soldiers should be on the footing of the police, living in their own homes, and only lodged in barracks in an emergency.¹²⁸ Presumably, he intended the abolition of barrack life to overcome some of the practical problems facing the contemporary army; it would encourage recruitment, improve morale and lessen the temptation to desert because young recruits, especially, would be less isolated from their neighbourhoods. In this way, soldiers would be seen as an ordinary but worthwhile part of the population. He also proposed that every soldier be free to leave the colours when he liked. Soldiering, on this basis, was to be made similar to civilian employment. Herbert's recommendation concerning the abolition of military life in barracks drew criticism from Donisthorpe who supposed that the proposal was intended to counter militarism as a system.¹²⁹ But he argued that, so long as soldiers are necessary, it was preferable to differentiate 'the special arm' and avoid as much as possible the leavening of society with the tastes and habits of military life.

Yet, Herbert's recommendation on the future composition of the army was more radical. The troops, apart from a component of regulars, would consist of a largely extended body of half-paid volunteers raised on different footing and on different terms to ordinary volunteers. On no account was there to be compulsory military service. At one point, he suggested that if conscription was introduced 'in the face of constitutional resistance', then it would be a matter for the 'gravest consideration whether it should be resisted by force, or by leaving the country in mass.'¹³⁰ This statement demonstrates Herbert at his most politically defiant, as well as the degree to which he abhorred compulsion.

In contrast, he remained a strong supporter of army volunteering and advocated that the system be greatly developed. The Volunteers were a defensive army not an offensive one. They embodied the spirit of English self-help. Moreover, volunteering was popular in that its participants represented all classes. In army volunteering, Herbert saw the basic tenets of his

¹²⁸ *RWCS*, p. 173. A slightly fuller account of Herbert's proposals for army reform appears in *Free Life*, 23 July 1890, p. 56.

¹²⁹ Donisthorpe, 'Absolutism in Politics', p. 385.

¹³⁰ *Free Life*, February 1893, p. 219.

political philosophy at work. This is why it features so prominently in Herbert's thinking on military matters generally. Also, I suspect, it appealed to his heroic nature. His support of volunteering in the *Right and Wrong of Compulsion by the State*, however, drew further strong comment from Donisthorpe who viewed such a move as 'an almost unqualified evil' because it reflected the decay of the regular army and reinforced the 'Jingo' spirit and the spread of quasi-military weaknesses in all ranks of society.¹³¹

Army volunteering occupied a special place in nineteenth century England and its role and responsibilities in national defence was debated on several occasions.¹³² The concept had its strong advocates and equally strong critics. Conservatives and radicals were found in both camps. Enthusiasm for volunteer soldiering grew during the 1850s, particularly during the French invasion scare of 1859-1860.¹³³ The latter prompted the government to request the Lords Lieutenant to raise a volunteer force at no cost to the state with certain requirements as regards regular drilling and shooting proficiency. Among the various volunteers who enrolled was William Morris who became a member of the Corps of Artist Volunteers.¹³⁴ In 1863, the government curbed the independence of the Volunteer movement by awarding a capitation grant to the Volunteer Corps, thereby placing it under some ministerial control. The movement enjoyed popular support in the early 1860s, including that from the Liberals who found the Volunteers less aristocratic and less expensive than the Militia.¹³⁵ During the 1860s, the social composition of the Volunteers changed, becoming less attractive to the upper middle class but attracting more recruits from the working classes, a trend that Herbert later encouraged. The Volunteer movement continued to attract participants despite ongoing debate over its official role, including that as an internal peace-keeping body. Its standing also declined when British reserve forces were compared with the Prussian reserve army formed

¹³¹ Donisthorpe, 'Absolutism in Politics', p. 385.

¹³² The concept of Volunteering, as an alternative to the militia, survived from the Napoleonic Wars; see Spiers, *Army and Society*, p. 163.

¹³³ In 1861, Volunteers numbered 161,239, and by 1868 they totalled 199,194; *Ibid.*, p. 166.

¹³⁴ Morris later took an anti-militarist position; see Fiona McCarthy, *William Morris: A Life for Our Time*, London, 1994, p. 170.

¹³⁵ Spiers, *Army and Society*, p. 166.

from a localised militia that was well led and well armed.¹³⁶ Following the Franco-Prussian War more stringent training requirements were placed upon Volunteers, such as an annual attendance at brigade instruction. Army reformers like Dilke and Spenser Wilkinson later recommended an amalgamation of the Volunteer and Militia Army Corps, which was to be adequately trained and instructed by fully paid professional officers. On the other hand, they viewed this measure as a low priority.¹³⁷ Throughout the period critics doubted the capability of volunteer forces to provide effective home defence. An invasion scare in 1885 encouraged local defence efforts to protect the major rivers and seaports.¹³⁸

During this year, Herbert attended a public meeting which proposed raising a public fund to purchase torpedo boats for local defence.¹³⁹ Part of the cost was to be met by commercial ports and seaside towns. Herbert advised that the torpedo boats be subscribed for voluntarily because if they were purchased from the Naval Estimates they could be deployed elsewhere. Another speaker commented that these vessels would be regarded by the enemy as private craft and presumably commandeered. The torpedo boat issue related to fears of English vulnerability to invasion as well as decreasing British naval capability at a time when France and Russia were increasing and modernising their fleets. Herbert, as indicated earlier in the chapter, condemned this sort of militarism because it had aggressive overtones. Reformers like Dilke, also an imperialist, thought Britain had to match and even surpass the military capability of its rivals.¹⁴⁰ The British army was also regarded as under-strength, hence the debate on the use of volunteers. Although the army was generally disdainful of the use of auxiliaries to support the regular army, over 30,000 volunteers saw active service in the second Boer War. During the early 1900s, the Volunteer Movement proved resilient against

¹³⁶ Prussian victories in 1864 and 1866 focussed attention on British military resources; see *Ibid.*, p. 168.

¹³⁷ Their preferred system of home defence comprised the navy and recalled imperial troops; Dilke and Wilkinson, *Imperial Defence*, pp. 191-199.

¹³⁸ Herbert attended a meeting of the Empire Defence League to draw public attention to home defence at this time; see *Times*, 2 July 1885, p. 13.

¹³⁹ *Times*, 3 July 1885, p. 10.

¹⁴⁰ Dilke referred to the 'stupendous' potential strength of the British Empire but also to the 'equally stupendous carelessness' in organising its forces; see his *Problems of Greater Britain*, p. 692.

ministerial attempts to reduce its numbers and won more funding to improve the existing Volunteer Force.

In 1905, Herbert, writing in support of the Volunteers, spoke of the debt the country owed to them and ‘how splendid the movement that grew out of the soil.’¹⁴¹ He also referred to the Volunteers as providing the one safe, reliable and lasting way of the defence of the country, a statement that would have drawn both support and scepticism. In order to fully develop the movement, he wondered whether the movement might not have their own official organisation and own Cabinet Minister rather than remain an adjunct to the War Office. The Volunteers, however, did not remain a separate body. In 1907, one of the reforms instituted by R.B. Haldane, the Secretary of State for War, created a new Territorial Force, the core of which was formed by the Volunteers.¹⁴²

Volunteering played a crucial role in Herbert’s proposals for recruiting an army appropriate to his political philosophy. Similarly, most of his other recommendations for military reform reflect his particular theory of politics. Herbert’s concern to transform the army from a bastion of traditional values and class privilege into a ‘popular’ institution led him to reiterate that promotion must come from the ranks. Commissions, he recommended, should be gained by service in the ranks, and as volunteers, and as a result of special (qualifying, not competitive) examinations. Unsurprisingly, another of his reforms included a proposal that the Duke of Cambridge be induced to resign and that no other royal replace him.¹⁴³ The Duke, as indicated, was hostile to military reform and many officers took his lead in deprecating changes proposed by party politicians. The Duke, as Commander-in-Chief, also deputised for a sovereign who was also unsympathetic to army reform. The situation for the reformers was compounded by the fact that officers swore an oath of allegiance to the Crown, the monarch being their first loyalty. Because the Duke significantly impeded further

¹⁴¹ *The Standard*, 15 July 1905, p. 5

¹⁴² Spiers, *Army and Society*, pp. 277-278. Interestingly, Herbert’s son was Haldane’s private secretary; see Harris, *Auberon Herbert*, p. 363.

¹⁴³ When the Duke resigned in 1894 he was replaced by Field Marshal Lord, later Viscount, Wolseley, a career soldier.

modernisation of the army, Herbert and other likeminded reformers wanted him removed.

Herbert's stand on this specific issue also reminds us of his republicanism.

Although the army was to be popular and largely democratic, Herbert also emphasised the individual soldier within the corporate body. Many of his views on modern soldiering related to developing individual skills and initiative. For example, when recommending troops use lighter rifles, he commented that the best capabilities from the modern rifle came when the user was trained to individual action, relying on personal judgement and skills, and not being mechanically directed. He also made a special point of noting that troops on exercise and campaign required well-ventilated tents to ensure that they remained active. As well as being sensible, this suggestion indicates a more modern approach to soldiers' welfare. It also indicates that whether in a company or battalion, soldiers were individuals and not merely cogs in a military machine. Treating soldiers as 'war material' and forcing them to fight without their consent were the grounds also on which Herbert opposed military conscription.¹⁴⁴

However, many of his comments on army practice were practical as well as political. Herbert also recommended that army work be made more real. Troops ought to spend less time on parade 'tricked out in the fine clothes of the soldier'.¹⁴⁵ Instead, more time would be given to teaching the vital part of soldiering: weapons handling, target practice, skirmishing etcetera. His point is valid. Peacetime soldiers spent much time parading, drilling, cleaning equipment and barracks, and undertaking fatigue duties. Very little field training was provided, and only in 1898 was the army able to assemble two corps for peacetime training on Salisbury Plain.¹⁴⁶

When the army conducted smaller-scale manoeuvres in the New Forest in 1895, Herbert observed them, and noted the unsuitability of the soldiers' uniforms.¹⁴⁷ Their red

¹⁴⁴ 'Plea for Voluntaryism', p. 332.

¹⁴⁵ Herbert again questioned emphasis on the ceremonial in 1895; see *Times* 17 September 1895, p. 3.

¹⁴⁶ Spiers, *Army and Society*, p. 230.

¹⁴⁷ *Times*, 17 September 1895, p. 3.

tunics provided a clear target to the enemy and seemed too tightly fitting. He recommended looser dress of a neutral colour. The scarlet uniform was retained until the second Boer War some years later. Herbert also addressed the presence of the army in a local neighbourhood and suggested that, at future manoeuvres, Headquarters Staff should provide an intelligence department for the public to inform them about what was happening in their interest. This recommendation is a further reminder of Herbert's modern approach to official authority and the need for government to constantly inform citizens about its actions, thereby being open and accountable. The suggestion also indicates his desire to fully incorporate the army into society.

Herbert maintained a long and keen interest in military matters, particularly in army reform. The discussion above demonstrates that many of his remarks were insightful, progressive and reflected personal military experience. Others stemmed from humanitarian and moral concerns, particularly those relating to conditions of service. The existing Volunteer Movement provided a basis for Herbert to express more visionary ideas on military service generally. The most significant factor in his thinking is that he regarded the army and navy as almost purely self-defence forces and not instruments of aggression or imperial expansion, a position entirely consistent with his internationalism.

Conclusion

Examination of Herbert's ideas on contemporary foreign and imperial policy, and military reform reveals several significant points. They demonstrate the degree to which Herbert participated in the discussion of these subjects in the pages of the periodical press, or at various public meetings held to address specific issues, or in private correspondence with like-minded individuals. His views, particularly on military reform, reveal a degree of informed opinion. Above all, Herbert expressed his thoughts increasingly radically by

applying the principles of Voluntaryism to each area he addressed, thereby critiquing current policy and presenting an alternative approach. The philosophy underpins his anti-militarism, progressive internationalism, and support of national self-determination. Herbert's Voluntaryism also accounts for the true distinctiveness of some of his conclusions, most notably those in the fields of international arbitration and national self-defence.

CHAPTER FIVE

THE INVIOABILITY OF PRIVATE PROPERTY

This chapter examines Herbert's ideas on private property in the context of political and social change during which underlying attitudes to property ownership altered. Traditionally, proprietorship, particularly land ownership, indicated economic and social status. Above all, it had been viewed as a prerequisite for civic virtue. The right to vote and hold public office was usually linked to some form of property. But the long association between property ownership and the possession of political power underwent a gradual transformation during the nineteenth century. New forms of property right emerged as society became more urban, industrial, and democratic. Property laws and practices, however, still tended to reflect an aristocratic and pre-industrial age. The land reform movement sought improvements in this area. It was particularly concerned to curb, by state action, the power and influence of the 'great landowners'. Greater access to rural land also appeared to be a solution to perennial urban unemployment and underemployment. The subject of land reform, including nationalisation, gathered momentum from the late 1860s producing ongoing debate. Herbert vigorously opposed nationalisation but favoured widespread land reform for political, economic and social reasons. His thoughts on property generally and on land reform are critically examined below. Finally, the chapter discusses some of the practical measures Herbert took to encourage agrarian reform on a voluntary basis.

Herbert and the Rights of Property

As discussed in Chapter One, Herbert held private property to be of particular importance as a subordinate principle to self-ownership. Along with the rights of self-ownership and self-guidance, he described the rights of property as one of the ‘great rights’ not to be sacrificed to short-term political expediency.¹ Protection of property and its owners, whether rich or poor, also provided the primary justification of government. The natural right to property, however, existed independently of government. His rights-based argument, chiefly derived from Locke, maintained that property was won by the exercise of the faculties. Herbert claimed that property is acquired in two ways. Firstly, it is earned by individual action; it is the product of the free exercise of the faculties. Secondly, it is gained by inheritance. Inherited property represented the right of an individual to ‘deal as he likes with his own’.² Herbert qualified his position on inherited property by stating that the deceased owner should not be given the privilege of attaching conditions. It was unreasonable to give the deceased rights ‘to regulate a world he has left and property which has ceased to belong to him’.³ His view reflects the concerns of those critics who wanted reform in property transactions, especially those involving entailments, or bequests ensuring that specific property remain within a family. The amount of an inheritance does not seem to have worried Herbert. In contrast, J. S. Mill, writing earlier, thought that a maximum limit might be put on inheritances to encourage a greater dispersal of wealth, particularly that in land.⁴

Property, as well as being regarded as vital for human survival, contained a moral importance for many Victorians, including Herbert. He thought that the highest value of property resulted from the qualities of character developed in gaining it. Industriousness, thrift, prudence, dignity, and independence were some of the qualities he associated with

¹ Herbert’s other ‘great rights’ included the rights of the free exercise of faculties and the rights of thought and conscience; see ‘Mr Spencer and the Great Machine’, p. 282.

² ‘Plea for Voluntaryism’, p. 347.

³ ‘A Voluntaryist Appeal’, p. 314.

⁴ J. S. Mill, *Principles of Political Economy*, in *CW*, III, pp. 811-812.

property acquisition. An honest regard for the rights of others was another virtue he associated with proprietorship.⁵ It also brought general peace and contentment to the community, as well as to individuals. Any moves to adjust personal property rights, therefore, must take account of a moral dimension as well as a political one.

Several late nineteenth century liberal theorists related private property to moral autonomy, but claimed this needed to take account of the requirements of a common good. The British Idealist Green (as mentioned in Chapter One) took this position. Green also pointed out the confusion between the origin of appropriation and the origin of the right of appropriation.⁶ While he upheld private property rights, Green stressed that property always had a social reference, first in the ‘clan’ and later in the developed state. The state, unlike the customs of the clan, did not restrict individual appropriation but upheld private property right because it was a precondition of individuals’ moral development within society. Property then connected individuals to the community. Green emphasised the moral significance of property but in Hegelian terms.⁷ He agreed with the doctrine that the foundation of the right of property lies in the will, or that property is ‘realised Will’.⁸ ‘Will’, he elaborated, was a ‘constant principle’ operating in society through which each individual sought to give reality to the conception of a well-being that he or she shares in common with others. Will of this kind also explained the effort to appropriate and the recognition of an individual’s appropriation by other members of society. Green’s theory of property proposed that expression of the human will in this context occurred when an individual takes certain external materials and fashions them, thereby embodying his will in them so they cease to be merely external as before. He described these things becoming ‘a sort of extension of man’s

⁵ Letter to the *Times*, 5 February 1884, p. 3.

⁶ Thomas Hill Green, *Lectures on the Principles of Political Obligation and Other Writings*, Paul Harris and John Morrow, eds, Cambridge, 1986, pp. 163-164.

⁷ I have drawn on Waldron’s account of Hegel’s theory of property; Jeremy Waldron, *The Right to Private Property*, Oxford, 1988, pp. 343-389.

⁸ Green, *Principles of Political Obligation*, p. 168.

organs—the constant apparatus through which he gives reality to his ideas and wishes’.⁹

Humans, unlike animals, could conceive of the possession of property as a general means of future expression and action, as well as the means of further self-development. Through working with property, individuals gained a conception of self-good as well as contributing to the social good, a significant element in Green’s moral notion of politics. Appropriations, therefore, had to be permanently secured for the appropriator by the state. Idealists like Green attempted to uphold individual rights, such as property acquisition, at the same time advocating a more positive role for the state in promoting the common good by the provision of adequate education and so on.

Herbert also thought that proprietorship enabled moral development, as well as material progress, for individuals and for society generally. The ‘common good’, however, was not an entity apart from the individuals who comprised the community.¹⁰ Moreover, the community was best served by establishing and maintaining a system of individual rights, including property rights. These rights, although relating to social relationships and interactions, were not measured against a parallel conception of a common good. By so closely associating property with liberty, Herbert’s approach appears classically liberal. Yet, it is also a fundamental means to a Voluntarist end. Property ownership expressed individual autonomy within a new society that Herbert saw as largely co-operative. Universal proprietorship, he thought, would bring prosperity and progress. Like other contemporary philosophers including Green, he believed that property contained a transforming quality and, for this reason, he thought that no class should be content to remain ‘propertyless’. Every class, for its material and moral well-being, ought to become proprietors in some way, but property must be privately acquired.

To Herbert, tampering by the state with either access to, or ownership of, private property was wrong politically because it was contrary to the purpose of government, which

⁹ *Ibid.*, p. 165.

¹⁰ See Chapter One for Herbert’s ideas on social entity and the common good.

was primarily to uphold individual rights. Any restriction on honest individual acquisition was also an attack on human liberty because the freedom of action and the inviolability of private property were inseparable. This action was wrong morally because such intervention demoralised and enervated human individuals by frustrating the exercise of choice and action. Therefore, according to Herbert, it was impossible to talk of freedom and attack the ownership of private property provided that the property was honestly earned and not taken by force. Public expropriation or redistribution was immoral and represented completely the wrong direction for future political society. The institution of private property, in contrast, offered a 'great and good' inducement to summon the 'efforts and energies' for the remaking of the present form of society.¹¹ At a time when there was a groundswell in favour of state action in many spheres, including property, Herbert's views met with a great deal of criticism.

The New Liberal J. A. Hobson challenged Herbert's doctrine of individual rights and, specifically, the principle of self-ownership as a justification for exclusive ownership of natural resources.¹² Hobson argued that while self-ownership may justify the retention of property in the labour or energy bestowed on the land or its products, it could not justify the claim of ownership of the materials furnished by nature. Furthermore, he added that generally while it is socially expedient to allow some such property, 'it cannot be fairly deduced from any 'right' of self-ownership'. He pointed out correctly that Herbert's argument leapt from a negative freedom, that individuals not be physically harmed in their daily lives, to a very positive freedom which involved a freedom to interfere with the opportunity of others to use their faculties. In other words, some individuals had the right to select pieces of the earth, which their faculties had not created, and to defend these lands against others who also needed them to maintain their rights of self-ownership, specifically the right of physical existence.

¹¹ 'Plea for Voluntaryism', p. 347.

¹² J. A. Hobson, 'A Rich Man's Anarchism', *Humanitarian*, June 1898, p. 394.

Hobson exposed the weakness in Herbert's argument and, at the same time, the flaw in Locke's theory of property from which it was derived. Spencerian Individualists were particularly vulnerable to attacks on their philosophical position on property, largely because Spencer initially presented a very similar argument to Hobson's against Locke in *Social Statics*. In *Social Statics*, Spencer offered Locke's account of the right of private property in land as an example of a defective argument.¹³ He thought that Locke had not sufficiently established exclusive right over something commonly owned. Locke claimed that property originated as a result of someone mixing his or her labour with a natural resource. This action was sufficient to give the agent an exclusive right thenceforth over a resource that previously existed in 'the common state of nature'. Given that natural resources are 'common to all men', Spencer asked in the first instance whether the individual had the right to gather, or 'mix his labour' with something that belonged to all mankind.¹⁴ The real question, however, was whether by expending labour in this manner, the individual's right was greater than 'the preexisting rights of *all* other men put together'.¹⁵ Unless the individual could prove a superior right, his title to possession could not be admitted as a matter of *right*, but could be conceded only on the ground of convenience. Moreover, Spencer found unsatisfactory Locke's sufficiency proviso on property claims: 'when there is enough and as good left in common for others'. How was it to be known that sufficient remained and who could determine this? If there was insufficient left in common, how would the right of appropriation be exercised, and so on.

Spencer argued that if private ownership were allowed, then portion after portion of the earth's surface would be exclusively held until the planet might lapse altogether into private hands. Also, as there was insufficient land available for everyone, a dilemma would arise between landowners who possessed land and the landless. The survival of the landless,

¹³ Spencer, *Social Statics*, pp. 144-145. The work was first published in 1850.

¹⁴ *Ibid.*, p. 145.

¹⁵ *Ibid.*, p. 146.

lacking the means of existence and reduced to the status of trespassers, would totally depend on the permission of landowners. This infringed on the law of equal freedom.

Current land tenure, Spencer claimed, was indefensible as it originated in usurpation and force. Examination showed that all existing land titles were invalid, including those founded on reclamation. The passage of time did not bring legitimacy to them. If, however, it was decided that existing titles were valid, then landowners could be the only legitimate rulers of the country. The right of private possession, Spencer added, only existed by general consent or not at all. But he also noted that the state currently overrode private ownership for public purposes; it took land, with compensation, for roads, railways and so on.

Spencer argued that his basis for land ownership was consistent with the law of equal freedom: whereby ‘the right of property obtains a legitimate foundation’.¹⁶ He also intended it to be a more ethical argument than Locke’s account of the right of private property. However, as he thought equitable redistribution implausible, he proposed that, ‘with no very serious revolution in existing arrangements’, there would occur a change of landlords from separate owners to that of society.¹⁷ Tenancy would become the only land tenure and be administered by the agents of the state. In other words, Spencer advocated land nationalisation, but with a provision for private occupation and use.

Years later, a more conservative Spencer relegated his argument against private property in land on the grounds of equal freedom largely to a distinction between ‘absolute ethics’ and ‘relative ethics’. In Appendix B of the *Principles of Ethics*, he made it clear that although his initial argument was theoretically valid, that the aggregate of men forming the community was the supreme owners of the land, a fuller consideration of the matter had led him to the conclusion that ‘individual ownership, subject to State-suzerainty, should be

¹⁶ Ibid., p. 147.

¹⁷ Ibid., p. 141.

maintained'.¹⁸ Further discussion of Spencer's revised position on land nationalisation appears below.

Herbert, in contrast, never wavered in his support for the individual right to property and he publicly defended it on several occasions. It must also be noted, however, that he acknowledged the inequalities of existing property ownership and believed the situation to be highly unsatisfactory. In *The Right and Wrong of Compulsion by the State*, he stated that 'it is a great misfortune that property, especially land, is at present largely massed in few hands' and he recommended that 'the whole nation, and not a class, should be landowners.'¹⁹ He also spoke of the necessity of legal reform in land transactions, a point that will be revisited later in the chapter. Herbert believed, however, that the current difficulties surrounding property, particularly that in land, were temporary and could be remedied without recourse to greater state intervention.

In 'A Plea for Voluntaryism', he presented a solution whereby the working classes could become property owners of their own volition. The plan applied Voluntaryist principles that were likely inspired by Herbert's association with the Co-operative Movement in the late 1860s and the 1870s. One of the objects of the 'Rochdale Pioneers' was the construction or purchase of houses for Society members that would be financed collectively.²⁰ Similarly in Herbert's scheme, working people 'in every city and town and village' were to form associations for the 'task' of becoming proprietors.²¹ Then, by saving even the smallest amounts and investing them, they would eventually jointly accrue sufficient means to purchase property: land, farms, houses, shops, mills and so on. Herbert suggested that if a million men and women began straight away to save a half-penny per week, then at the end of

¹⁸ Herbert Spencer, *The Principles of Ethics*, 2 vols, London, 1892-93, II, p. 444.

¹⁹ *RWCS*, p. 187.

²⁰ Arnold Bonner, *British Co-operation: The History, Principles and Organisation of the British Co-operative Movement*, Manchester, 1961. Further discussion on Herbert's involvement with the Co-operative Movement appears in the following chapter.

²¹ 'Plea for Voluntaryism', p. 348.

the year they would have a fund of over £100,000 to commence the ‘great campaign’.²² He proposed other enterprises such as the purchase of trading ships and investing shares in well-managed trading companies and railways. As the joint capital of working class owners increased they would become small business owners or farmers and, later, owners of more significant concerns. Land and houses could be rented or redistributed on easy terms to association members. There could be exchanges organised between urban and rural dwellers or rural land might be made into a holiday ground for members, an idea which anticipated modern trade unions’ investment in vacation dwellings and urban real estate.²³ The rationale behind Herbert’s co-operative scheme is empowerment. He urged workers to look to themselves and not rely on politicians for material betterment. By doing the former, they would gain confidence in themselves and in the power of working together.²⁴ Here, Herbert reiterated the anti-paternalism evident in some of his ideas on local government. Acquiring property, as discussed above, was also an important motivator for material advancement and character development. Proprietors, it was generally believed, were potentially more responsible, prudent and self-reliant. Herbert also explained that, by learning to manage some of the resources necessary for their material survival, property owners exerted more direct control over their lives. In his opinion, property was one of the ‘great master keys’ to the material aspirations of the working classes.²⁵

Herbert’s plan also carried a warning. While patient endeavour would eventually bring great rewards, merely relying on politicians to deliver material gains from the property of others would prove to be unsatisfying in the long term. Burdensome taxation and state restrictions, such as interference with free trade, free contract and the open market, would weaken the motives for acquiring property. Property, under the heavy hand of a coercive state,

²² Ibid., p. 349.

²³ The following chapter examines Herbert’s ideas on organised labour.

²⁴ Auberon Herbert, *The Land and How to Get it: Address to the Labourers on the Question of Land*, London, 1885, p. 5.

²⁵ ‘Plea for Voluntaryism’, p. 351.

‘loses its best value’ and could no longer be fully energising.²⁶ Herbert believed in the ‘magical powers’ of property; general acquisition would eventually break down class differences. At the same time, he was also mindful of the future electoral power of the working classes and the implications of downward redistributions of property.²⁷ For this reason, he often phrased his appeals to these classes in terms of resolution and self-denial, urging them to resist the temptations of short-term political windfalls and to appreciate the long-term moral, psychological, and economic importance, for each person, of the respect for all individual rights.

It is wrong, however, to infer that Herbert paid undue attention to the working classes and overlooked the failings of the ruling classes. In fact, he made strong and frequent criticisms of them, particularly for not removing the significant legal restrictions to land. He also urged the rich to be more thoughtful, more willing to make sacrifices, and to be more ‘inspired with noble pride’ to help the poor in their struggle ‘upwards and towards independence’.²⁸ In addition, it must be noted in his favour that he satirised and appealed to the upper classes in his essay ‘Under the Yolk of the Butterflies’. Owners of country houses, he suggested, might use their property more productively.²⁹ Herbert’s statement evokes John Ruskin’s observation on the frequent emptiness of many of the country’s ‘castles’; their aristocratic owners preferring a more fashionable town life.³⁰ He thought this situation indicative of an aristocracy no longer capable of moral leadership. Herbert, writing later, was less dismissive but reproachful nonetheless. He regretted that currently almost all estate owners conformed to the dictates of fashion for country life typified by idleness, conspicuous consumption, and the slaughter of game animals. Instead, he proposed that these properties

²⁶ Ibid.

²⁷ Eric Mack, ‘Introduction’, in Herbert, *The Right and Wrong of Compulsion by the State and Other Essays*, p. 26.

²⁸ Herbert, *The Land and How to Get It*, p. 5.

²⁹ Auberon Herbert, ‘Under the Yolk of the Butterflies, Part II’, *Fortnightly Review*, January 1892, pp. 52-53.

³⁰ John Ruskin, ‘The Barons Gate’, in *Fors Clavigera, The Complete Works*, E. T. Cook and Alexander Wedderburn, eds, Library edn, London, 1903-1912, XXVII, p. 165-180. In contrast, Ruskin’s scheme for agricultural life under the Guild of St. George proposed that every estate had a model school, museum and that each cottage be equipped with a shepherd’s library and selected pictures.

could become local centres for some intellectual interest or public service and something of real good to their local communities. Possible ventures included the artistic, cultural, scientific, industrial, agricultural and economic. Although Herbert acknowledged that many country estates contributed little to their neighbourhoods, he opposed their expropriation by state coercion, a stance which he maintained on land reform, generally.

Land Reform

The subject of land reform became a dominant issue by the 1880s. No question, except for Ireland, drew more attention in public discussion, and the question of Ireland was largely one of land.³¹ In the 1870s, an inquiry was initiated in response to radical concerns about the continuing decline of small-scale ownership and the monopolistic implications of primogeniture.³² Inquiry statistics showed a huge inequality of land ownership in the United Kingdom. Sizeable acreages were owned by a small core of 'great landholders' whose incomes came chiefly from rent rolls. These large estates, usually acquired over generations, were maintained chiefly by the practice of primogeniture and entail. Only 15 per cent of land in England and Wales was farmed by owner-occupiers, with the rest let to tenants who, until the 1880s, had few rights such as security of tenure or compensation for improvements at the conclusion of tenure. Furthermore, working-class radicals blamed 'landlordism' for driving rural people into the cities and causing urban overcrowding and unemployment.³³ The radicals sought to attract people back to the countryside. Herbert's speeches around 1879 reflect much of this thinking.

³¹ Helen Merrell Lynd, *England in the Eighteen-Eighties: Towards a Social Basis for Freedom*, London, 1968, pp. 124-125.

³² The New Domesday survey of 1874-5 found that 7,000 persons owned half the land of the United Kingdom with 2,800 possessing 3,000 acres and a minimum of £3,000 per annum in rents; Jose Harris, *Private Lives, Public Spirit: A Social History of Britain 1870-1914*, Oxford, 1993, pp. 100-101.

³³ For reference to the paradox that land reform was seen as one of the crucial issues for the welfare of industrial workers in Europe's most industrialised country see Eugenio Biagini, *Liberty, Retrenchment and Reform: Popular Liberalism in the Age of Gladstone 1860-1880*, Cambridge, 1992, pp. 185-186.

While the official survey confirmed the perception of many reformers, the statistics did not show the variation in estimated wealth, did not account for local variations in land valuations, and failed to distinguish between urban and agrarian land, a factor that later generated much misunderstanding. Although economic and social factors relating to land ownership subsequently altered, findings gathered at this time defined the terms of sociological and political debate for the next half-century.³⁴

Calls for a reformed land system had been made in the 1840s and 1850s by the Cobdenite campaign for free trade in land that aimed to break up large concentrations of it.³⁵ The greatest pressure for change, however, arose out of franchise reform, beginning in 1867.³⁶ With this legislation began the gradual separation of property, particularly of landed property, from its traditional connection with political rights. Yet ownership or tenancy of property continued to be a perquisite for many positions of public office. Historians have suggested that the fear of the erosion of property rights, as well as fear of a takeover of politics by political adventurers, prevented the introduction of a straightforward universal suffrage, which would have tripled the size of the working class electorate.³⁷ Herbert, as mentioned above, warned of the likelihood of property being offered as a political bribe to the newly enfranchised. In 1906, he wrote that ‘the giving away of property must always remain as the easiest means of purchasing the owners of the vote’.³⁸

Political reforms also combined with intellectual influences favouring change. From the late 1860s, various intellectuals addressed the subject of property. Radicals such as J. S. Mill sought a more communitarian perspective on land acquisition signalling a move away from individual property rights. Mill’s advocacy of land reform saw him take a prominent

³⁴ Harris, *Private Lives*, pp. 101-102.

³⁵ Owenism and Chartism also were among earlier nineteenth century radical movements with aspirations to the land; see Nigel Scotland, ‘The National Agricultural Labourers’ Union and the demand for a stake in the soil’, in Eugenio Biagini, ed, *Citizenship and Community: Liberals, Radicals and Collective Identities in the British Isles 1865-1931*, Cambridge, 1996, p. 154.

³⁶ The Representation of the People Act conferred the parliamentary vote in English borough constituencies on male heads of households and certain categories of lodger; Harris, *Private Lives*, p. 117.

³⁷ *Ibid.*, p. 118.

³⁸ ‘Mr Spencer and the Great Machine’, p. 302.

role in the Land Tenure Reform Association of which Herbert was initially a member.³⁹ The Association's purpose was to promote the reform of landed property, and, as Mill wrote in its programme, 'the vindication of those rights of the entire community which need not be, and never ought to have been, waived in favour of the landlords'.⁴⁰ The programme's first articles were to remove legal and fiscal impediments to land transfer: specifically, the abolition of the Law of Primogeniture and restriction of entail, or the power of 'Tying up Land'.⁴¹ Mill criticised the existing laws that allowed private individuals, from bequest or inheritance, the rights to land they had not laboured on. Nor had this land come to them from people who had actually worked the land for a living. At a time when there was insufficient land for all, landlords in this situation, rightly or wrongly, were monopolists. A monopoly, Mill stated, should be exercised in the manner most consistent with the general good; the state had a same right to control it as, say, the railways. The state, on behalf of the community, was to tax future unearned increases of land rents when rising land values, rather than a proprietor's effort or outlay, had caused the higher rentals. If landowners, rather than pay this tax, preferred to relinquish their land, then the state should pay for it at 'selling price', presumably the calculated land value plus an allowance for any improvements.⁴² Mill, as with Spencer earlier, thought 'the land is the original inheritance of mankind'.⁴³ Mill conceded that the best argument for its appropriation by individuals was private ownership because it gave the strongest motive for making the soil most productive, but this only related to the value individuals added by their own 'exertions and expenditure'. They were not entitled to enjoy the increased value accrued by the general growth of society or from the labour of other people.

³⁹ In 1872, Mill suggested in a letter to Colonel Thomas Cowper that Herbert might become a member of the Association's Executive Committee; see Mill, 'The Later Letters 1849-1873', in *CW*, XVII, p. 1884.

⁴⁰ J. S. Mill, 'Land Tenure Reform', in *CW*, V, p. 690. See also two speeches Mill made at public meetings of the Land Tenure Reform Association in 1871 and 1873, respectively; in Mill, *CW*, XXIX, pp. 416-431.

⁴¹ Mill, 'Land Tenure Reform', p. 689.

⁴² Mill suggested that a valuation of all land in the country be conducted as well as a registration of subsequent land improvements made by landlords; *Ibid.*, p. 692.

⁴³ *Ibid.*, p. 691.

By the end of the 1870s, however, agricultural and economic depressions greatly affected agrarian incomes and land values. In many areas in Britain, rent rolls fell markedly. Many landowners sought to sell their land but met disinclination among new wealth to buy it. Small freeholders also experienced difficulties meeting debt and mortgage payments. Herbert, also adversely affected by the depression, managed to rent his farm and, in order to live more cheaply, moved his household temporarily to Cornwall. Evidence suggests that the larger landowners generally survived better than smaller ones because they could divert more resources into non-landed wealth, including urban development and overseas investment. However, despite the appearance of intensified aristocratic monopoly because of the liquidation of many small holdings, the break-up of the great estates had begun in favour of widespread tenant-purchase.⁴⁴ The dissolution of these estates, however, has been principally attributed to the decline in agriculture rather than the efforts of the land reformers.⁴⁵

Nevertheless, new impetus was given to the land reform movement from the ideas of the American land reformer Henry George. His book *Progress and Poverty* made a huge impact on the discussion of land reform following its English publication in 1882. Widely read, it became a focal point for land agitation. The work was also seen to furnish an intellectual bridge between individualism and socialism.⁴⁶ By the mid-1880s, radical land reform along the lines advocated by George was increasingly argued as a remedy for mass unemployment. George argued in *Poverty and Progress* that private ownership of land caused inequality of wealth distribution to the labouring classes.⁴⁷ If this assertion were not true, he asked, then why was there great poverty at a time of such material progress? Like Mill, he pointed out that land ownership was a monopoly and caused speculation. Speculation in land values, he added, reduced the earnings of labour and capital, and also reduced production. He

⁴⁴ Two seemingly contradictory trends emerged by the end of the period; see Harris, *Private Lives*, p. 103.

⁴⁵ F. M. L. Thompson also claims that land reform was directly ineffective but served more as a battle cry for radical reform achieved elsewhere; see his 'Land and Politics in England in the Nineteenth Century', *Transactions of the Royal Historical Society*, 5th series, 15, 1965, pp. 43-44.

⁴⁶ Lynd, *England in the Eighteen-Eighties*, p. 143.

⁴⁷ Henry George, *Progress and Poverty*, 1880, reprint, London, 1910.

also asserted that, contrary to theory, production and not capital pays wages. George's remedy to 'extirpate poverty' centred on making land common property.⁴⁸ As land was common property like air, private property in land could not be defended on the grounds of justice. Violation of the law of justice giving some people exclusive possession of common property caused misery and poverty. George attributed social and economic problems to inequality of land ownership and not the Malthusian idea of population pressure against subsistence, or other factors such as industrial development. The solution to poverty and its attendant problems, therefore, was not to confiscate land but to confiscate rent.⁴⁹ He advocated a single basis of taxation to be levied on all land, whether rural or urban.⁵⁰ Consequently, the state would become the universal landlord with the land otherwise remaining in the hands of its existing private owners. George approvingly quoted Spencer several times in support of his arguments for land nationalisation. After all, in *Social Statics* Spencer had written 'equity, therefore, does not permit private property in land'.⁵¹ He also argued that common ownership was consistent with the highest state of civilisation.⁵²

Spencer, however, had reconsidered his position on the land question by the time George's book appeared and publicly dissociated himself from it in 1883, and again in 1889 when *Social Statics* was quoted in support of land nationalisation.⁵³ In a letter to the *Times*, Spencer stated that, while he still adhered to its general principles, he dissented from some of its deductions.⁵⁴ He offered several reasons why his views had changed. Beginning with the distinction between 'absolute' and 'relative' ethics, he claimed that he did not expect the land question to have arisen for many generations. He also argued that the community's ownership of land was 'congruous with existing legal theory and practice; since in law every landowner

⁴⁸ George, *Progress and Poverty*, p. 234.

⁴⁹ *Ibid.*, p. 288.

⁵⁰ George's tax was also seen as a solution to all social ills; see Lynd, *England in the Eighteen-Eighties*, p. 142.

⁵¹ Spencer, *Social Statics*, p. 132.

⁵² *Ibid.*, p. 136.

⁵³ Spencer's altered position is examined by David Wiltshire; see his *The Social and Political Thought of Herbert Spencer*, Oxford, 1978, p. 120ff.

⁵⁴ *Times*, 7 November 1889, p. 12.

is held to be a tenant of the Crown—that is, of the community'.⁵⁵ Moreover, the community tacitly asserted ownership already as its supreme right was expressed in every piece of parliamentary legislation. Further, the method of justly calculating compensation would be complicated and the amount of compensation would be prohibitive. Later, Spencer argued that the landless did not have an equitable claim for land improved over time but only to land in its primitive state. Moreover, landowners, in the same period, had contributed £500,000,000 in poor rates to support the landless.⁵⁶ Finally, should the land be nationalised, he doubted the capacity of public officials to manage it better than its private owners.

Perhaps the best indication of Spencer's change of attitude, however, was to be found in the copies of *Social Statics* printed after 1892. In the new expurgated edition of the work, Chapter IX 'The Right to the Use of the Earth' and other references to the land question were removed.

Herbert and the Land Question

Herbert never adopted Spencer's initial position on land ownership although evidence suggests that *Social Statics* was a powerful influence on his thinking. He chiefly formulated his ideas on property, including measures for land reform, before the appearance of Spencer's later works refuting state ownership of land. However, Herbert's involvement with Joseph Arch and the formation of the National Agricultural Labourers' Union in 1872 must be considered pertinent here.⁵⁷ Arch and the National Union, until its demise in 1896, actively campaigned for the availability of agricultural land for the labourer. This objective also engaged Herbert who established a philanthropic enterprise, in 1885, to help realise it. As the

⁵⁵ Ibid.

⁵⁶ Spencer, *Principles of Ethics*, II, pp. 443. Wiltshire notes the significance of compensation in Spencer's changed attitude to land nationalisation and highlights its flaws. Landowners, for instance, were to be reimbursed yet peasants actually worked the land. Also, Spencer calculated a price for compensation and then thought it too high. Wiltshire regards the Land Question as the least creditable aspect of Spencer's developing conservatism; see Wiltshire, *Social and Political Thought of Spencer*, p. 129.

⁵⁷ The two disagreed, however, on Ireland. Arch was a firm Gladstone supporter and thought land monopoly central to the Irish problem; see Scotland, 'National Agricultural Labourers Union', pp. 165-166. Further discussion of Herbert's views on the unionisation of agricultural workers appears in the following chapter.

debate on the land question intensified, ventures such as his were considered by many people to be a viable alternative to land nationalisation. The same year, he published a pamphlet specifically directed at labourers interested in acquiring land.⁵⁸ One of his strongest statements, however, appeared earlier in 1881, when he argued that agricultural labourers, and not the tenant farmers, were the true heirs to the landowners.⁵⁹ Tenure rather than ownership, he thought, did not sufficiently promote the human qualities he associated with proprietorship generally. For these reasons, he hoped, one day, to see the mass of English land pass into the labourers' hands by 'gradual and natural changes' and not by nationalisation.⁶⁰ Opposition to land nationalisation and the defence of individual property rights engaged Herbert in a vigorous public campaign from the late 1870s until his death.

In his writing, Herbert endeavoured to illustrate the reasons why land nationalisation was theoretically and practically wrong. As he stated in his paper to a symposium on the land question, 'neither abstract right nor practical convenience' furnished the grounds for it.⁶¹ Significantly, he echoed the tone of Spencer's arguments in *Social Statics* supporting state land control but employed it instead to reject this position. A more concise presentation of Herbert's ideas on land nationalisation appeared in an article entitled 'Liberty in Land' published in the *Liberty Annual* of 1892. This article, Taylor suggests, is the closest Herbert came in attempting to answer the kind of criticisms made by Hobson.⁶² I am not sure whether this is true because Herbert raised similar points elsewhere but it is certainly one of his chief contributions to the debate on the land question.

Herbert employed several different arguments on the subject. Beginning with the assertion that the theoretical approach to land nationalisation was illogical, his first premise

⁵⁸ Herbert's *The Land and How to Get It* was published in 1885 as Anti-Force Paper no. 3.

⁵⁹ Letter entitled 'State Roads to Ownership'; *Times* 30 November 1881, p. 8. Herbert's letter rebutted some of the arguments for tenure reform proposed by the Farmers Alliance. The Alliance and the leasehold enfranchisement movement were directed by small capitalists against landowners in the early 1880s; see Avner Offer, *Property and Politics 1870-1914: Landownership, Law, Ideology and Urban Development in England*, Cambridge, 1981, p. 151.

⁶⁰ *Ibid.*

⁶¹ J. H. Levy, ed., *A Symposium on the Land Question*, London, 1890, p. 1. Papers of some of the other contributors provide significant comments on Herbert's position.

⁶² M. W. Taylor, *Men versus the State: Herbert Spencer and Late Victorian Individualism*, Oxford, 1992, p. 249.

was that if the land could not rightly belong to any individual, then it could not belong to all persons (the nation), as all persons (the nation) are simply a collection of individuals. As he was fond of stating, ‘a right which the individual has not got, twenty millions of individuals have not got’.⁶³ Rights, in any true sense, could not come into existence by multiplying the individual. Secondly, if no private land ownership was allowed, then items of daily use could not be individually owned as most objects were made from materials originally derived from the land and particularly from particles of the soil. Thirdly, this restriction precluded land rental because ownership by ‘all persons’ prevented separate individuals possessing it even for the shortest terms. If the land belonged to everybody in a truly moral sense, then everybody everywhere must always have access to it. Similarly, the land could not be justly divided on an equal basis because of the necessity for roads and the continual provision for the newly born. Fourthly, common ownership necessitated that everybody, and not just a majority or government, must decide the method of disposal. Government or the majority, Herbert stressed, did not constitute everybody, an argument which was examined in Chapter Two. It was a contradiction, therefore, for land nationalists to assert that everybody owned the land and to call on a majority or the government to take possession of it and dispose of it. This course of action contravened the moral rights of each individual. Land nationalists, in Herbert’s opinion, set up the word ‘rights’ to gain their object but, once they achieved it, treated the word as otherwise valueless. Moreover, the involvement of government did not make the right legitimate because government action of this nature merely enforced the wishes of the strongest group, that is, the majority.

Moving to the overall question of ownership, Herbert stated that true ownership of the land, or of things derived from the land, could exist only where there exists a system of true human rights to give it validity. In his words: ‘the nearer we get to a perfect system of human

⁶³ Levy, *Symposium on the Land Question*, p. 5.

rights, the truer will be the forms of ownership; the more our system is divorced from human rights, the further we shall be from true ownership'.⁶⁴

As with his libertarian rationale for the possession of property generally, Herbert insisted that people must have the freedom to employ their faculties, according to their own choice and to their own advantage, to acquire and possess land provided that they abstained from no violence or fraud. People must be free to undertake all range of transactions: contract and exchange, buying and selling, hiring and letting. To utilise this sort of freedom there must also be a means of free exchange, including that in land.

No-one, Herbert argued, has the right to obstruct the free market for land or to do anything which prevents someone from acquiring land by exchanging it against the product or gain of his own faculties. Put another way, there was no moral justification for a person or group of people to prevent other people from buying in an open market the land they wished to buy. The open market for land, in his view, was a human right just as sacred as the open market for bread or corn, and no person had the right to close it against other people. All transactions in property were governed by the same the principle.⁶⁵ 'Property', he stated, 'must always be regulated by the open market and not by the force of the State'.⁶⁶ That force was made unnecessary in a truly free and open market was one of its great values. Herbert interpreted interference with the right of exchange, along with intervention in the right of appropriation, as infringements on human liberty because they restrained human action. In contrast, land obtained under a system that justly expressed human rights, or that which recognised the free exercise of the faculties, granted the 'best possible human title'.⁶⁷

Herbert's concern over the protection of property titles transferred by purchase and sale lead him into correspondence with the American anarchists Albert Tarn and Benjamin

⁶⁴ Auberon Herbert, 'Liberty in Land: Some Reasons against Nationalisation of Land', *Liberty Annual*, 1892, p. 8.

⁶⁵ Herbert's ideas on the free exchange of labour appear in the following chapter.

⁶⁶ Auberon Herbert, 'The Land and the People', in *The Right and Wrong of Compulsion by the State*, London, 1885, app. B., p. 96.

⁶⁷ Herbert, 'Liberty in Land', p. 10.

Tucker.⁶⁸ Tucker thought Herbert's concerns unfounded and that they did not indicate a weakness in anarchism. He maintained that under voluntary association, as Herbert proposed, private land holding would be upheld but probably limited by the municipalities adopting voluntary principles. The municipalities, however, would enforce ownership on whatever formula had already been agreed and disseminated. Local juries would examine and judge any disputes relating to ownership. Under anarchism, Tucker suggested, the law, including its application in property matters, would be suitably flexible and be regarded as *just* in proportion to its flexibility, instead of as now in proportion to its rigidity. Anarchism, he argued, reduced the inequality of land ownership to a minimum. He challenged Herbert's assumption that under anarchy there would be a scramble for property when the open market no longer operated.⁶⁹ Herbert, however, maintained his support for the capitalist free market. Elsewhere in the same year, he claimed that the free and open market was the one system that did most justice amongst individuals because it was the only impartial institution that existed.⁷⁰ It was also the only system that gave the evolutionary forces free play.

Free trade also featured in Green's political theory as the best means of facilitating universal property rights. Believing that the possession and recognition of rights had a social dimension, he stated that 'free play should be given to every man's powers of appropriation' as a necessary condition to the growth of a free morality.⁷¹ Even though it implied inequality of property because people were variously gifted, the freedom of trade was a 'condition of the more complete adaptation of nature to the service of man by the free effort of individuals'.⁷² Green, despite supporting free trade in principle, acknowledged that not all people were at liberty to benefit from transactions in the market. He cited sellers who are not properly free to make a bargain and workers who have no alternative but to work for 'starvation wages' when

⁶⁸ Benjamin Tucker, *Instead of a Book: A Fragmentary Exposition of Philosophical Anarchism*, 1893, reprint, New York, 1972, pp. 309-312. Edward Bristow claims that fears about the protection of property under anarchism kept Herbert and Levy from announcing as anarchists; see his *Individualism versus Socialism in Britain, 1880-1914*, New York, 1987, p. 217. I reject this claim for the reasons given in previous chapters.

⁶⁹ State regulation was the other alternative to scramble; see Tucker, *Instead of a Book*, p. 311.

⁷⁰ Levy, *Symposium*, p. 6.

⁷¹ Green, *Principles of Political Obligation*, p. 169.

⁷² *Ibid.*, p. 172.

the purchase of labour is cheap.⁷³ This, however, was not a problem with free market capitalism *per se* but the effect of a sort of lingering ‘feudal’ mindset that discouraged the working classes from becoming capitalist proprietors. On the other hand, a combination of institutions and practices, particularly those favouring landlords, reinforced social stratification and prevented change.

Concerns about the status of the current market in land also exercised Herbert. He thought that if a truly free and open market had existed, then the present masses of land would have been broken up long ago. His solution was the removal of all ‘artificial impediments’, such as existing taxes, without the imposition of new ones. At the same time, all compulsory burdens should be lifted as these prevented small holders from buying land. Tithes, for instance, should be redeemed on easy terms, and all rates and taxes should be made voluntary. Above all, Herbert constantly referred to the need for legal reform of the property laws and of the associated transfer processes such as the simplification of conveyancing.⁷⁴ For this reason alone, Herbert’s robust defence of property rights must not be interpreted as a defence of the status quo.

His arguments for greatly freeing up the present system and not state enforced redistribution reinforce an earlier statement he made, in 1881, during land tenure reform. Herbert’s advice for England then was to ‘make the owner complete owner of his property, sweep existing regulations out of existence, and I believe the reappearance of the yeomen will take place.’⁷⁵ Herbert’s reference to ‘yeomen’ is important here because this group, unlike the majority tenant farmers, were owner occupiers and represented an ethos he wished to encourage.⁷⁶ It is also likely that he is making a conscious appeal to the nostalgia for pre-

⁷³ Ibid.

⁷⁴ The legal profession, which had privileged access to current information on property values, enjoyed a large and lucrative monopoly on conveyancing and other business in the property market; see Offer, *Property and Politics*, pp. 18-20.

⁷⁵ *Times*, 30 November 1881, p. 8.

⁷⁶ Yeomen who paid mortgages and not rents found their economic circumstances difficult after 1875 with falling prices among them; K. Theodore Hoppen, *The Mid-Victorian Generation 1846-1886*, Oxford, 1998, pp. 17-18.

enclosure England prevalent in the second part of the nineteenth century, a time of intense social debate on urban industrial living.⁷⁷

Significantly, Herbert also rejected the claim that land differed from other property and even produce such as corn. His justification was that the share of human production in corn was small as much of the work was done by nature. While humans had contributed something to the production of this crop, they also had contributed something to making the land a 'productive instrument'. The relation of man in both instances was essentially the same; 'man does something, and nature more'.⁷⁸ Even if the amount of human labour expended on enriching the land was smaller than that in producing bread and corn, it was wrong to allow the free exchange of the latter and not the former. Earlier, Herbert acknowledged that Individualist opinion was divided between private property in land and other private property and had attempted to persuade other Individualists that it was a contradiction to make this distinction.⁷⁹

Using the same crop and field analogy, he pointed out that the field was claimed as national property while the crop growing on it was agreed private property. As materials from the soil pass into the crop as nutrients plus added manure, the very best part of the field became embodied in the crop. Herbert wondered at the division of molecules of potash, phosphorous and so on that belonged to the individual owner and to the state respectively. Could a more imaginary line between the two forms of property be invented? But Henry Ley, of the Land Nationalization Society, did not agree, and pointed out that while humans initiated natural forces to grow crops and rear animals on the land, they did not do the same and produce land.⁸⁰ Herbert, however, replied that human intervention actually did much to create agricultural or horticultural land by reclamation and fertilisation.⁸¹ Although natural

⁷⁷ Biagini, *Liberty, Retrenchment and Reform*, p. 89-91.

⁷⁸ 'Liberty in Land', p. 9.

⁷⁹ Levy, *Symposium*, p. 3.

⁸⁰ *Ibid.*, p. 27.

⁸¹ *Ibid.*, p. 71.

elements did the principal amount of work in soil creation and crop cultivation, human effort in both could also be substantial.

By insisting on a degree of human agency in land creation, Herbert could deny or at least downplay the special character of land and ignore the point of the argument. The uniqueness of land was one of the key arguments against its exclusive ownership.⁸² In addition, Herbert never appeared to accept the argument concerning land as a finite resource because he thought that, if a truly free market existed, land would be available constantly. This is another reason why he emphasised free exchange in land.

Herbert also addressed the claim that land, similarly to air and water, ought to be treated as common property. He rejected this argument, made by George and others, on the grounds that the properties of air and water are unstable, continually diffusing and interchanging their particles. For this reason, they lacked the identity necessary for private ownership. Land, in contrast, provided the stability and permanence upon which its ownership and use depended. Also, air and water generally had no exchangeable value. If, in a free market, there was value, such as a medical spring, it was likely to be subject to exchange.

While rejecting land nationalisation and redistribution as an alternative solution, Herbert conceded that no human act completely overcame the difficulties of initial ownership. He also suggested that if a majority at any given moment was competent to deal with the land by declaring it national property, then the same majority was competent to make it individual property and to deprive themselves of any rights over it. This is a logical assertion. Herbert also attempted to justify private land ownership on the grounds of historic entitlement. ‘Let it be remembered’, he stated, ‘that all land has been “stolen” in past days from one race to another; by one set of persons from another’.⁸³ If, as the land nationalists claimed, such stealing was wrong then it must be far more wrong in the present day, when ‘we claim to try

⁸² For instance, Mill, in a speech on land tenure reform in 1873, stated: ‘land—in which we term we include mines and the whole raw material of the globe—is a kind of property unlike any other’; see Mill, ‘Land Tenure Reform [2]’, in *CW*, XXIX, p. 425.

⁸³ ‘Liberty in Land’, p. 11.

to act justly by one another and not to steal'.⁸⁴ The land nationalists, he claimed, were asking not simply to repeat a past wrong but to increase the amount of wrong, especially when a very large part of the land had since passed, by free sale, from the families of the original usurpers. Yet, Spencer originally suggested expropriating land from individual private owners on behalf of the community and had argued that compensation for it may not be strictly equitable.⁸⁵ In the twentieth century, Robert Nozick proposed a principle of rectification for property historically but unjustly acquired.⁸⁶ Herbert, addressing this situation a century earlier, made no concession towards the case for restorative justice.

Other objections Herbert voiced against land nationalisation related largely to potential difficulties he saw arising with state administration of the resource. Here, he raised several points.⁸⁷ Of initial concern was the likelihood of the intrusion of party politics into the system, particularly in matters concerning settlements of the conditions of tenure. Consequently, a state of uncertainty would prevail affecting the industry and efforts of those who farmed. Herbert envisaged a plethora of perplexing matters to be worked through such as the length of tenure, whether children should succeed the property of their parents, whether a tenant must obtain state permission for all work on the land, what quantities of land might be sold to a tenant, and so on.

Nationalised land, he thought, would greatly increase 'officialism' or the bureaucracy required to administer it. Ultimately, financing this bureaucracy would inflate land prices.⁸⁸ Moreover, that the state would enjoy a monopoly in the land system would not encourage efficiency in its operations and would likely lead to the despotic and unfair use of its power in matters relating to the land. Herbert, briefly taking an evolutionist's line, also thought that a

⁸⁴ Ibid.

⁸⁵ Spencer, *Social Statics*, pp. 141-143.

⁸⁶ The principle uses historical information about previous situations and past injustices combined with information about the course of actual events until the present. Ideally, this process yields a description of holdings in that society and estimates what might have occurred had the injustice not taken place. If it is shown that property has been acquired unjustly, appropriate restoration can be made; Robert Nozick, *Anarchy, State and Utopia*, Oxford, 1974, pp. 152-153.

⁸⁷ 'A Voluntarist Appeal', p. 325.

⁸⁸ See Herbert's *The Land and How to Get It*, p. 2.

state system would be 'fixed' and therefore not appropriate in a progressive country where flexibility and innovation was required. Countries such as India and Egypt in which land was nationalised were not prosperous and progressive. State systems tended to create 'a dull depressing effect' and stereotyped conditions rather than fostering the 'changes and development that must prepare the ground for higher civilisation'.⁸⁹

The potential cost of the land scheme also alarmed Herbert. If the land was to be obtained fairly, the state would have to incur large debts and then have to finance these. Predictably, Herbert opposed the suggestion by many reformers that taxation should be levied on the land and should be paid annually. He argued that this compulsory payment would remove the choice of every land holder of investing his or her savings in land, an ideal investment for poorer people. Not only would the holder be liable for an annual payment but would have little say in how his tax would be spent.

The Fabian socialist Sydney Olivier, commenting on Herbert's aversion to taxes, suggested the real issue was whether the social organisation which necessitates the payment of taxes and the bearing of other burdens increased individual freedom in other respects to an extent which more than compensated most infringements of rights. Essentially, he employed a 'positive liberty' argument. As for Herbert's objections to majority rule, Olivier stated that the will of the majority would only be exercised to maintain such institutions as appeared to 'conduce' the greatest happiness of the greatest number. He added that 'the Socialist asserts that private property in land ... does not conduce to this end'.⁹⁰ But Herbert, as previously stated, was hostile to the trade-off of individual rights that utilitarianism involved.

Olivier also addressed the subject of rent. He pointed out that socialists contended the private appropriation of rent paid to landlords was 'socially mischievous'.⁹¹ Rent, Olivier argued, was a social and not an individual product. It was a toll paid by the workers to persons who rendered no service towards its production and, on these grounds, it ought to be

⁸⁹ 'A Voluntaryist Appeal', p. 326.

⁹⁰ Levy, *Symposium*, p. 10.

⁹¹ *Ibid.*, p. 11.

confiscated. His claim resembles both Mill's and George's objections to the 'unearned' increment': income that most landholders enjoyed with little or no effort on their part.

Private property, Herbert conceded, 'like every human thing has its evil as well as its good'.⁹² Landowners may abuse their power but so may the flour merchant. However, he was less phlegmatic on the exercise of power by landlords and farmers, in 1879, when speaking about the position of agricultural labourers.⁹³ These workers, he pointed out, could not bargain freely on labour matters because their homes would likely be in jeopardy. Despite acknowledging the inequity connected with agricultural land and labour, Herbert continued to regard land as similar to other personal property and, for the reasons argued above, supported the continuance of private ownership.

Yet, there can be no doubt that he also advocated land reform and his stance on this issue was no less radical than contemporary socialists and new liberals. Compared with them, however, Herbert's position was libertarian rejecting the use of state power to achieve reform, a point he made particularly clear when describing the object of 'planting English labourers in English soil' as being 'greater to me personally than any other social change'.⁹⁴ But he added: 'I would not employ the forces of the State either in large or in small ways to bring it about'.⁹⁵ Embarking on this path, he thought, led to a situation similar to that in Ireland. Ireland having deserted the free trade system had 'got into entanglement upon entanglement' necessitating an even faultier remedy.⁹⁶ Above all, the Irish situation represented to Herbert an example of misguided land reform.

⁹² Ibid., p. 6.

⁹³ *Nottingham and Midland Counties Daily Express*, 17 March 1879, p. 3.

⁹⁴ Letter entitled 'State Roads to Ownership', *Times*, 30 November 1881, p. 8.

⁹⁵ Ibid.

⁹⁶ Levy, *Symposium*, p. 6.

Irish Agrarian Reform

A focal point for Irish nationalism from the 1870s was land tenure as a political reaction against the imposition of English ideas. Of the great differences between the two islands, perhaps the most significant related to agricultural customs and practice. Ireland was overwhelmingly rural in comparison with England. Any industrialisation tended to be concentrated in the north-east around Belfast, an area which co-operated economically with industrial regions in Britain. As in England, the Irish landlord class owned the majority of the land with large holders frequently owning land in different counties, or in Britain, too. Absentee landlords were seen generally by tenant farmers as ‘an excrescence to an indigenous system of land occupancy’, which was antecedent to British land settlement.⁹⁷ Moreover, landlords’ claims for absolute land ownership, as practiced in England, were regarded as totally at variance with local Irish tradition. Recognition of the ambivalence of their land title was one of the dilemmas that faced Irish landlords in following ‘English’ ideas or ‘Irish’ ideas. Many Irish people also regarded the application of *laissez-faire* to agriculture as another peculiarly English instrument of domination.⁹⁸ Mill, one of the few intellectuals who appreciated the importance of Irish native custom and practice in the debate over land tenure, questioned the suitability of using the English model, at least in relation to land, for governing Ireland.⁹⁹ He also commented that the terms on which Irish labourers and small farmers occupied their land were the worst in Europe.

Fixity of tenure was of prime concern among tenant farmers as most did not have the security of leases but held land on a ‘year to year’ basis. Although tenant farmers varied in economic and social status, they universally believed in ‘tenant right’: the notion that tenants, as occupiers of the land and through custom and tradition, possessed a proprietary interest in

⁹⁷ Philip Bull, *Land, Politics and Nationalism*, Dublin, 1996, pp. 23-24.

⁹⁸ *Ibid.*, p. 25.

⁹⁹ For instance, see Mill’s *England and Ireland*, in *CW*, VI, p. 514.

their farms.¹⁰⁰ The right to security was considered fundamental but did not preclude rights of the landlord. In addition, the convention of ‘Ulster custom’, a payment by an incoming tenant to the predecessor for any land improvements, held special significance.¹⁰¹ Although more prevalent in the north, it came to be generally recognised among tenants as the acknowledgement of traditional rights of occupancy.¹⁰² Most landlords, however, largely resisted legal recognition on these grounds. Some thought the practice of ‘Ulster custom’ a drain on farming resources because payment usually exceeded the value of improvements.

The first Land Act of 1870 sought to remedy some of the existing tensions between landlords and tenants chiefly by recognising tenant right. But, by making it easier for tenants to borrow, it also unintentionally increased the indebtedness of farmers rendering them more susceptible to a sudden decline in prices, something which occurred during the depression later in the decade.¹⁰³ Ireland, almost totally agrarian, experienced the greatest fall in British land prices.¹⁰⁴

When farmers found it difficult to pay their debts they looked to landlords for rent deductions. If these were declined, evictions frequently followed.¹⁰⁵ Subsequent protest action isolated land owners who evicted tenants, destroyed property and maimed stock. Evictions continued but so did resistance to them. The years 1879 to 1882 were ones of hardship and widespread revolt to which the British government responded in different ways. Initially, it viewed the unrest as a challenge to law and order and passed coercive legislation such as that allowing arbitrary arrest and preventative detention. At the same time, administrations, notably Gladstone’s Liberals, favoured land reform as a means of addressing long-standing agrarian grievances, and as a means of politically integrating the Irish peasantry on the model

¹⁰⁰ Bull, *Land, Politics and Nationalism*, pp. 23-24.

¹⁰¹ It is ironical that this convention was most strongly recognised in Ulster where English influence was strongest. However, Green noted that in England, under ‘Lincolnshire custom’, a similar tenant-right convention operated; *Principles of Political Obligation*, p. 347.

¹⁰² Bull, *Land, Politics and Nationalism*, p. 37.

¹⁰³ Hoppen, *Mid-Victorian Generation*, p. 577.

¹⁰⁴ Much of this land was practically unsaleable in the ’80s and ’90s; see Harris, *Private Lives*, p. 98.

¹⁰⁵ Between three and four per cent of tenant families were evicted during 1855 to 1880; see Hoppen, *Mid-Victorian Generation*, p. 575.

of the French.¹⁰⁶ Gladstone's land legislation, in particular, drew strong criticism from several different quarters, including that from Herbert.

Herbert held serious misgivings about British government policy on Irish land reform but supported Irish nationalism, as discussed.¹⁰⁷ His ideas are worth examining because they reveal a distinctive approach to events in Ireland. Also, by attacking the politics of land reform there, Herbert augmented his critique of contemporary government. His chief concerns on Irish reform overlap. First, he thought that legislation enacted in favour of Irish land tenure was not founded on either fair or wise principles, although the 'end in itself was good'.¹⁰⁸ Government policy was frequently expedient, a response to violence, rather than a plan for the longer term and involving Home Rule. Secondly, Herbert thought that such a high degree of state intervention in Irish land reform was setting the wrong precedent for the rest of Britain.

This conclusion drew on deeper concerns. The Irish Land Acts signalled not just unwise policy in the agrarian sector but also represented an instance of the misuse of political power.¹⁰⁹ The course of action being pursued in Ireland, like various proposals for English land reform, was morally wrong for several reasons. If the state supplied people's 'wants' by force, it armed politicians with the dangerous power to offer bribes. Politicians offered a large part of the people gifts at the public expense, or at the expense of a special class, in this case the large land owners. In return, politicians or political parties were given power irrespective of all other considerations. In Herbert's opinion, 'bribes always lead to bad government, for those who take them are morally disqualified from exacting that henceforth only what is right and wise shall be done'.¹¹⁰ The receivers, therefore, ceased to be resolute guardians of 'the real public advantage'.¹¹¹ In other words, the public was best served by principled, not expedient, government. Herbert's moral argument was a general one applying, in this

¹⁰⁶ Harris, *Private Lives*, p. 191-192.

¹⁰⁷ See Chapter Four.

¹⁰⁸ 'The Land and the People' p. 99.

¹⁰⁹ Brief reference to Ireland appears in the 'The Land and the People', pp. 99-100.

¹¹⁰ *Ibid.*, p. 99.

¹¹¹ *Ibid.*

instance, to Irish land reform. This explains why, I think, he continued to separate land agitation and Irish nationalism after they became conflated. It was not his lack of understanding of the Irish situation as it might first appear. Herbert's argument also accounts for his calling Fenianism the nobler cause. However, while considering land reform necessary, he opposed the achieving of it by violent Irish protest or by the force of government legislation.

Earlier, Herbert prefigured this argument in specific reference to Gladstone's Irish legislation. In a letter to the *Times*, he stated that the first Land Act of 1870, although less significant than later reforms, signalled the wrong direction.¹¹² It created an artificial system of new rights and privileges for tenants but also raised expectations among them concerning future gains. Basically, his comments drew on many of the arguments he raised against land nationalisation generally, such as that the type of land reform proposed involved a misuse of state power. He suggested also that free trade practices, not protectionist ones, ought to have been applied to remove 'all artificial obstructions' that impeded the transfer of land, including the legal recognition of tenants' claims where equitable. Herbert thought that state interference was undermining Irish political and social morality by overriding the principles of free action and personal responsibility. Further, force and bribery seemed to be the weapons used by both sides.

The introduction of the second Land Act of 1881 was particularly contentious to many people, among them Herbert. By this time, also, land reform was a leading topic in England. The Act granted to tenants the 'three F's': Fixity of tenure, Fair rents, Free sale. It also set up a Land Court to review rents.¹¹³ Critics, including Herbert and Chamberlain, saw this reform as another concession to violence and crime, rather than one informed by justice. Chamberlain, speaking on the Land Act, attacked the tactics of the Land League likening them to a 'tyranny as obnoxious to Liberals and to Liberalism as any other form of

¹¹² *Times*, 30 May 1882, p. 8.

¹¹³ During its first twenty years of operation it reduced the rents of about 60 per cent of all occupiers by an average 22 per cent ; see Hoppen, *Mid-Victorian Generation*, p. 579.

despotism'.¹¹⁴ Herbert, particularly critical of Gladstone's 1881 legislation and subsequent plans, raised a number of objections, chiefly on ideological grounds.

First, he thought it was the wrong path to land reform. It would not free up land but would enmesh the Irish in ongoing legal proceedings. He described the Land Court set up under the Act as 'medieval' benefiting only a flourishing legal profession. The land, he pointed out, was already entangled with old but divergent customs.¹¹⁵ His views here are pertinent. As stated, Herbert was highly critical of the existing legal impediments surrounding the free exchange of land. He consistently advocated a straightforward and inexpensive method of transferring it, particularly to small holders. Secondly, the measure was merely expedient; it sought to pacify one side at the expense of the other regardless of the good principles of government, also an objection to the 1870 legislation. Thirdly, it over-ruled freedom of contract and the underlying principle of freedom of action, all basic tenets of Liberalism. Moreover, Irish landlords were the first class yet to have had their right to freely trade their land legally overridden. The interests of one section of the community, Herbert argued, should not be advanced by limiting the free action of another section. The true way to govern was to recognise rights not grant favours.¹¹⁶ Fourthly, Herbert called for Irish self-government, even if it led to independence. He suggested that the best practical work the Liberals could undertake was to arrange this transfer of political power and buy out landlords who did not agree with the new settlement. Although Irish self-government did not occur, land purchases increased.

Successive governments, Conservative and Liberal, escalated the publicly funded Irish land purchases so that, between 1885 and 1903, more than two-thirds of agrarian

¹¹⁴ *Mr Chamberlain's Speeches*, I, p. 238.

¹¹⁵ Bull comments that the relationships on the land in Ireland were historically complicated and confused, and that rival perceptions of legitimacy were never far below the surface; see his *Land, Politics and Nationalism*, p. 9.

¹¹⁶ Mill, had he been alive, might have countered that the legislation aimed at the restoration of original rights since lost.

freehold land had been transferred from landlords to tenants.¹¹⁷ In 1888, Chamberlain pointed out, with some justification, that the state-assisted scheme of Irish land purchase of 1885 placed the Irish tenant in a position ‘more favourable than that of any agricultural tenant on the whole face of the globe’.¹¹⁸

Herbert, fearing that continued Irish land redistribution would become a model for land reform for the whole of Britain, also continued to criticise land legislation. He maintained that it merely postponed Home Rule and, in the meantime, did more harm than good. Moreover, legislation, which stipulated that landlords and tenants act in a certain way, did nothing to enhance patriotism.¹¹⁹ State regulation of this sort, according to Herbert, treated people of all classes as automatons with minimum conscience and responsibility, an opinion already discussed in other chapters. Again, he repeated that Irish nationalists had been concerned with spoiling landlords rather than making nationalism a pure and simple cause.

Irish landlords, he claimed on several occasions, had been treated unfairly largely because they were an easy target. Out of sight to British reforming politicians and relatively few in number, they were weak in political influence. This group, he claimed, had been submitted to legislation, ‘such as had never yet fallen on free men in a free country’.¹²⁰ Further, these laws had not been provoked by any special fault of theirs. Herbert added that he was ‘no special lover of landlords’ and that those who live in country districts know their ‘usual pettiness’.¹²¹ However, Irish landlords, although they had a number of failings, were not harder or harsher, more self-interested or unscrupulous than their fellow men. Herbert, in contrast, was much more critical of the hypocrisy of some of the leading Liberals, the ‘eloquent orators of Irish landlordism’, whose money was safely invested in industrial concerns: ‘investments about which no Royal commissions are held, no great Acts of

¹¹⁷ Harris, *Private Lives*, p. 102. Irish landlords, as a distinctive class in Irish society, had largely disappeared by the 1920s.

¹¹⁸ *Mr Chamberlain's Speeches*, I, p. 302.

¹¹⁹ *Free Life*, 24 May 1890, p. 2.

¹²⁰ Auberon Herbert, “‘The Rake’s Progress’ in Irish Politics”, *Fortnightly Review*, January 1891, p. 129.

¹²¹ *Ibid.*

Parliament are passed ...'¹²² These Liberals, unlike Irish landlords who faced uncertain income and violence, enjoyed unbroken yearly incomes and could afford to sit snugly in moral judgement. Herbert's vehemence here is notable and it leaves no doubt that he had some sympathy with the Irish landed class.

Herbert's concern about Irish landlords must also be understood as a specific example of his general criticism of contemporary political behaviour. Political elites, as he frequently pointed out, operate by promising favours or concessions to one group at the expense of another. Property, in some form, is the preferred currency that they employ to overrule great principles and to divide people within society. Ireland, Herbert thought, was a particularly blatant case of this occurrence but he made other more general warnings about the willingness of politicians to redistribute private property to buy votes.¹²³

Herbert's Alliance with the Liberty and Property Defence League

Herbert's outspokenness in defence of private property, especially from the late 1880s, has led several commentators to interpret his position as a departure from radicalism and even as a return to conservatism.¹²⁴ In so doing, they cite his connection with the anti-statist pressure group the Liberty and Property Defence League (LPDL).¹²⁵ In a short address to that organisation in 1889, Herbert explained the nature of his relationship with the LPDL. He acknowledged that there were differences between members of the League and those who acted with him. Some, he added, were swayed by 'conservative and practical considerations', others by considerations 'more radical', and, in their opinion, 'more philosophical'.¹²⁶

¹²² Ibid., p. 130.

¹²³ See, for example, 'A Plea for Voluntaryism', pp. 346-347.

¹²⁴ For instance, Greenleaf, as mentioned in the Introduction, indicates Herbert's return to the Tory allegiance; see his *The British Political Tradition, Volume II: Ideological Heritage*, London, 1983, p. 278.

¹²⁵ See, for example, Bristow's *Individualism and Socialism*, pp. 1-3, 8-9. As mentioned in the Introduction, Herbert declined to join the LPDL.

¹²⁶ Auberon Herbert, *The Rights of Property: An Address*, London, 1890. (Proceedings of the seventh annual meeting of the Liberty and Property Defence League.) For a report of this meeting see also *Times*, 11 December 1889, p. 3.

Presumably, he placed Voluntarists in the latter category. Although Herbert thought these differences healthy, he believed there were times when the various 'sections' should act in unison. The current changes in wealth distribution offered such a time. He supported the League because he understood that it would try to 'maintain all kinds of property', whether in land or of another form. He added that, in defending property rights, the League was undertaking the most important work that any body of people could undertake at the time. At the meeting, both Herbert and the LPDL council chairperson, Lord Wemyss, stressed that his presence was more of a political alliance than a close association. Before its commencement, Wemyss accounted for Herbert's attendance by saying that it was customary to invite a distinguished person from outside the LPDL to chair the annual meeting.¹²⁷ Herbert, he stated, was a well known 'apostle of liberty' and, although he was in 'thorough sympathy' with the League, he did not belong to it.¹²⁸ Wemyss conceded that Herbert had desired him to state to the meeting that he could not join the LPDL, and added that Herbert 'thinks we are rather too mundane in the way we deal with the principle of liberty'.¹²⁹ Wemyss's remarks are notable because they suggest that Herbert, rather than being in 'thorough sympathy' with the LPDL, thought it sufficiently important to clearly differentiate his position from theirs.

Even so, might Herbert's address to the LPDL or his defence of Irish landlords indicate a conservative position? His reference to 'pillage' in relation to land nationalisation indicates his opposition, as mentioned.¹³⁰ He made stronger criticism of attitudes to Irish land acquisition, writing of 'the more than Irish principle that it is wrong for the rich man to acquire land by purchase and inheritance, but right for the poor man to take it by force'.¹³¹ Furthermore, Herbert's origins were aristocratic and he maintained ties, especially extended family ones, with this class. He was also a land owner. But these factors, I think, are largely

¹²⁷ Apart from taxation, one of the strong differences was Wemyss's support of compulsory military training: see Chapter Four.

¹²⁸ Herbert, *Rights of Property*, p. 5.

¹²⁹ *Ibid.*, pp. 5-6.

¹³⁰ 'The Land and the People', p. 95.

¹³¹ *Ibid.*, p. 96.

beside the point given that Herbert's political views on property and land reform favoured a degree of change that would eventually break down class differences.

In 1879 he had stated that allowing land to be bound up in the 'meshes of the lawyers', contributed to the constant enlargement of the great estates that 'like a snowball go on constantly increasing'.¹³² Any additional land, he added, was generally caught and secured in these legal nets and the results of this process were felt everywhere. There is some justification in Herbert's frustration at the lack of legal reform, something which the legal profession resisted with hostility or apathy.¹³³ In 1885, Herbert argued that the public were suffering the effects of the continuance of unsatisfactory laws that helped maintain an 'evil monopoly' in 'large masses' of land instead of allowing them to break up more quickly under a free system.¹³⁴ This viewpoint does not reflect a conservative position.

Also, while he addressed the LPDL in late 1889, the following year Herbert was being referred to as an anarchist, a factor which indicates to me that Herbert's position was considered more politically complex, if not extreme.¹³⁵ Ironically, at the same time, the subject of property engaged Herbert in an ideological skirmish with the American anarchists Tarn and Tucker, as mentioned above.

That some modern commentators tend to associate Herbert with libertarian Conservatism is likely attributable to the political party reversals that occurred in the 1890s and 1900s. While the Liberal Party became the party of 'redistribution', critical of extremes of both poverty and wealth, the Conservative Party increasingly defended absolute property rights in whatever form and not just in landed or hereditary property.¹³⁶ Given that Herbert believed so strongly in the rights of private property, he supported, to a degree, the party or organisation upholding these rights; hence his association with the LPDL, to which Herbert

¹³² *Nottingham and Midland Counties Daily Express*, 17 March 1879, p. 3.

¹³³ Harris, *Private Lives*, p. 117.

¹³⁴ 'The Land and the People', p. 94.

¹³⁵ See, for example, T. H. Huxley's reference to Herbert in the essay 'Government: Anarchy or Regimentation', *Nineteenth Century*, XXVII, 1890, pp. 858-859.

¹³⁶ Harris, *Private Lives*, p. 119.

once wittily referred as ‘sitting in the evil shadow of Lord Wemyss’s presence’.¹³⁷ On the other hand, Herbert was totally disenchanted with party politics by this time and placed little faith in them. Moreover, in 1882, he referred to the faint-heartedness of the Tories on the subject of property and stated that they did not care to defend its rights or even knew how to do so.¹³⁸ In 1889, he reiterated his lack of faith in either the Conservative Party or the Liberal Party to restrict state action.¹³⁹ Wemyss, in contrast, suggested that the Conservatives, led by Lord Salisbury, might be taking a new line and defending private interests such as property, a point which J. H. Levy challenged.¹⁴⁰ Furthermore, unlike Spencer, Herbert became, if anything, more radical with time. It would be wrong, therefore, to interpret his ideas on private property as representing an overall return to conservatism. Also, while the Conservative Party moved in a direction closer to Herbert’s position, his views remained unchanged.

In 1889, Herbert talked of the ideal of large estates having to give way to changing ideals in land ownership but he did not wish these ideals to be realised by state measures.¹⁴¹ Revolutionary proposals, such as George’s, sought to remedy by force what ought to be taking place more gradually by ‘healthy and natural means’.¹⁴² Remarks Herbert made earlier in a letter to the *Times* show clearly that he understood why George’s proposals appealed to those wanting land. Here, he commented that it was impossible for ordinary people to appreciate the excellence of private property in land when the ‘custom of large estates and the wretched legal intricacies of title have separated them for so long from all possession of it’.¹⁴³ Tellingly, he added ‘excellent as private property in land may be for others, it certainly has not been so for them’.¹⁴⁴ He continued: ‘we have done our best for generations past to disgust

¹³⁷ Herbert, in a letter to the *Times*, professed not to have lost all his old radicalism but stated that he was always prepared to fight desperately to preserve individual rights of property; see *Times*, 4 January 1890, p. 12.

¹³⁸ Harris, *Auberon Herbert*, p. 237.

¹³⁹ Herbert, *Rights of Property*, p. 14.

¹⁴⁰ *Ibid.*, pp. 27-28, 37.

¹⁴¹ *Ibid.*, p. 8.

¹⁴² ‘The Land and the People’, p. 95.

¹⁴³ This letter was entitled ‘State Land-Grabbers’; see *Times*, 5 February 1884, p. 3.

¹⁴⁴ *Ibid.*

the mass of English people with private property in land, and now we have no right to wonder that there are many who turn to Mr George as their prophet...'¹⁴⁵ This statement, I think, proves that Herbert was highly sympathetic to the landless and that he strongly supported land reform. Law reform, tax changes and the free market were means of achieving this.

These solutions, however, did not satisfy Sir Roland Wilson, an Individualist supporter of land nationalisation, who claimed that Herbert 'practically refuses all inquiry into the ethical basis of property, and talks as though it were needless to go behind the "free and open market" which is flatly absurd'.¹⁴⁶ While there was some justification for Wilson's remark, as Hobson's criticisms revealed, it overlooked the emphasis that Herbert placed on law reform in making land more readily available.

Another method, and one very significant to Herbert, was the voluntary creation of small holdings from portions of large properties. While encouraging the break up of the large estates, this scheme would also enable 'small men' to have access to the land. Promoting the desirability of small holdings involved Herbert philosophically and practically for a number of years.

Herbert's Participation in the Small Holdings Movement

Traditionally, small agricultural holdings existed throughout England, but their number declined largely as a result of the enclosure of the common lands between 1760 and 1867. Although enclosure boosted new methods of farming and allowed more intensive farming, it often had an unfavourable effect on the small subsistence farmer who had previously used the commons for turning out various animals as well as a source for free fuel. Without access to the common land, any existing arable holding cultivated for winter fodder was subsequently insufficient to provide a livelihood. Mechanisation in agriculture was an additional argument

¹⁴⁵ Ibid.

¹⁴⁶ Sir Roland Wilson, J. H. Levy et al., *Individualism and the Land Question: A Discussion*, London, 1912, p. 9.

against smaller holdings. Consequently, small independent farmers were forced to become labourers often in the growing manufacturing towns.

Agricultural labourers, unionising in the 1870s, claimed that the enclosure schemes had robbed them of ancient rights to the common land and sought to regain their rights to the soil.¹⁴⁷ The National Agricultural Labourers' Union campaigned for greater availability of small holdings at modest rents, the provision of allotment lands and greater security of tenure.¹⁴⁸ Overall, the Union did not support land nationalisation, although Arch recommended unsuccessfully that parish councils have the power to compulsorily acquire sufficient land for labourers as the demand required.¹⁴⁹ In the 1880s, it also encouraged emigration of labourers to parts of the empire where land was more plentiful, thus reducing village populations at home and creating available land. The short-lived rival National Farm Labourers' Union, however, formed a land company to purchase and hire land to farm labourers.¹⁵⁰

A demand for land was also generated by urban labourers facing unemployment during this period. The provision of small holdings, therefore, had two foci: agriculturalists already residing in the country and townspeople settling in the country. Furthermore, more land became available as some of the large estates experienced the agricultural depression. Although various small-holdings schemes existed prior to the 1870s, their number grew in the three decades that are most relevant to this chapter.¹⁵¹ By the early 1870s, small holdings were also on the political agenda. One of the articles of the Land Tenure Reform Association's programme stipulated the promotion of land for small cultivators.¹⁵² By 1904,

¹⁴⁷ Scotland, 'National Agricultural Labourers' Union', p. 156.

¹⁴⁸ *Ibid.*, p. 154.

¹⁴⁹ Joseph Arch, *The Story of His Life*, Countess of Warwick, ed., 3rd edn, London, 1900, p. 390.

¹⁵⁰ This union formed in 1875 lasted a little over two years; see Scotland, 'National Agricultural Labourers' Union', p. 152-153.

¹⁵¹ Among the schemes was the Desborough Co-operative Society of Northamptonshire that began purchasing land in 1885 for the provision of allotments for its members; see L. Jebb, *The Small Holdings of England*, London, 1907, pp. 247-248.

¹⁵² The promotion of co-operative agriculture was another article. Both measures were supported by Mill as encouraging peasant proprietorship; see Mill, 'Land Tenure Reform', p. 693.

small holdings represented two-thirds of the total number of holdings of England but only 15 per cent of size under cultivation.¹⁵³

Herbert became interested in small holdings as an aspect of land reform early in his career and before this type of land became particularly significant to the campaign against land nationalisation and socialism. When these issues became more contentious, however, he argued vigorously for the creation of small holdings to 'recreate the belief in private property'.¹⁵⁴ Herbert championed the creation of small land holdings for reasons not solely ideological. 'Freehold land', in his opinion, was 'the investment specially fitted for the poor man'.¹⁵⁵ This person was the best judge of his (or her) requirements in selecting land, an investment which allowed more direct control over his or her life. Land was less likely to be lost through fraud or the incapacity of others. Generally, it held or appreciated its value, although this tended not to be the case in the latter decades of the nineteenth century. Nonetheless, Herbert always strongly believed in the suitability of small holdings for ordinary working people. Even the smallest plot of land helped make a labourer less dependent economically and socially. Lastly, Herbert cited the personal enjoyment obtained by the small owner in cultivating his own plot of ground.¹⁵⁶

Similar views on the benefits of owning small holdings were held by Edward Carpenter who suggested that having to work a small place mainly by themselves obliged people to be a little ingenious and versatile.¹⁵⁷ Large farms, in contrast, stunted individuals' ability because of the great division of labour found on them. Small holdings also constituted a 'ladder' by which an agricultural labourer or townsman might advance his social status. Moreover, he argued that this lifestyle produced healthier people. Carpenter, like Herbert, lived rurally on his own small holding in Millthorpe, between Sheffield and Chesterfield,

¹⁵³ Jebb, *Small Holdings*, p. 2.

¹⁵⁴ *Times*, 5 February 1884, p. 3.

¹⁵⁵ Levy, *Symposium*, p. 5.

¹⁵⁶ 'A Voluntaryist Appeal', p. 326.

¹⁵⁷ Edward Carpenter, *Towards Industrial Freedom*, London, 1917, pp. 99-102. See also Carpenter's *My Days and Dreams: Being Autobiographical Notes*, London, 1916, pp. 287-289.

which he purchased in 1883.¹⁵⁸ In the new century, Carpenter also became an advocate of co-operative agricultural colonies believing them a means of making communities more self-sufficient. He criticised the slow progress of the small holdings and agricultural co-operative movement in England placing much of the blame for it on government and officialdom. Land for co-operative farms, he proposed, was to be made available either by governmental purchase or by gifts from large landowners and then broken up into small holdings around a larger central farm. He thought that this arrangement would avoid the monotony of large state and municipal schemes proposed by the Labour Party. Carpenter's approach was to combine private enterprise and public administration for social and economic reform. The creation of numerous small agricultural holdings was a small but important step in creating the non-governmental and perfectly voluntary society he envisaged. Herbert's goal was similar but sought to use private capital only.

As part of his political programme, Herbert called for the immediate organisation of voluntary land companies to make land available on low terms.¹⁵⁹ He envisaged these ventures involving public spirited urban businessmen working in partnerships with labourers and workmen. Land companies, he suggested, offered the 'means of uniting classes for a great object' and he urged the many men who possessed capital and business power to participate.¹⁶⁰ Herbert, clearly inspired by this notion, also approached W. T. Stead to help run 'a great company with the best business power over it to buy up land—& carve small farms and small holdings'.¹⁶¹ If they could only do that, he added: 'we should restore the idea that men can help themselves'.¹⁶²

Meanwhile, Herbert put theory to practice providing several small holdings on his farm at Ashley Arnewood. He explained more about these in 1885 in a letter to Francis Fuller,

¹⁵⁸ Initially, Carpenter managed the market garden he established at Millthorpe and sold the produce at the Sheffield market; see his essay 'Does it Pay?' in Carpenter, *England's Ideal and Other Papers on Social Subjects*, London, 1895, pp. 128-129.

¹⁵⁹ 'The Land and the People', pp. 101-102.

¹⁶⁰ *Ibid.*, p. 102.

¹⁶¹ Herbert to Stead, [c.1886], Papers of William T. Stead, STED 1/39/25, Churchill Archives Centre, Cambridge.

¹⁶² *Ibid.*

Secretary of the Small Farms and Labourers Land Association.¹⁶³ Stressing that his venture was on a small scale, he stated that small acreages between half an acre and two acres were rented by labourers on a three year lease but renewable every year. The rent was £2 with Herbert paying the drainage charge as well as tithes and rates. Herbert noted that the rented land was largely cultivated in the same way as the surrounding farm land from which the labourers hired horses to work their own land. It appears that most of the labourers were regularly employed in the district and farmed part-time. The previous year, Herbert recommended the benefits of providing 'facilities' to assist 'men' to become partly owners and partly labourers.¹⁶⁴ He maintained that among the best labourers were those who were partly occupied on their own land. Herbert reiterated this point on a later occasion in reply to doubts, raised by Lord Wemyss, about the economic viability of small holdings.¹⁶⁵

Questioning their overall benefit, Wemyss attributed the earlier decrease in small holdings to the fact that they were uneconomic. His comment followed Herbert's appeals to large landholders to designate parts of their property for these holdings. Wemyss, a large landowner with holdings in Scotland and Gloucestershire, suggested that as small holdings yielded little profit to their owners, more money was to be gained from selling them to a neighbouring farmer or landlord. Other questions arose in regard to them, especially if they were to multiply. Would they become the absolute freehold of the cultivators with rights of sale or part sale? Or would they have a limited freehold under the control of the state? If the benefits of small holdings could be clearly shown, Wemyss stated that he favoured encouraging the allotment system as a trial but he doubted that it would prove the panacea as some people suggested. In reply, Herbert thought the case for viability had yet to be proven but admitted that success was more likely if the small owner had another source or income.¹⁶⁶

¹⁶³ Herbert to Fuller, 26 October 1885, Estate Papers of the Fourth Earl of Onslow, Ref. 1320/427/7, Surrey History Centre, Woking.

¹⁶⁴ *Times*, 5 February 1884, p. 3.

¹⁶⁵ Herbert, *The Rights of Property*, pp. 22-23.

¹⁶⁶ *Ibid.*, p. 30-31. Earlier, J. S. Mill conceded that, from a purely economic view, larger farms would be more productive; Mill, 'Principles of Political Economy', *CW*, II, p. 148.

Unlike Wemyss, however, economics were not the primary consideration in Herbert's support for small-holdings schemes.

It was Herbert's idea to set up the Small Farm and Labourers' Land Company in 1885. A number of influential people attended a meeting in London, chaired by Lord Carnarvon, to consider establishing the philanthropic company. Subsequently it was formed 'for the purpose of buying land and disposing of it in quantities and on terms suited to the wants of different classes of buyers, the main object being the multiplication of land owners and of those interested in and living on the land'.¹⁶⁷ The method of procedure was to buy landed estates, divide them into small holdings, and sell them at a small profit. The proceeds were reinvested to buy more land and to pay a small return. In order for the scheme to continue successfully it was necessary for the company to sell land.

Four properties were acquired between 1885 and 1890.¹⁶⁸ The land was offered for sale on a deposit of 10 per cent and the balance, with interest at 5 per cent, repayable in half-yearly payments extending over twenty years or more if required. The Company's methods aimed to be flexible to attract both urban buyers and agriculturalists, in order to increase overall the number of small proprietors. Yet, the problem that faced the Small Farm and Labourers' Land Company and other similar companies was that although there was a demand for land hire, no similar demand existed to buy land, especially in local areas. Consequently, the Company had to reduce expenses and manage the estates, mostly rented, through local agents. The Company was dissolved in 1901.¹⁶⁹

Herbert's Small Farm and Labourers' Land Company has largely been interpreted as a total failure but this is somewhat harsh.¹⁷⁰ Unlike some similar schemes, it managed to operate for over fifteen years of agricultural and economic depression. According to Louisa Jebb's survey of small holdings in England, the main idea of the company's method was

¹⁶⁷ Jebb, *Small Holdings*, p. 144.

¹⁶⁸ For a detailed account of the Company's transactions see Appendix III of Harriet S. Wantage, *Lord Wantage: A Memoir*, 2nd edn, London, 1908, pp. 451-456.

¹⁶⁹ According to Harriet Wantage, the Company was not finally wound up until 1905; see *Lord Wantage*, p. 456.

¹⁷⁰ For instance, see Bristow, *Individualism versus Socialism*, pp. 265-266.

workable but a number of conditions in the scheme's implementation caused its final failure.¹⁷¹ Firstly, the estates were purchased before a considerable fall in general land values and sold after a second decrease. This factor alone would have seriously disadvantaged success, particularly in the short-term. Secondly, it appears that insufficient research was done on suitable conditions; whether, for instance, there was a strong local demand. Consequently, some estates were disastrous failures while others were successful. Thirdly, and most significantly, there was a difficulty in selling land although there was a constant demand for hire. Later, Lord Wantage, the chairman of the Small Farm and Labourers' Land Company, conceded that the 10 per cent deposit seemed to be a serious barrier to purchase.¹⁷² Also, a number of small holders resisted the tie of ownership when it might be advantageous for them to move. The Company's offer of tenancy, although limited, made it unusual among similar land companies. The lack of land sales, however, meant that it could not proceed with its intended plans and had to absorb standing costs. Finally, the Company was set up to deal with a greater volume of business than it actually generated.

Although Herbert's land company had limited success in adverse times, official state schemes also experienced mixed fortunes. The Small Holdings Act of 1892 empowered county councils to purchase land and adapt it for small holdings.¹⁷³ Again, the demand was chiefly for rental land. Also, agricultural conditions varied. Furthermore, the scheme only succeeded where the administration was fostered by local knowledge and sympathetic county councils.¹⁷⁴ Where this was absent, little progress was made. In 1894, further legislation under the Local Government Act granted leases to parish councils for allotments. Although a

¹⁷¹ Jebb, *Small Holdings*, p. 158.

¹⁷² In 1889, Lord Wantage gave evidence to a select committee investigating the creation of small holdings in Great Britain; see *Ibid.*, p. 323.

¹⁷³ Prior to this the Allotment Extension Act of 1883, presented by the politician and agrarian reformer Jesse Collings, required trustees of charities holding lands to announce annually the letting out of small parcels of land to labourers and others. In 1887, Collings proposed another bill increasing allotments and making available small holdings but it was foiled by milder legislation; see Scotland, 'National Agricultural Labourers' Union', pp. 165-166.

¹⁷⁴ Jebb, *Small Holdings*, p. 363.

government committee, in 1906, recommended an easing of the terms of purchase for the small holder, it made no proposals for compulsory powers for acquiring land.

Herbert's active involvement in the small holdings movement was typical of his philosophical approach to the prominent issues of the day, in this case the land question. Here, he sought a practical but voluntary solution. With the co-operation of some large landowners, he established a land company that endeavoured to encourage people of limited means to become proprietors of small holdings. Prior to this, he allocated some of his own land for this purpose. Herbert's motivation, I think, was largely political but also philanthropic. Additionally, his own experience, albeit as a gentleman farmer, lay behind many of his efforts to encourage land reform in this direction. The combination of political philosophy and personal involvement, in many ways, resembled that of Carpenter.

Conclusion

Land reform played a significant role in Herbert's thoughts on property. While opposed to land nationalisation, he strongly argued for law and tax reform to enable free trade in land to occur. Herbert, however, participated in most aspects of the contemporary discourse on property. For this reason the preceding discussion has been comprehensive. It commenced by showing how vitally important property rights were to Herbert's idea of free and moral agency. Many Victorians shared this point of view, including the British Idealist Green. But as a Spencerian, Herbert had to defend his natural rights position of private property in land against similar arguments which Spencer once also had formulated. Herbert continued to advocate private ownership whether in land or in other property, and urged that all classes become proprietors. Universal proprietorship, he believed, would empower individuals and help end social division. To this end, he suggested the formation of co-operatives to purchase collectively, over time, real estate and land. He also advocated land companies to assist those people wanting to purchase small land holdings. Some of Herbert's arguments on land could

be abstract and complex; his rationale, for instance, for treating land in the same way as other forms of private property. His thoughts on Ireland are another example. Here, he rejected the connection between agrarian reform and nationalism not because he was unsympathetic to the Irish cause but because he believed coercive government action, although employed in a good cause, to be morally harmful. Herbert's defence of private property rights also saw him become allied with the conservative lobby group, the Liberty and Property Defence League, although he disagreed with its members on other ideological matters. But, as I argue throughout the chapter, Herbert did not become conservative on the subject of property. As a radical reformer, he sought to transform the status quo on property matters not uphold it.

Overall, Herbert's ideas on property illustrate significant aspects of his political thinking, particularly the centrality of individual rights. Property ownership was one of the 'great rights' to be defended against all threats, including that of state redistribution. Moreover, Herbert, encouraged by the democratic and self-help implications of proprietorship, left no place for paternalism. Property empowered its owners whether individual or collective. Finally, he envisaged many opportunities for voluntary and co-operative action, among all social classes, in property acquisition and management.

CHAPTER SIX

LABOUR AND CAPITAL

Herbert's position on labour and industry has largely become associated with the reactionary capitalist forces of the 1890s, a judgement which this chapter argues is largely undeserved.¹ As with his ideas on property, natural rights philosophy informed Herbert's thinking on labour. Before he formulated his mature political thoughts, however, various labour matters occupied him. These included the emigration of workmen and promoting the creativity and technical expertise of artisans. During the 1870s, he was actively involved in trade unionism and the co-operative movement. His political theory of the 1880s advocated the rights of individual and collective labour, including women workers, with the libertarian proviso against violence. Yet, by the end of the decade and throughout the 1890s, Herbert increasingly criticised many aspects of the emerging 'New Unionism', particularly its militancy. More worrying to him was an apparent espousal of Marxist socialism by a number of trade union leaders and the implications of this for the working classes generally. However, his response to these developments was not merely reactive, a point that must be emphasised. Consistent with his Voluntaryism, Herbert presented an alternative programme for future labour organisation and industrial relations that encouraged workers to become considerably more self-sufficient by mutual co-operation with fellow workers and with employers. Also, by urging workers to become capitalists collectively, he aimed to remove the barriers between labour and capital in the interests of a peaceful and prosperous society for all of its members.

¹ See, for instance, Chapter Five of Edward Bristow's *Individualism versus Socialism in Britain, 1880-1914*, New York, 1987, pp. 229-259.

Herbert's Early Involvement in Labour Matters

Although Herbert did not finalise his theoretical position on labour until the early 1880s, he was always sympathetic to the status of labour and to the plight of working people. Research suggests that his direct involvement in a range of labour issues informed his later political thinking. Added to this was a keenness for concrete action. This is particularly apparent early in his career.

While still a liberal Conservative, Herbert visited areas of Lancashire early in 1863 to investigate the problems facing the cotton industry, which was adversely affected by the interruption to the cotton supply due to the American Civil War. His article 'The Future of Lancashire', published in the Conservative newspaper *The Press*, described the distress he observed and suggested two chief solutions to it.² Immediate relief to the distressed in the form of food and clothing should be increased and be administered by a central relief committee. Herbert also recommended that it was the duty of the government to find, where possible, work for the unemployed in other counties to alleviate the strain on Lancashire. Emigration was another outlet. Herbert had reservations about this solution 'on any large scale or wholesale scale' because it might be detrimental to the industry in the long term by creating a future labour shortage. At the same time, he thought it unwise and wrong to attempt to keep together 'this whole mass of "idle industry"'.³ He also accepted that the seriousness of the situation warranted some official involvement but wished to restrict the level of interference by government specifically to the provision of 'cheaper and larger transit'. Private charity and the colonies would undertake the substantial part of the task.

The subject of emigration involved Herbert more directly in 1869 when he approached the labour leader George Howell to help him organise a group of artisans, masons, bricklayers

² *The Press*, 4 April 1863, p. 323.

³ *Ibid.*

and carpenters, interested in emigrating to work in the United States.⁴ From the correspondence between them, it is evident that Herbert was acting as an intermediary between those who would be assisting the emigrants abroad, while Howell, a former bricklayer and London Trades Council activist, was arranging contact with the artisans. The letters contain little detail about this scheme but at this time Goldwin Smith, an expatriate, wrote to Herbert from the United States concerning unemployment in the English building trade and offered to find work for a number of workmen on the construction of new buildings at Cornell University in Ithaca, New York.⁵

As significantly, the correspondence indicates that Herbert was fairly well acquainted with Howell. This association proves interesting.⁶ Herbert played a prominent role in the Working Men's Club and Institute Union around this time and both men belonged to the Land Tenure Reform Association.⁷ Howell, also Secretary of the Reform League until its dissolution in 1869, actively supported the Liberal Party and looked to its Radicals for labour reform. Herbert by this time was among their number and seeking a parliamentary seat. He raised the possibility of Howell helping him campaign in Nottingham at the beginning of 1870.⁸

The direction of Herbert's political career at this time also brought him into fairly extensive contact with Liberal leaning artisans and workmen on a number of projects. The Workmen's International Exhibition of 1870, for instance, was an ambitious undertaking in which he was one of three chief organisers supported by a larger committee. The idea behind

⁴ Herbert to Howell, 14 March 1869, George Howell Collection Letters 1868-1871, fol. 5, Bishopsgate Institute, London. Evidence shows that the two men were acquainted previously. In 1866 or 1867, Howell persuaded Herbert to introduce him to T. H. Huxley; see F. M. Leventhal, *Respectable Radical: George Howell and Victorian Working Class Politics*, London, 1971, p. 24.

⁵ S. Hutcheson Harris, *Auberon Herbert: Crusader for Liberty*, London, 1943, pp. 91-92.

⁶ One letter, for instance, begins with an invitation from Herbert to breakfast, and in another it is clear that both men shared an interest in American politics; Herbert to Howell, 21 April 1869, George Howell Collection Letters, 1868-71, fol. 7.

⁷ Herbert, with Hodgson Pratt and Thomas Paterson, shared the duties of paid secretary of the Working Men's Club and Institute Union following the departure of Henry Solly in 1867; see B. T. Hall, *Our Fifty Years: The Story of the Working Men's Club and Institute Union*, London, 1912, p. 37. In 1869, Herbert arranged with his brother-in-law and sister, Lord and Lady Portsmouth, to receive at their Hurstbourne Park estate an excursion party from the Working Men's Club and Institute Union. Howell gave the vote of thanks; see *Times* 18 August 1869, p. 5.

⁸ Herbert to Howell, 14 February 1870, George Howell Collection Letters, 1868-71, fol. 7.

the exhibition was to promote and honour the 'skill and intelligence' involved in the production of a wide range of handicrafts, and to highlight their significance to British industry. To encourage greater recognition of excellence in the production of works of industry and art, each article exhibited was labelled with the name of the worker who created it along with the name of the firm where it had been manufactured. Artisans whose contributions were judged excellent in their assigned categories were to receive certificates and medals.

Several aspects of the Exhibition must be noted for their political and social significance. The Exhibition appears to have originated within the Working Men's Club and Institute Union, but input into its planning widened to include delegates from co-operative trade and benefit societies, other workmen's clubs and institutes and large workshops.⁹ The Exhibition had a high degree of Liberal Party support in that a number of Liberals, including MPs A. J. Mundella and Samuel Morley, participated in the planning conference. William Gladstone was the Exhibition President. Also participating were the prominent labour leaders William Allan (Secretary of the Amalgamated Engineers), Robert Applegarth (Secretary of the Amalgamated Carpenters and Joiners) and George Odger (a prominent unionist and working class radical).¹⁰ The event seems to have been a deliberate attempt to elevate the position of skilled labour in the political nation. The accompanying publicity emphasised that Britain possessed a skilled and co-operative workforce which could combine successfully industrially and, by implication, politically after the 1867 franchise reform.¹¹

The manner in which the Exhibition promoted the creativity of labour is also noteworthy. Labour, as historians note, has a dualism in Western thought.¹² Although regarded as a painful necessity for survival, it is also considered to be a creative activity: that

⁹ For notice of the planning conference and officials; see *Times*, 15 December 1869, p. 4.

¹⁰ Termed the 'Junta' by the Webbs, these salaried officials, along with Edwin Coulson and Daniel Guile, largely directed trade union affairs from their various headquarters in London; Sidney Webb and Beatrice Webb, *The History of Trade Unionism*, London, 1902, p. 215.

¹¹ *Times*, 15 December 1869, p. 4.

¹² Andrew Reeve, *Property*, Houndsmills, Basingstoke, 1986, p. 4.

of individual expression and the means of imposing oneself on the external world.

Throughout the nineteenth century, a number of social and political commentators, notably John Ruskin and William Morris, lamented the loss of this aspect from industrialised work. Morris, writing in the 1890s, saw advanced industrialisation as divorcing the workman from pleasure in his labour and that the unit of labour was no longer an individual but a group.¹³

Over two decades earlier, the Workmen's Exhibition strove to emphasise the art of industrial production, sometimes against strong opposition from particular factory owners who were reluctant to credit individual workers for the production of their articles.¹⁴ If the names were not forthcoming after a certain period, then the Exhibition organisers withheld these exhibits from consideration by the judges for commendation. Another important feature of the event was its competitive element, which Herbert and his co-secretaries supported on the grounds that historically, unlike all manner of games, the efforts of industry generally had 'provoked no contest and received no crown'.¹⁵

An associated aim of the Exhibition was public education, aesthetic and scientific. The former was to develop in all people a true perception of what is beautiful in colour and form. The latter to give a 'scientific knowledge' of the machinery and materials currently employed in existing industries. The Exhibition also emphasised to the British public the excellence of domestic products at a time when the country faced greater competition from foreign manufacturing. On the other hand, friendly competition from foreign exhibitors was also celebrated. The manufacturers of Italy, Denmark, the Netherlands, and India were heavily represented with Bavaria, Austria, Spain and the United States making more minor contributions. The organisers held the view that international exhibitions of this type stimulated innovation amongst peoples and assisted prosperity and progress. As well as helping to unite classes, they also sought to overcome national differences. Herbert, as discussed earlier, remained very much disposed to this internationalist way of thinking.

¹³ William Morris and E. Belfort Bax, *Socialism: Its Growth and Outcome*, London, 1893, pp. 245, 305.

¹⁴ *Times*, 23 August 1870, p. 4.

¹⁵ Harris, *Auberon Herbert*, p. 97.

Although the Workmen's International Exhibition continued from early July 1870 until the beginning of November that year, it became increasingly overshadowed by the Franco-Prussian War, which also lured Herbert to the Continent. Largely owing to public uncertainty about the international situation, attendance dropped and the event faced financial shortfalls. Consequently, award winners faced lengthy delays in receiving their medals.¹⁶ The event, despite the enthusiastic intentions of its organisers, was only modestly successful and no further exhibitions of this nature occurred in England.

The early 1870s also saw Herbert, the parliamentarian, supporting working people. He was one of the few MPs who continued to oppose legislation particularly hostile to organised labour. In 1871, a Trade Union Act was passed providing unions with the secure status of registered societies. However, the accompanying Criminal Law Amendment Act more severely restricted activities that unions in dispute with employers could mount; peaceful picketing, for instance, was prohibited. As the Webbs pointed out, a strike was lawful, but anything done in pursuance of a strike was criminal.¹⁷ That the law became more severe than intended was due to amendments made by the House of Lords and a harsh judicial sentence made in the Gas Stokers Case of 1872.¹⁸ Despite this situation, however, Gladstone's Cabinet refused to alter the law. Only a few Liberal MPs including Mundella, Thomas Hughes and Herbert supported trade union opposition to it. Herbert, with Mundella, advised Howell, now Secretary of the Trade Union Congress's Parliamentary Committee, on the legislative course to be followed in repealing the Act.¹⁹ In Parliament, Herbert criticised the Criminal Amendment Act in several debates and pointed out a number of ambiguities in its clauses. Also, rather than attempting to suppress the unions by violence, he commented that the ruling classes ought to be obliged to the trade unionists for teaching them how to carry out the

¹⁶ A letter signed 'A Working Man' complained about this delay; see *Times*, 13 January 1871, p. 4.

¹⁷ Webb, *History of Trade Unionism*, p. 284.

¹⁸ K. Theodore Hoppen, *The Mid-Victorian Generation 1846-1886*, Oxford, 1998, p. 607. A group of striking gas workers was prosecuted for breach of contract by their employers under the Master and Servant Act. Several workers were indicted for conspiracy and, on conviction, were sentenced to twelve months imprisonment; see Henry Pelling, *A History of British Trade Unionism*, 4th edn, Basingstoke, 1987, p. 73.

¹⁹ Leventhal, *Respectable Radical*, p. 174.

principles of arbitration amongst the working men.²⁰ Herbert also unsuccessfully attempted to have the unfavourable changes in the law reviewed by a select committee.²¹

In 1873, he condemned the controversial prosecution of the gas stokers stating that the sentence passed was 'excessive and unjust' because the jury had found the verdict entirely on the counts of the indictment, based on the statute, and had refused a verdict on the common law counts.²² He pointed out that many breaches of contract occurred in the country and were not punished by imprisonment; an example was a barrister failing to appear for a client in court. Employers who broke a contract of service, deliberately or without justification, were liable to be fined or be directed to pay outstanding wages.²³ Workers, in contrast, deemed to have broken their contract of service inevitably faced the penalty of imprisonment. Herbert thought that if this exception were continued 'great mischief must constantly arise'.²⁴ Concerned about the inequalities of employees' treatment before the law, he referred to the abuse of contract by ship owners under the Merchant Shipping Act. New sailors, he asserted, were being engaged under a great deal of coercion, sometimes being kept drunk until the vessel sailed. Such evils, he thought, were due to the 'excessive powers conferred on ship owners over the men who signed the articles'.²⁵ Herbert concluded that relations between capital and labour were in a 'very unsatisfactory state', and the great problem was how to improve them. He warned that, if the present law were continued, the members of trade unions would not make any contract at all. He had personally seen the strength of feeling on this matter while attending the Trades Union Congress.

Herbert's views on the inequity of existing labour laws and his support for organised labour at this time was notable for a member of the ruling classes and an employer. As noted above, his participation in labour matters predates and extends beyond his involvement with

²⁰ *Hansard*, CCV, 4 April 1871, col. 1176.

²¹ *Ibid.*

²² *Hansard*, CCXVI, 6 June 1873, col. 590.

²³ Webb, *History of Trade Unionism*, p. 249.

²⁴ *Hansard*, 6 June 1873, col. 591.

²⁵ *Ibid.*

the unionisation of agricultural labourers. This association, however, is usually the sole consideration of his early position on labour.

Yet, there are sound reasons for attending to Herbert's connection with agricultural labour. He played a prominent role in the founding of their most powerful union, the National Union of Agricultural Labourers.²⁶ Previously (in 1868), he attended a meeting in London to discuss the causes of the unsatisfactory condition of the agricultural labourer and the best means of improving it.²⁷ Then, the weak response of labourers to combination meant that unionisation did not occur until 1872. The organisation of the agricultural workers, to Herbert, embodied the principles of Voluntaryism: self-help and voluntary combination. Before he had formulated his political theory, he spoke in parliament of the agricultural labourers as the class, which although in the worst condition with no traditions of self-help, nevertheless, could rise in their own defence against their employers and show that they were capable of helping themselves.²⁸ This point was highly significant to Herbert because it indicated that the labourers rejected paternalistic intervention, a position which he strongly endorsed. Specifically, the labourers had chosen to join collectively to press their case for amelioration rather than appeal to the landed aristocracy, other members of the ruling classes, or the state. At the time, Herbert was speaking against legislative interference in labour matters; further discussion on this appears below. The politicisation of the unionised agricultural workers represented to him self-reliance in action: a positive future direction for all workers. Belief in self-reliance and self-help were principles that Herbert shared with the Union's leader Arch who wrote of these being imbued from childhood.²⁹

²⁶ Even the Webbs acknowledged Herbert's involvement in the formation of the Union; see Webb, *History of Trade Unionism*, p. 329.

²⁷ The conference was called by Canon Girdlestone who, with his wife, also spoke at the Warwickshire meetings in 1872; see Pamela Horn, *Joseph Arch (1826-1919): The Farm Workers' Leader*, Kington, 1971, p. 18, 19, 53.

²⁸ *Hansard*, CCXII, 16 July 1872, col. 1276. The condition of many farm labourers before unionisation was miserable. Although their housing conditions improved and wages rose during the early 1870s, average real incomes lagged far behind those of industrial workers; see Hoppen, *Mid-Victorian Generation*, p. 21.

²⁹ Joseph Arch, *The Autobiography of Joseph Arch*, John Gerard O'Leary, ed., 1898, reprint, London, 1966, p. 21.

In 1878, Herbert chaired a London meeting to enlist sympathy with the Kent and Sussex agricultural labourers locked out during a dispute with farmers who sought to lower their wages in the economic depression. Herbert's opening speech explains much of his political thinking at the time.³⁰ First, he thought that ordinarily labour disputes were best left to the parties concerned and that outsiders did not usually help by interfering. However, he thought the way in which this dispute should be settled would greatly affect the country's future. As a farmer, Herbert declared some sympathy with the farmers' position that had deteriorated with cheap imports of corn and meat. He conceded that this was one of the difficulties brought on by free trade. But generally supporting free trade, he pointed out that it had also created larger markets in the industrial cities. It had also allowed the importation of new 'fertilising agencies' doubling farming output. Therefore, Herbert argued, the farmer's position had not worsened relatively. Yet, he agreed that there were particular hardships of which the malt tax was one. Nonetheless, farmers would not overcome their differences and make the farming business prosperous unless they were reconciled with the labour they employed. Whereas once these workers clung to their neighbourhoods, times had changed. Unless farmers paid them higher wages, they would emigrate. At this point, Herbert criticised the existing land laws as aggravating the situation stating that the 'land should be brought within reach of those who lived upon the soil'.³¹ Finally, he strongly urged the labourers not to allow 'ill feeling' to enter their quarrel and assured them of the sympathy of 'right feeling men'.³²

Although Herbert's plea to the labourers might be construed as paternalism, this conclusion, I think, misreads him. First of all, he criticised the farmers for not paying their labourers higher wages. He was well acquainted with the poor living and working conditions

³⁰ *Times*, 21 November 1878, p. 6.

³¹ *Ibid.* The previous chapter discussed in detail Herbert's thoughts on the land question.

³² *Ibid.*

of many agricultural workers and thought the situation unjust.³³ This is why Herbert publicly supported their industrial action.

He followed up this stance soon afterwards in a letter to the *Times*, in which he claimed that farmers were morally bound to pay their labourers a sufficient wage.³⁴ Again favouring a free trade position, he called on farmers to respect the independence of the labourer and allow 'him' to be a free agent in wage bargaining. If this was not the case, then the bargain was one-sided and a sham. Moreover, Herbert argued that those farmers (or employers) who did not allow their workers the freedom to negotiate and forced them to abandon their union had the responsibility to provide an amply sufficient wage in lieu of free bargaining. Because the farmers resisted increasing wages, at the same time denying their labourers the right to act for themselves, Herbert strongly upheld the southern farm workers' cause.

At the same time, he wished to endorse the industrial action as one of self-help. The labourers, he thought, were capable of winning gains for themselves. His speech is noticeably anti-paternalistic and makes no appeal to the higher classes to intervene on the workers' behalf. Moreover, he exhorted the farmers to recognise changing times and negotiate. Herbert, while understanding how the severity of the situation might escalate into 'ill feeling', opposed a violent response to it, as he continued to do in most situations. Violence was never the true solution and gains achieved this way poisoned their possessors.³⁵ It is unsurprising, therefore, that his speech emphasised reconciliation and co-operation. The address represents an early example of important elements in Herbert's political philosophy, especially that relating to labour and capital. The Co-operative Movement, he thought, also offered a means of bringing these interests closer together. It could also be a powerful instrument of working class self-help.

³³ Tramping through Essex and Suffolk in 1867, Herbert noted the low wages of Essex farm labourers; see Harris, *Auberon Herbert*, p. 78.

³⁴ *Times*, 22 November 1878, p. 8.

³⁵ *Free Life*, 20 March 1891, p. 232.

The British Co-operative Movement

The modern British co-operative movement is generally thought to have begun with the foundation of the Rochdale Pioneers in 1844, although other schemes existed prior to this. Most notable were the co-operative communities and enterprises of Robert Owen and his followers. Like the Owenites, the Rochdale Pioneers sought a better social order. A significant difference, however, was that the Pioneers built a national co-operative movement, although this was not their original aim. The Society pioneered co-operative retailing, co-operative production, wholesaling, education and insurance. The main strength of the movement was in Lancashire, Yorkshire, Northumberland, Durham and the Scottish Midlands, with the highest growth found in the Midlands.³⁶ Co-operation expanded to include banking, manufacturing, mining and engineering. Retail co-operation was particularly successful between 1870 and 1914.³⁷ The new co-operative movement also differed from the old movement in that most of its members did not want to be insulated from the world. Rather than escape from the marketplace, they wanted to compete in it and provide an alternate system of retailing. Others, however, regretted the departure from the self-supporting communities to a greater materialism.³⁸

Owing to the number of co-operative ventures established, it became evident that some form of national organisation was required, including the holding of annual congresses. In 1869, a congress of co-operators met in London and appointed a committee to arrange for the first annual conference to be held the following year in Manchester. Among the middle class patrons of the London congress were J. S. Mill and Stanley Jevons. Attending, it is recorded, were 'old friends of the Co-operative Movement' including Thomas Hughes, E. V.

³⁶ Arnold Bonner, *British Co-operation: The History, Principles, and Organisation of the British Co-operative Movement*, Manchester, 1961, p. 98.

³⁷ *Ibid.*, p. 96. Two schools of thought on co-operation emerged and divided the Movement. Producer Co-operation favoured ownership and control by the producers, that is, the workers engaged in production. Consumer Co-operation favoured ownership and control by the consumers of the product; Bonner, *British Co-operation*, p. 134.

³⁸ Eric Hopkins, *Working-class Self-help in Nineteenth Century England: Responses to Industrialisation*, London, 1995, p. 210.

Neale, Walter Morrison, Auberon Herbert, and A. J. Mundella.³⁹ Herbert had a fairly high profile at this congress. As well as being on the organising committee with other notables including Rev. Charles Kingsley and John Ruskin, he spoke on the third day and presided on the fourth day.⁴⁰ In fact, Herbert played a prominent role at a number of the early congresses and the speeches he made at them are highly relevant to his position on ‘labour and capital’ as well as to Voluntaryism, generally. Moreover, his involvement in the co-operative movement began some years prior to his meeting Spencer.

Spencer was also a firm supporter of co-operation believing this to indicate a more highly evolved industrial society characterised by voluntary contract and co-operation. His *Principles of Sociology* discusses the history of British co-operation and producer co-operation as the means whereby workers could establish true labour co-operatives.⁴¹ According to Spencer, this arrangement would overcome the coercion of the present wage earner and mark their social transition, and society generally, from one of status to one of contract. However, he pointed out the practicality of the system depended on character but the requisite “sweet reasonableness,” to use Matthew Arnold’s phrase, was not yet sufficiently prevalent.⁴² Nonetheless, those co-operative bodies of workers that survived might be the germs of a spreading organisation. Herbert, who had been an early and active promoter of the national movement, expressed his hopes for co-operation differently.

Analysis of some of his addresses at the Co-operative Congresses indicate that Herbert thought the principles of co-operation offered several important elements: the means of raising and benefiting all labour in the country; a shared interest with trade unions; the means of reconciling labour and capital. The need to teach co-operators the principles of co-

³⁹ G. D. H. Cole, *A Century of Co-operation*, Manchester, 1944, p. 198.

⁴⁰ Herbert’s participation is recorded in J. M. Ludlow, ed., *Proceedings of the Co-operative Congress held in London at the Society of Arts, May 31st, June 1st, 2nd, 3rd, 1869*, London, 1869.

⁴¹ Herbert Spencer, *The Principles of Sociology*, 3 vols, 1876-1896, reprint, Westport, Conn., 1975, III, pp. 552-564.

⁴² *Ibid.*, p. 564.

operation was an issue raised by Herbert at the first national co-operative congress in 1869.⁴³ His proposal drew on that of William Pare, an old Owenite and leading co-operator, who commented earlier on this requirement as he thought co-operators were becoming selfish.⁴⁴ Pare saw some urgency in preventing the movement from degenerating into merely co-operative stores. Sharing these concerns, Herbert also proposed that the Co-operative Movement should found a college or training institution designed specifically for the training of its own managers and officials, not only in technical subjects but also in a clear understanding of the spirit and purpose of the Movement. Thus, labour and education would be combined in an institution that aimed to be largely self-supporting with help from the co-operative societies.⁴⁵ To reduce the college's expenses, he thought an arrangement might be made with other educational institutions, such as the Working Men's College, to provide the service of educators. Although the idea of a co-operative college was not new, it is clear from his proposal that he regarded the Co-operative Movement as involving more than a system of retailing.

Presiding at the opening of the 1871 Congress, Herbert stated that if co-operation departed from the vital principle of dividing profit with labour and took the form of a joint-stock company, it was 'not Co-operation as we have learnt it'.⁴⁶ Co-operation, he argued, entailed more than saving and gaining; some members had forgotten its true principles. Over-emphasis by members on the material aspects of co-operation was an ongoing issue in the movement.⁴⁷ Herbert, to emphasise that co-operation was really a moral movement, proposed a national campaign to promote the principles and practices of co-operation. He also reiterated that one of the fundamental principles was that 'Co-operation is to be a great means of raising

⁴³ Ludlow, *Proceedings*, p. 67.

⁴⁴ Bonner, *British Co-operation*, p. 79.

⁴⁵ Ludlow, *Proceedings*, p. 67.

⁴⁶ G. J. Holyoake, ed., *Proceedings of the Co-operative Congress 1871, held in the Birmingham and Midland Institute, April 10th, 11th, 12th, 13th*, Manchester, 1871, p. 2.

⁴⁷ Hopkins notes the problem around 1914 of many branch members of the movement having little interest in co-operative activities beyond the range and price of goods on sale, and their dividend on purchases; Hopkins, *Working-class Self-help*, p. 218.

and benefiting all labour of this country'.⁴⁸ In this speech also, he promoted the cultivation of closer relations with trade unions and considered that the two movements had too long remained apart. Unions, he thought, had the 'spirit and wealth and organisation' that would lend them to easily adopting co-operative principles.⁴⁹ Lastly, in expressing confidence in the future growth of co-operation Herbert emphasised its benefit to labour. He suggested that associations and organisations of labour would provide more satisfactorily for their members, especially in times of unemployment, than private efforts or by government legislation.

Herbert's emphasis on labour is salient, as is his position on the partnership between co-operation and trade unionism. From the beginning of the nineteenth century, there had been a number of advocates of a closer connection.⁵⁰ However, the movements remained distinctive in aims and methods despite several moves to bring relations closer.⁵¹ Herbert was among later advocates who saw the potential of trade unions to either provide the capital for co-operative ventures or to become co-operative producers themselves. Later, in 1892, Beatrice Webb addressed a joint conference of trade unionists and co-operators. She pointed out that both movements were necessary to working class progress but each had limitations.⁵² At the same time, investing trade unions with control over their respective industries was a false ideal. She and Sidney Webb, in fact, campaigned against producer co-operation. Instead, they advocated the expansion of consumer associations 'for the purpose of superseding the capitalist profitmaker in the conduct of industries and services'.⁵³

Herbert's interest in promoting the connection between trade unions and the co-operative movement was apparent also at the 1872 congress. In a short speech, Herbert concentrated on discussing the recent unionisation of the South Warwickshire agricultural

⁴⁸ Holyoake, *Proceedings*, p. 2.

⁴⁹ *Ibid.*, p. 3.

⁵⁰ The Owenites, Dr King, and the Christian Socialists advocated closer association with the trade unions; Bonner, *British Co-operation*, p. 127.

⁵¹ The Co-operative Union and Trades Union Congresses interchanged fraternal delegates from 1875.

Yet, by the 1890s, the Co-operative Movement, as part of a wider working class movement, sometimes found itself in competition with the Trade Union Movement over standards for labour conditions and for members; Bonner, *British Co-operation*, pp. 128-130.

⁵² *Ibid.*, pp. 127-128.

⁵³ Sidney Webb and Beatrice Webb, *The Consumers' Co-operative Movement*, London, 1921, p. viii.

workers with whom he had just spent some time.⁵⁴ To him, these workers were developing qualities and faculties that would make them better people, such as independence and self-reliance. Moreover, they were practising the principles of Co-operation. Soon, he thought, they would be amenable to become part of the Co-operative Movement. Some of the labourers, he reported, were exploring the possibility of a co-operative agricultural enterprise in Warwickshire.⁵⁵

In 1877, Herbert presided on the first day of the Congress's proceedings and delivered a long and controversial address. Naturally, he began by looking at past successes, particularly those relating to distribution, but commented that there was still room for expansion and improvement. Because a 'spur' to improvement was competition and variety, he said he did not wish to see the retail dealer entirely superseded.⁵⁶ This point reflects Spencer's growing influence on his thinking.⁵⁷ Herbert then discussed producer co-operation and argued for making the working producer also the managing producer, citing the successful model of the consumer also being the distributor. On the same basis, too, he questioned whether it was right to make the producer factories the property of the stores. He also challenged the effectiveness of the management of capital by a central committee arguing that indirect representation rarely succeeded in politics or business. Any move to centralise co-operative production, he argued, might be prove successful in the short term. Ultimately, however, it would weaken the body and members of the system. 'The revolution of our industrial system', he stated, 'is far too large a thing to be placed in the hands of any board'.⁵⁸ Herbert acknowledged that the Central Board carried out important work communicating with the localities and that of 'evangelisation'. But this work should not be expanded at the cost of

⁵⁴ Herbert was unable to attend the congress until the end of the final day but he and his wife invited all delegates to tea in the Co-operative Hall. Afterwards, he replied to the vote of thanks; G. J. Holyoake, ed., *Fourth Annual Co-operative Congress, held at Bolton, April 1st, 2nd, 3rd, 1872*, Manchester, 1872, p. 93.

⁵⁵ Ibid.

⁵⁶ His suggestion that retail societies were not under obligation to 'buy out of loyalty' from the Wholesale Societies drew vigorous criticism from the floor; E. V. Neale, ed., [*Proceedings*] *Ninth Annual Co-operative Congress, held in the Museum Hall, Leicester, April 2nd, 3rd, 4th, 1877*, Manchester, 1877, p. 11.

⁵⁷ Spencer, who later received a copy of Herbert's address, wrote to him admiring the way in which he combined philosophy and practice; see Harris, *Auberon Herbert*, pp. 185-186.

⁵⁸ Neale, [*Proceedings*], p. 6.

robbing the localities of their proper work, and their stimulus to that work. This argument is very similar to that he made against the growth of government and the increased interference of local government, in particular. Centralised power and cumbersome bureaucratic direction undermined people's self-direction and self-reliance.

On a similar note, Herbert argued against the Movement's adopting one central pattern; a single great system of co-operation was neither possible nor desirable. Instead, he urged delegates to welcome experiment and diversification. On the need to test arguments or ideas on forms of co-operation, he quoted J. S. Mill, not Spencer.⁵⁹ Herbert also urged delegates not to forget that they were free traders as well as co-operators. Among the organised working classes, the commitment to free trade was strongest in the co-operative movement.⁶⁰ Herbert seemed to invoke this tradition before declaring his departure from the purity of his former principles; in his words, the view from 'serener co-operative heights'.⁶¹ Confessing that he once looked down on joint stock companies of workmen as an imperfect form of co-operation, he now encouraged their growth as a valid means of encouraging self-reliance. The number of joint stock companies increased greatly by this time, although many failed during the depression beginning later in the 1870s. Herbert's change of position was likely influenced by the early success of these enterprises as much as by Spencer's influence.

Embracing a wider notion of co-operation, Herbert made a strong case for strengthening the position of labour. 'Our end', he stated, 'is to make labour direct itself'.⁶² He argued for workers to work co-operatively, to direct their own labour, and control their own enterprises, but he rejected a uniform system by which they could undertake this. He also suggested that for producer co-operation to attract more investment and succeed, it must appeal to material, as well as moral, self-interest. A current source of weakness, he thought, was that neither labour nor capital saw sufficient reason to invest in co-operative enterprise.

⁵⁹ Ibid., p. 8.

⁶⁰ Eugenio Biagini, *Liberty, Retrenchment, and Reform: Popular Liberalism in the Age of Gladstone 1860-1880*, Cambridge, 1992, p. 100.

⁶¹ Neale, [*Proceedings*], p. 8.

⁶² Ibid.

Co-operators must offer employers and employees ‘sufficient direct tangible advantage to tempt them over to our side’.⁶³

Despite seeming to attack the fundamental tenets of Co-operation, particularly loyalty, Herbert still believed in the principles of Co-operation because it was a system based on voluntary acts and supported by voluntary membership. However, he opposed any idea of monopoly and thought co-operators should compete in the capitalist system. He went as far as suggesting that those Co-operative enterprises which did not measure up in terms of management or quality and price should fail. Without the stimuli of competition, he argued, Co-operation would lose the rewards of such qualities as resourcefulness, inventiveness and ‘iron resolution’.⁶⁴ Adopting a Spencerian tone, he predicted it would be overtaken by ‘sluggishness and conservatism’ until the compressed energy would re-assert itself and the system would break up, leaving the work to begin anew.⁶⁵

A critic of the idea of competition was the prominent co-operator G. J. Holyoake. Writing in the 1890s, he described competition as being antithetical to co-operation: ‘competition means secrecy and over-reachingness, while in Co-operation none seek advantages for themselves save such as are compatible with the equal interests of others’.⁶⁶ Herbert, years later, conceded that under a competitive system evil and frauds were to be expected but insisted that intelligent people living under a free system of voluntary combinations would discover fitting safeguards against them.⁶⁷ Fraud, we must remember, would be regarded as a serious crime in the Voluntary state. Similar to Herbert’s ideas expressed in 1877, however, Holyoake strongly supported co-operative production and the division of workshop profits among workers. Although he supported other forms of profit sharing between employers and employed, his preferred form of industrial partnership was that of the co-operative workshop because it was a partnership between co-equals, an

⁶³ Ibid., p. 7.

⁶⁴ Ibid., p. 9.

⁶⁵ Ibid.

⁶⁶ George Jacob Holyoake, *The Co-operative Movement Today*, London, 1891, p. 86.

⁶⁷ *RWCS*, p. 186.

arrangement Herbert also preferred.⁶⁸ Holyoake described the co-operative workshop as a greater device than the co-operative store in the Movement's aim to raise a 'class capable of controlling their own means of support'.⁶⁹ However, co-operative production, unlike consumer co-operation, proved less successful mainly due to lack of capital, opposition within the Co-operative Movement, and lack of trade union support. The slowness of co-operative production to gain a foothold was later acknowledged by Herbert.⁷⁰ Nonetheless, over a hundred producer co-operative enterprises were operating at the end of the century.⁷¹

Herbert's early involvement in the Co-operative Movement was prompted by an ongoing commitment to improving the position of working people. As he began to develop his philosophy, however, he realised that the crucial component in British Co-operation was the principle of voluntary co-operation and not the uniformity or the hegemony many of its members sought. Further, Co-operation began on a small scale with communities aiming to be self-supporting. Co-operatives were also independent societies within a broad movement. For these reasons, Herbert regarded voluntaryism and co-operation as the driving forces rather than capitalism or state socialism, both of which were consequential. Nonetheless, he considered capitalism to be the more effective means of distributing wealth throughout society. Lastly, the development of his position on Co-operation is an early example of the form Herbert's radicalism frequently took: agreement with a general idea but opposition to any sort of hegemony or monopoly.

After this Congress, Herbert was less active in the Co-operative Movement preferring to direct his energies into formulating Voluntaryism and its associated activities. Yet many of the views he stated in 1877 became part of his political philosophy, including those on

⁶⁸ Bristow claims that despite the high expectations of people like J. S. Mill, profit-sharing became a notorious anti-union scheme between 1865 and 1878 casting a shadow over the best-conceived future attempts; *Individualism and Socialism*, p. 280-282.

⁶⁹ Holyoake, *Co-operative Movement Today*, p. v.

⁷⁰ *Free Life*, 20 March 1891, p. 231. Gosden claims that co-operative manufacture only began to flourish later when the Co-operative Wholesale Society itself became large enough to find it worthwhile to run factories and workshops to provide goods for co-operative stores; P. H. J. H. Gosden, *Self-Help: Origins of Voluntary Associations in the Nineteenth Century*, London, 1973, p. 190.

⁷¹ Jose Harris, *Private Lives, Public Spirit: Britain 1870-1914*, London, 1994, p. 112.

producer co-operation as a means of elevating labour. One of his last statements concerning the Co-operative Movement was that it should remain independent, 'in complete disregard of politics, trades unionism, or any 'ics' or 'ism' which has its own interests to look after'.⁷² The Co-operative Movement as a body remained politically neutral in regard to party politics, despite several attempts before 1914 to align it with the Labour Party.⁷³

The Employment of Women

During the 1870s, Herbert made several statements on the employment of women. Victorian women of every class faced vocational constraints as well as social and political repression. Moreover, the cultural ethos was antagonistic to the notion that women with children should be in paid employment.⁷⁴ Feminists, from mid-century, addressed the limitation of women's work and later advocated other employment measures such as state-guaranteed maternity leaves.⁷⁵ Following the renaissance of women's trade unionism in the 1870s, many women's employment organisations struggled against attempts by the established male unions to strengthen their monopolies and protect their wage levels by sponsoring legislation to exclude women from certain trades on the grounds of health and sensibility.⁷⁶ One of many instances was the attempt, in 1886, by Thomas Burt and other union leaders to ban female labour from working above ground in the mining industry. Individualists, male and female, combined to defend the 'pitbrow' women and the rights of all women to labour when and how they

⁷² *Free Life*, 5 June 1891, p. 30.

⁷³ Bonner, *British Co-operation*, pp. 131-133.

⁷⁴ Hoppen, *Mid-Victorian Generation*, p. 57.

⁷⁵ For discussion of female vocational emancipation and its links with anti-statism see Bristow, *Individualism versus Socialism*, pp. 98-113.

⁷⁶ *Ibid.*, pp. 101-102.

pleased.⁷⁷ The state, in contrast, appeared to be the instrument of reactionary policy in regard to working women.⁷⁸

Earlier, in 1872, Herbert had addressed parliament during the debate on the Mines Regulation Bill restricting the employment of women, young persons and children underground.⁷⁹ Then, he supported the right of women to work in ‘various ways’. He also urged them to combine and, like the agricultural workers, arrange matters for themselves. Finally, he stated that they would never be in a satisfactory condition until they attained the independent position which workmen had already reached. However, he opposed government interference in matters of their employment on the grounds that such legislation would depress their energies, an objection he later made about most law-making.⁸⁰

In 1879, on the subject of workplace regulation, Herbert stated: ‘I do not believe—I cannot believe—in the Factory Acts. I share in and sympathise with the intention at the bottom of them, but I do not believe that they are wise or good’.⁸¹ Interestingly, he considered his two principal objections in the context of women’s employment and their equality with male workers. First, he did not think it right to specially legislate for women and to treat them as if they were children. Here, Herbert sought to unpick the contemporary argument that legal protection of children and women workers was justified on the grounds that neither was capable of preserving their own best interests. While he thought the protection of children was legitimate, treating women as juveniles was wrong. This approach helped distort ‘our views about women’, and prevented ‘our doing justice to them’.⁸² At the same time, he argued, the current course of action had checked the development of those protective unions women were

⁷⁷ The defenders included the Personal Rights Association, Liberty and Property Defence League and the Society for the Employment of Women; *Ibid.*, p. 102.

⁷⁸ The introduction of the Contagious Diseases Acts was an earlier instance; Bristow, *Individualism versus Socialism*, pp. 100-102. For Herbert’s opposition to the legislation see Chapter 3.

⁷⁹ *Hansard*, CCXII, 21 June 1872, col. 35.

⁸⁰ *Hansard*, CCXII, 16 July 1872, col. 1276.

⁸¹ *Nottingham and Midland Counties Daily Express*, 17 March 1879, p. 3.

⁸² *Ibid.* The Factory Acts were a series of laws passed throughout the nineteenth century regulating working conditions created by industrialisation. In 1878, a Factory and Workshops Act redefined a factory as premises where mechanical power was employed in the business of manufacture. By removing the former stipulation of fifty or more operatives from the definition, the legislation enabled factory inspectors to enforce the law more widely.

beginning to form. He expanded his argument to explain that if people felt they were protected by external law they would make no effort to protect themselves. He held it of 'almost equal importance' that women should form the habit of protecting themselves as men did.⁸³ *Free Life* publicised efforts by women workers to organise collectively in a number of occupations, most of whom opposed state regulation.⁸⁴ In 1900, for instance, it discussed the Freedom of Labour Defence Committee, a group affiliated to the Liberty and Property Defence League.⁸⁵ Basically, Herbert favoured voluntary collective self-help among all workers, but his opposition to protective employment legislation placed him in the company of conservative capitalists and industrialists opposed to any sort of reform.⁸⁶

Typically, Herbert did not merely state his support for women's vocational emancipation and their labour combination but later employed women printers to produce some of his political leaflets. Women's employment in the industrial trades was highly contested in Britain during the second half of the nineteenth century.⁸⁷ The printing trade was particularly contentious with male printers long regarding themselves as part of a 'labour aristocracy' and fearing cheap competition from female counterparts. One of the most successful and long-standing women's printing organisations was the Women's Printing Society, which employed both middle and working class women as printers.⁸⁸ In the 1880s, the Society printed some of Herbert's material including his address of 1885 to labourers on the Land Question.⁸⁹

⁸³ *Nottingham and Midland Counties Daily Express*, 17 March 1879, p. 3.

⁸⁴ Bristow observes that the mobilisation by the Individualists of women factory and laundry workers, for example, showed that the people affected were sometimes against state regulation; see *Individualism and Socialism*, p. 109-110.

⁸⁵ *Free Life*, December 1900, p. 94.

⁸⁶ Bristow states that once land nationalisation seemed less likely, the Liberty and Property Defence League channelled its efforts into the protection of urban property and, especially, commerce and industry; *Individualism versus Socialism*, p. 114.

⁸⁷ Michelle Tusan, 'Reforming work: gender, class, and the printing trade in Victorian Britain', *Journal of Women's History*, 16, 2004, pp. 1-2.

⁸⁸ The Society was originally founded in 1876 as the Women's Cooperative Printing Society. Its founder, Emma Paterson, ran it as a joint-stock corporation with employees receiving annual bonuses based on profit earned; Tusan, 'Reforming work', pp. 8-9.

⁸⁹ See, for example, Auberon Herbert, *The Land and How to Get It*, London, 1885 (Anti-Force paper no. 3). Herbert's association with the Society, and his support for women workers generally, warrants further research.

Herbert's Philosophy of Labour

The natural rights basis of Herbert's mature position on labour rested on individual self-ownership and freedom of action and association. As outlined in Chapter One, Herbert drew chiefly on Lockean theory to argue that an individual owned his or labour and, as discussed in the previous chapter, the fruit of that labour. Actually, Herbert offered very little explanation about the basic right of labour, intending it to appear explicit in the notion of self-ownership. Basically, his argument held that each individual had the right to give or withhold labour as he or she chose. He fully recognised the right of workers to combine peacefully and withdraw their labour at any time, and even 'to starve into submission—if they can—any number of their fellow men by such withholding of their labor [sic]'.⁹⁰ But workers did not have the right to interfere in any way with the bargains other workers might have made for themselves. Generally, Herbert regarded the subject of labour as a private matter between consenting individuals, and not an appropriate arena for state involvement unless violence or threatened violence, or fraud was involved. He outlined this position as early as 1872 stating that parliamentary interference in labour matters was mischievous.⁹¹ It undermined the workforce and made pretence of trade organisations. Most legislative enactments deadened public feeling and blunted individual conscience. An exception to state interference was to be made for those creatures such as children and animals that could not protect themselves against cruelty and abuse.⁹² Increasingly, however, industrial relations in the late Victorian period moved from the private to the public domain as conflict between labour and capital intensified.

⁹⁰ 'Principles of Voluntaryism', p. 409.

⁹¹ *Hansard*, CCXIII, 31 July 1872, col. 212.

⁹² *Hansard*, 16 July 1872, col. 1276.

New Unionism and the Late Victorian Industrial Climate

Herbert wrote extensively on industrial relations throughout the 1890s, a period of sometimes intense industrial conflict. A number of underlying factors contributed to the unrest beginning in the mid 1880s. The prosperity of the early 1870s was followed by recession and increasing international competition in the 1880s. Some of the fiercest disputes around this time were triggered by worker resistance to wage cuts in the face of falling prices.⁹³ Other sources of tension were the introduction of new technology and new methods of managing it. Although there were gains in the real wages of workers, particularly from the mid 1880s, these trends were never uniform. Despite the unevenness of employment and continual concern about the debasement of skills and the decline of apprenticeships, skilled employment over the whole economy was considerably more prevalent early in the twentieth century than in 1870.⁹⁴ Insecurity and unemployment, however, were the reality for a large minority of workers. In London, for instance, as many jobs were seasonal, there existed a pool of underemployed people. Here, too, were workers previously employed in trades made obsolete by mass production.⁹⁵ Significantly, the word ‘unemployment’ appeared in the language of political economy in the late 1880s when commentators began to consider that factors other than the working class idleness might be germane.⁹⁶

Although most employers now accepted trade unions in skilled trades and welcomed their role in maintaining industrial stability, they resisted the ‘new unionism’ among unskilled

⁹³ The subject of Victorian labour and industry is contentious among historians and nowhere more than the late Victorian era. I have drawn on Jose Harris’s work for the industrial context of this period; see Harris, *Private Lives*, pp. 143-144.

⁹⁴ British industry in most sectors was remarkably ‘skill intensive’ and invested a higher percentage of its resources in ‘human capital’ than its American and Continental rivals. In many occupations, skills did not necessarily diminish but were transformed: for instance, the machine-tool maker and the boiler-maker increasingly replaced the blacksmith and general engineer; see *Ibid.*, p. 128, 131.

⁹⁵ These included clothing and leather workers and furniture makers; see *Ibid.*, p. 130.

⁹⁶ Hoppen, *Mid-Victorian Generation*, p. 79. The British economy in the 1870s, 1880s, and 1890s was subject to cycles of significant national and international fluctuation.

workers such as the match workers, the dock workers and gas workers.⁹⁷ Many employers believed that industrial action such as that taken in the Great London Dock Strike of 1889 was little more than the artificial creation of scarcity. Also, because this scarcity rested on no intrinsic skill, it could only be defended by intimidation and mass picketing. Largely in response to the organisation of unskilled labour, some employers launched a counter attack in the 1890s. Also industrially militant, the ‘employers’ offensive’, as it became known, saw the establishment of powerful employer federations, the hiring of non-union or ‘free labour’ to break strikes, and the legal challenging of union practices such as picketing and the closed shop. Employers won a particularly controversial decision against trade union action in the Taff Vale case of 1901.⁹⁸

A new factor was added to the late Victorian industrial conflicts: scale. The huge growth in the labour force connected with mining, transport, and public utilities meant that, unlike the mid-century, strikes in these sectors could bring the rest of the economy to a halt. Moreover, the growth of scale was also reflected in the institutional configurations of both employer and worker. The formation of the employer federations, such as the Shipping Federation, was the counterpoint to growing structural amalgamation within the trade union movement; the Miners’ Federation, for instance, was founded in 1889.⁹⁹ The 1890s, therefore, saw both industrial and social unrest. Both camps of protagonists exaggerated the discontinuity because it was in their interests to do so.¹⁰⁰

⁹⁷ The strike, in 1888, among a few dozen women matches workers of Messrs. Bryant and May against miserable conditions was a small but significant harbinger of the onset of the main phase of ‘new unionism’; Pelling, *History of British Trade Unionism*, p. 93.

⁹⁸ The Taff Vale decision ruled that a trade union (the Amalgamated Society of Railway Servants) was liable for damages inflicted by its officials. Legal immunity of trade unions along with the freedom to engage in peaceful picketing was not restored until 1906; *Ibid.*, p. 131.

⁹⁹ Harris, *Private Lives*, p. 144.

¹⁰⁰ Bristow, *Individualism versus Socialism*, p. 229.

'The True Line of Deliverance'

Perhaps the most comprehensive statement of Herbert's position on 'new unionism' and the industrial climate in this era appears in the essay 'The True Line of Deliverance'; published in *The Plea for Liberty* compilation edited by Thomas Mackay.¹⁰¹ Contemporary critics attacked the work, including Herbert's paper, as a reactionary response to inevitable changes in the political nation. For instance, the socialist Sidney Ball thought the 'rambling and voluminous "Plea"' would be hard to surpass in 'offences against good sense, good argument, and good manners'.¹⁰² He was curiously dismissive of Herbert's paper, remarking on its 'literary distinction' but finding it 'too individual and too peculiar to be considered of general notice'.¹⁰³ Herbert's 'The True Line of Deliverance' is expansive, outlining many of his ideas on 'labour and capital'. Its 'peculiarity', this chapter argues, makes detailed examination of it especially worthwhile. Also, while controversial in parts, the content is not merely reactionary or stuck in a mid-Victorian mindset. It is also consistent with Herbert's earlier position and his Voluntarist creed generally. Furthermore, it provides a useful insight into his ideas on 'old' trade unionism, the subject with which he begins.

The old unionism, Herbert thought, was useful in its day and taught 'capital' the sharp needed lesson that unless the fair claims of the 'men' were respected, it could 'make a general mess for everybody concerned'.¹⁰⁴ But despite some of its excellent points, old trade unionism had been a failure, as was made evident by new unionism. Herbert suggested that old trade unionism, so as far as it was restrictive, represented a dam between skilled labour (organised and well paid) and unskilled labour (unorganised and badly paid). As long as this

¹⁰¹ Thomas Mackay, ed., *A Plea for Liberty*, London, 1892. According to Norbert C. Soldon, *A Plea for Liberty* was written at the behest of Lord Wemyss and the Liberty and Property Defence League in response to a Fabian tract. See Soldon's biography of Herbert in Joseph O. Baylen and Norbert J. Gossman, eds, *Dictionary of Modern British Radicals*, 2 vols, New York, 1988, I, p. 411. Mackay denied the inspiration of the LPDL but admitted the sponsors were more or less disciples of Spencer; see Leventhal, 'Introduction', in Howell, *Trade Unionism*, p. xxxviii.

¹⁰² Sidney Ball, 'A Plea for Liberty: A Criticism', *Economic Review*, I, 3, 1891, pp. 327-347.

¹⁰³ Ibid., p. 346. *Modern British Radicals*, 2 vols, New York, 1988, I, p. 411.

¹⁰⁴ Auberon Herbert, 'The True Line of Deliverance' in Thomas Mackay, ed., *A Plea for Liberty*, London, 1892, p. 295.

state of things lasted, trade unionism was something of a success: that is, for the trade unionist. The more a union could restrict the admission of members into the trade, by such practices as limiting the number of apprentices, the more it could for the moment raise the rates of its wages. But what use would the dam be, he asked, when efforts were made inevitably to raise the waters of the other side? One of the results he predicted would be that the skilled unionist would likely receive a lower reward as long as his wage depended on trade union action and not higher skill. All the same, he conceded that circumstances had changed and that the old movement would not serve now.

Herbert acknowledged the need for labour reform so that labour could establish a 'different and better future'.¹⁰⁵ Importantly, he added that: 'the smooth places of the world are not permanently reserved for some of us, and the rough places for others'.¹⁰⁶ This sentence, probably more than any other, establishes Herbert as an egalitarian and a genuine reformer; in this case, in the context of labour. It is also useful to note that earlier, during the unemployed riots in London in 1886 and 1887, Herbert co-organised a Law and Liberty League to secure the rioters their legal rights.¹⁰⁷ He thought it true, despite an enormous amount of insincere speech voiced on the subject, that the lives of workers must be elevated to the knowledge, refinement and higher civilisation which were much more easily reached by those who do not 'labour with their hands'.¹⁰⁸ But, he asked, how was this to be achieved?

In labour reform, Herbert suggested there were two 'roads' or choices to follow. One was that of restriction, regulation, monopoly, and absolute power entrusted to leaders who had to win and defend successive positions. The other choice was free action, unlimited competition, and voluntary association: the true line of deliverance, in other words. While protagonists of the former course of action could offer the bribe of immediate results, he thought that lovers of liberty, given time and full discussion, could successfully plead their

¹⁰⁵ Ibid., p. 297.

¹⁰⁶ Ibid.

¹⁰⁷ Other organisers were A. V. Dicey and W. T. Stead; Bristow, *Individualism versus Socialism*, p. 53.

¹⁰⁸ Ibid.

cause as workers had strong instincts in favour of liberty. Fundamentally, this is another manifestation of Herbert's two basic antithetical 'modes of interpersonal coordination': the path of liberty, peace and co-operation and that of lesser freedom, force and strife.¹⁰⁹ They appear frequently in relation to his statements concerning labour. Moreover, as a Voluntarist, it followed that Herbert insisted that the liberty of action and unrestricted competition were the truer principles on which to base unionism. New unionism, in contrast, was founded on 'distinctly wrong principles': chiefly the sacrifice of one section of labourers to another section.¹¹⁰ It entailed overriding individual desires and judgement for the sake of the common end, an object on which he does not elaborate. Also, it meant the temptation to coerce as well as regulation, restriction and centralisation. He examined the sorts of coercion and restriction that had arisen with the present system.

Beginning with the conflict arising between union and non-union labour, Herbert criticised the control exerted to prevent workers in lower paid trades from joining the ranks of higher paid trades. The same exclusivity he found in mid-Victorian unionism.¹¹¹ This artificial protection was harmful in several ways. In trades that restricted entry, for instance, a parent might be unable to introduce his own child into the same workplace and thereby paid a heavy price for possible wage improvement. Herbert stressed that 'all systems of restriction hurt more than they advantage', although this may not be immediately apparent.¹¹² Even the better forms of unionism, he added, always lend themselves to a certain amount of restriction if they are to be effective for raising wages. Moreover, if practices become unduly interfering and coercive not only is outside labour restricted in the same trade, but the unionised labour in that trade becomes isolated and less easily refreshed from other trades.

¹⁰⁹ Eric Mack, 'Introduction' in Herbert, *RWCS*, pp. 23-24.

¹¹⁰ 'True Line', p. 298.

¹¹¹ Despite ongoing debate concerning who constituted the 'aristocracy of labour', certain skilled workers enjoyed more productive autonomy in the workplace and manifested what is often referred to as the mid-Victorian 'bargain' between capital and labour. Features of this arrangement, excluding the majority of the workforce, the unskilled, casuals, women and juveniles, survived until 1914; see Harris, *Private Lives*, pp. 141-142.

¹¹² 'True Line', p. 300.

Herbert also attacked the rigidity of rules and practices being enforced in many unionised trades. He pointed out that close labour demarcations, such as the rigid boundaries between mason, bricklayer, plasterer, and carpenter, often led to much inconvenience and expense.¹¹³ As an example, he cited a carpenter who was fined for enlarging holes in a wall in which his joists were placed. Another unnecessary restriction, he noted, was the rule that bricks laid in a district should be made there, so that work might have to cease temporarily for want of local bricks even though a plentiful supply existed close by. Herbert raised very similar points to those made in 1869 by J. S. Mill examining a number of claims made by fellow economist William Thornton.¹¹⁴ Mill noted that many conditions imposed by some union workmen on employers deliberately intended to diminish the amount of human productive power. He did not consider it right that one party attempted to settle the terms on which they would co-operate by impairing the efficacy of their joint action. Like Mill, Herbert mentioned other rules, such as those forbidding certain methods of work and payment, as being enforced over the preferences of particular workers. All of these stipulations, Herbert argued, enforced a rigid uniformity that limited how labourers worked. Worse, rules and restrictions tended to multiply. Old restrictions were supplemented with new restrictions intended to make the old ones efficient.

Another fault Herbert saw in trade unionism as it had developed was the lack of differentiation among workers and working habits. Uniform work and uniform pay did not recognise that people had different natures, worked at different speeds and preferred different hours of work. 'If the life of labour is to be a happy one, he wrote, 'one of the principal things to be done is to give every opportunity that is possible to the worker to follow his own manner and hours of work'.¹¹⁵ Restricted work practices, because they cramped the creativity of individual workers, reduced productivity in the long term. Sometimes, they also prevented employers from innovating. Pointedly, Herbert explained that he was not bringing these

¹¹³ *Ibid.*, p. 301.

¹¹⁴ J. S. Mill, 'Thornton on Labour and its Claims', in *CW*, V, p. 665.

¹¹⁵ 'True Line', p. 302.

charges because he thought in labour disputes the men were wrong and the employers right but because he thought ‘all restriction—wherever and by whomsoever employed—works out badly’.¹¹⁶

Some of Herbert’s arguments on work restrictions are valid. In the last two decades of the century, industrial disputes arose over the introduction of new technology and new methods of managing it.¹¹⁷ Many workers regarded this as constituting a challenge to the self-regulating workshop prevalent in the 1860s, in which skilled workers exercised a high degree of productive autonomy, controlled recruitment and enjoyed freedom from managerial control. Although only a minority of the workforce worked under this arrangement, its crucial importance in determining attitudes to work and wider industrial relations continued until 1914. Consequently, some employers bought industrial peace by eschewing technological change altogether or conceding to workers who operated the new systems the same privileges and status they had enjoyed under the old system.¹¹⁸

In the main, Herbert regarded new unionism, not industrial capitalism, as an unduly restrictive system in which individual workers increasingly lost control over their desires and actions in the momentum of a general movement. He warned of its future development into a federation of all trades that negotiated, as one body, with all employers federated into another body. Such a situation would create in society two hostile camps always preparing for bitter struggle. This debilitated the lives and energies of all involved. But even if the struggle of labour triumphed over employers and capitalists, Herbert asked, would it ensure progress and happiness for labour? Would the sense of absolute power ultimately destroy those who possessed it? The corrupting influence of power is a familiar theme in Herbert’s political arguments. Newly enfranchised working men he thought particularly vulnerable to political promises of immediate material gain which could only be made at the expense of individual

¹¹⁶ Ibid, p. 303.

¹¹⁷ The engineers’ lockout of 1897 was such an issue; Harris, *Private Lives*, pp. 140-143.

¹¹⁸ Ibid., p. 143.

liberty and the morality of self-help. Most notably, Herbert made these points to the workmen of Tyneside in the dedication of *The Right and Wrong of Compulsion by the State*.¹¹⁹

Herbert considered possible economic gains under a powerful and federated union system and doubted whether they were permanent. He referred to J. S. Mill's opinion on the power of trade unions to alter wages more quickly and delay their fall longer.¹²⁰ Mill thought it unlikely that unions could be effective in raising or maintaining the general wage rate over the long term. Higher remuneration either caused fewer persons to find employment within a trade, or, if not, must lead to investment of more capital in it, at the expense of other trades.¹²¹ Herbert drew heavily on Mill's economic arguments, especially to refute various points made by Thornton.¹²² But Herbert noted Thornton's comment that workers, although losing an intense industrial dispute, sometimes won concessions afterwards from employers in order to avoid a recurrence of similar conflicts.¹²³ Also, where labour enjoyed a monopoly, Herbert granted that wages may temporarily increase to a higher level than was usual for that occupation. But he questioned the sufficiency of the compensation won, given its likely impermanence and the strife caused between workers in the same trade, between different trades, and between employers and employed. He asked if it could be shown that unionism could not permanently alter the wage of labour, then whether it would not be 'wise and right' for every unionist to reconsider the whole matter?¹²⁴ Would it not be better for that person to serve the cause of labour in another fashion?

Generally, Herbert's views on political economy appear highly orthodox. Like many contemporaries, he thought that certain economic laws existed analogous to the laws of physical science. His belief in an economic system based on private property, the freedom of contract, free exchange, and a free self-adjusting market was apparent in the previous chapter.

¹¹⁹ Auberon Herbert, *The Right and Wrong of Compulsion by the State*, London, 1885, pp. 1-2.

¹²⁰ 'True Line' p. 305.

¹²¹ J. S. Mill, *The Principles of Political Economy*, in *CW*, III, p. 930.

¹²² Taylor notes the Individualists' attachment to 'economic' individualism as expressed in the early pre-'socialist' editions of Mill's *The Principles of Political Economy*; M. W. Taylor, *Men versus the State: Herbert Spencer and Late Victorian Individualism*, Oxford, 1992, pp. 42-43.

¹²³ 'True Line', p. 305.

¹²⁴ *Ibid.*, pp. 305-306.

The same applied in labour matters. When commenting on union efforts to increase employment and raise wages, he wrote: ‘The Union is so liable to make mistakes; the market, left to itself, will not make mistakes’.¹²⁵

Another economic orthodoxy related to the amount of capital available to pay the wages of labourers. On this, Herbert cited the view of many contemporary economists that the true method of increasing wages was to increase the whole body of capital and thereby augment the wage-fund that pays labour. Although this economic doctrine had been bitterly attacked, he argued, it had never been substantially shaken.¹²⁶ Herbert conceded that some part of wages may be deferred until the product of labour has been realised but thought this merely meant that the wages fund, at any given moment, was a mixture of old capital and new capital. Basically, he thought increased output achieved by improved production methods was the key to increased remuneration of employer and employed. Wages did not necessarily need to rise and employers’ profits might remain the same because more efficient manufacture generated more articles or whatever was being produced. This approach, however, requires a continuance of guaranteed markets to buy or consume the production and sustain the particular enterprise.

According to the economist Alfred Marshall, the argument that the amount of wages was limited by the amount of capital exaggerated the dependence of labour on the aid of capital.¹²⁷ He agreed that labour required the support of capital, whether owned by the labourer or someone else. When anyone worked for hire, his or her wages were generally advanced to him out of the employer’s capital without waiting until the things being manufactured were ready for use. Marshall, however, dismissed as false the notion that the amount of wages payable in a country in the course of a year was fixed by the capital in it. Referring to this as the ‘vulgar form’ of the wages- fund theory, he noted that some capitalists

¹²⁵ Ibid., p. 309.

¹²⁶ Ibid., p. 306. Taylor cites this statement as an example of Individualist orthodoxy; see *Men versus the State*, p. 43.

¹²⁷ Alfred Marshall, *Principles of Economics: Volume I*, London, 1890, pp. 569-570.

used it to prevent working classes from endeavouring to get higher wages by strikes, or otherwise.¹²⁸ Whichever form the theory of wages took, he added, it had no direct bearing on the issue of any particular struggle in the labour market: that depended on the relative strength of the competing parties. But it also had much bearing on the general policy of the relation of capital to labour.

Still subscribing to the wages-fund theory, Herbert thought capital was not produced fast enough. This factor was one of the chief reasons why labourers, despite modern industrial improvements, were not better off. The creation of capital was also hindered by what he termed the ‘stupid struggles between labour and capital’ that wasted energy and resources of the protagonists involved.¹²⁹ Earlier, addressing the divisive subject of capital, Herbert conceded that, in his opinion, Socialists were the only people who had suggested a true solution of the labour question.¹³⁰ He admitted that he had not been able to find any satisfactory, efficient, or final solution to it other than that ‘the labourer should share the capital’.¹³¹ Presumably, his justification was that workers, as self-owners, should have greater control of all aspects of their labour and the product of it.

Herbert’s statement is pertinent because it suggests that he held to an ethical interpretation of the labour theory of value. The theory developed by David Ricardo from Adam Smith argued that in a competitive market the value of commodities is fixed by the amount of labour necessary for their production. Prices fluctuated in value according to temporary conditions of supply and demand. However, the labour theory of value had, from the time of Locke, a prevailing ethical connotation that meant that the right to property arises from the idea that the labourer ‘mixes’ his or her labour with the goods he or she produces.¹³² Thus, in a freely competitive market, if goods are exchanged according to the amount of

¹²⁸ Ibid., p. 567.

¹²⁹ ‘True Line’, p. 307.

¹³⁰ Report of Herbert’s address to a Liberty and Property Defence League meeting; *Times*, 11 December 1889, p. 3.

¹³¹ Ibid.

¹³² George H. Sabine, *A History of Political Theory*, rev. edn, London, 1948, pp. 552-553.

labour that produces them, then it could be argued that buyers and sellers must generally put in and take out equivalent amounts of value. The 'natural price', or value, would also be the just price. This process appeared to offer an ethical justification of the competitive system and to give a just price to labour.

Herbert sought to reconcile the two distinct ideas of classical economics: that of the freely competitive market and that, under the conditions of the free market, the total product of society would be divided among the producers. If this is the case, it places him closer to J. S. Mill's later position than previously allowed. Mill, according to Marshall, sought to give a more human tone to economics and abandoned the notion of a fixed wages fund.¹³³ But although he placed greater emphasis on human agency, rather than purely mechanical elements in economics, Mill still subscribed to the basic tenets of supply and demand theory.¹³⁴ Herbert, although economically orthodox, also looked at human factors to advocate a greater reward for labour; an explanation of this point appears below. However, he did not think it was to be gained by expropriation or the appropriation plans of the Socialists. The problem, as he saw it, was to persuade people to think beyond class and, particularly, beyond the division of capital and labour. His alternative plan encouraged workers to become capitalists.

In contrast, contemporary British socialists claimed that capitalism, because its primary aim was profit not useful production, necessarily exploited labour. William Morris specifically addressed the position of labour in his economic and cultural analysis of modern society. He concluded that only by replacing capitalism with socialism would the skill and status of labour be truly restored. The nature of advanced industrial capitalism, which created the factory system, was responsible for ruining many workers' lives.¹³⁵ The art of useful

¹³³ Marshall, *Principles of Economics: Volume I*, pp. 567-568. Later editions of this work provide fuller accounts of Mill's changed position. See, for instance, 8th edn published in 1949, pp. 677-682.

¹³⁴ As the forces of supply and demand have a natural tendency to equilibrium, if supply exceeds demand, the price will fall, causing supply to fall and demand to rise. The converse applies when demand exceeds supply.

¹³⁵ William Morris, 'Work in a Factory as it Might Be II', in *Political Writings: Contributions to Justice and Commonweal 1883-1890*, Nicholas Salmon, ed., Bristol, 1994, pp. 39-41.

labour had been replaced by either the manufacture of ‘useless toys’ for the rich, also a complaint of Herbert’s, or the mass production of poor quality items that no one really wanted. Under this system, workers had been turned into machines. Furthermore, Morris argued that under the wages system labour was bound to be unattractive, as well as excessive in quantity and underpaid.¹³⁶ Employers, because their one aim was to create surplus value, could not for a moment trouble themselves whether the work, which creates surplus value, was pleasurable to the worker or not.¹³⁷ Only under socialism would labour become creative, rewarding, and enjoyable: not degraded and burdensome as then. The aesthetic deprivation of commercialism particularly concerned Morris as people had little opportunity to produce and enjoy beautiful objects.¹³⁸

However, not all workers agreed that the new system and machinery was oppressive.¹³⁹ Many found the new technology as exciting and addictive as the old; many saw it as enhancing rather than detracting from their status, skills and earning power. Craft resistance to production-line processes usually centred on the question of who was to control the machinery, not upon the machinery *per se*.

It must be emphasised that Herbert, too, was always concerned about improving the skill as well as the status of labour. The inadequate training frequently offered workers was another reason why he thought that they had not benefited more materially. Acknowledging that industry suffered from considerable quantities of badly trained labour, he largely attributed the situation to reformers paying insufficient attention to offering facilities for ‘third class men’ to improve themselves.¹⁴⁰ He spoke from experience. His close involvement with the Working Men’s Clubs and Institute Union was one, among several, of his educational and ‘self-improvement’ activities among ordinary working people.¹⁴¹ On a more personal basis,

¹³⁶ Morris, ‘Attractive Labour’, in *Political Writings*, p. 93.

¹³⁷ *Ibid.*

¹³⁸ See, for example, William Morris, ‘The Worker’s Share of Art’, in *Political Writings*, pp. 84-87.

¹³⁹ Harris, *Private Lives*, p. 138.

¹⁴⁰ ‘True Line’, p. 307.

¹⁴¹ Examination of Herbert’s lifelong interest in providing universal education appears in the following chapter.

he arranged for the son of his gardener and dairy worker to be apprenticed to an eminent London firm of violin and bow makers where the young man became a skilled craftsman.¹⁴²

Herbert's actions, therefore, prove that his associated plea for a higher status to be given trade was not empty rhetoric. 'Many of our ablest men', he observed, 'do not go into trade, which is one of the best and noblest occupations'.¹⁴³ He attributed this factor partly to 'foolish superstitions in favour of the professions' and partly to government 'exactions and restrictions', which, when combined with labour troubles, lessened the reward of the employer; a reward that was already small in an old country and age of sharp competition.¹⁴⁴ These unfavourable factors also tended to deprive trade life of its enjoyable character.

Not only did trade suffer from an inferior status and insufficient training but a certain amount of labour was wasted. Significant wastage of labour occurred, according to Herbert, because of the 'far too great luxury on the part of the rich' and their 'lavish expenditure on perishable articles' which employed labour to produce but when destroyed left the world no richer.¹⁴⁵ This observation is Herbert at his Ruskinian best. If every rich person, he suggested, were to invest in industrial concerns £1 for every £4 spent on personal consumption, the change in general prosperity would be enormous. He employed a similar line of argument elsewhere.

In 'Under the Yolk of the Butterflies' he compared useful production, such as the growing of food crops, with wasteful production, say that of a ball-dress.¹⁴⁶ This garment, pleasing aesthetically to its owner and perhaps a few other people, represented many hours and days of toil for men and women, but when it was worn out, it produced nothing materially: a new dress, for instance. Herbert, considering it was highly likely that the dress also produced no moral or intellectual benefit, suggested this actually equated to the

¹⁴² William Retford, who worked for W. E. Hill & Sons in Bond Street, became esteemed internationally for the quality and performance of his bows; Fiona Hardcastle, *Records of Burley: Aspects of a New Forest Village*, rev. edn, Spalding, Lincs, 1987, p. 129.

¹⁴³ 'True Line', p. 307.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Auberon Herbert, 'Under the Yolk of the Butterflies, Pt. II', *Fortnightly Review*, January 1892, pp. 56-58.

destruction of labour because nothing worthwhile resulted from the effort expended. His ball-dress analogy is very similar to one of John Ruskin's earlier examples of the selfish use of labour as opposed to labour more usefully employed in the service of the community.¹⁴⁷ Although Herbert's admonition of the rich for selfishly misdirecting labour resembles Ruskin's, he looked to personal responsibility among this group, not state regulation, to reject conspicuous consumption. First, however, each individual had to become aware of the extent to which his or her lifestyle was parasitical on others, especially working class labour, and then decide the manner in which he or she would change it. He added that there was no general command to be rich or to be poor. All the same, he thought that the wealthy would be better and happier if more of them lived lives of 'noble usefulness'.¹⁴⁸ This passage in 'Under the Yolk of the Butterflies' is highly significant because it adopts the tone of English reformers like Ruskin to criticise the upper classes for exploiting labour. It demonstrates again the radical nature of Herbert's position. Moreover, it suggests an ethos shared with radicals, such as Morris and Carpenter, whose politics were supposedly diametrically opposed to his. In this essay also, Herbert revealed many of his ideas on wealth. It is worthwhile digressing to briefly examine them.

While Herbert defended the right to hold wealth because it signalled social heterogeneity, he thought many of the newly wealthy required time to acquire habits and qualities for dealing wisely with riches. However, wealth to him also comprised technological advancements: in his words, 'industrial inventions and improvements'.¹⁴⁹ Moreover, the wealthy often provided a trial market for new inventions as prototypes were otherwise unaffordable. The bicycle, the improved gun, the electric light, and the modern newspaper were examples of initially expensive inventions. As they were developed, such things became

¹⁴⁷ John Ruskin, 'A Joy for Ever: The Political Economy of Art' in *The Complete Works*, E. T. Cook and Alexander Wedderburn, eds, Library edn, London, 1903-1912, XVI, pp. 49-50.

¹⁴⁸ 'Under the Yolk, Pt. II, p. 58. A few years later, Edward Carpenter expressed similar sentiments and urged a simpler life for the upper classes; see his 'Desirable Mansions', in *England's Ideal and Other Papers on Social Subjects*, London, 1895, pp. 75-90. See also Chapter Four for discussion of the health aspects of this lifestyle.

¹⁴⁹ Auberon Herbert, 'Under the Yolk of the Butterflies, Pt. I', *Fortnightly Review*, October 1891, p. 490.

permanently manufactured and thereby cheaper for ordinary people to purchase. In this way, Herbert argued, the rich unconsciously and unintentionally served the not-rich.

Wealth, he suggested, had the ‘true democratic tendency’, unless it was artificially arrested.¹⁵⁰ Clearly, Herbert subscribed to the notion that nowadays is termed the ‘trickle down effect’ or the idea that everyone, not just the rich, eventually gains during times of economic prosperity provided the market is allowed to function freely. He also believed it much easier to make wealth in the nineteenth century due to greater political freedom and the breaking down of ‘old and cramping systems’.¹⁵¹ Society had reached the first phase of wealth in a democratic sense. Accordingly, a large multitude of persons, for the first time in the world’s history, had become free to grow rich. But Herbert conceded that only a fraction of the nation had been able to take advantage of the opportunity. Nevertheless, he thought it a fair assumption that ‘almost any man of moderate resolution and ability—who starts with some small means—can win a moderate competence for himself’.¹⁵² If the existing degree of political liberty enabled more people to prosper, then, he reasoned, wider freedom would broaden the opportunities for everyone to grow rich. Generally, material prosperity did improve in the second half of the century with a corresponding increase in real wages, but these gains, as stated above, were not uniform. Freer commercial conditions also created casualties, as critics like Carpenter pointed out.¹⁵³ These included adults and children living in the slums created by modern industrialisation. Furthermore, he argued that the prosperity enjoyed by part of society rested on the labour that created it. This labour, however, went largely unrewarded.¹⁵⁴ Carpenter, unlike Herbert, did not believe that capitalism could greatly or permanently remedy this situation.

¹⁵⁰ Ibid., p. 490.

¹⁵¹ Ibid., p. 489.

¹⁵² Ibid.

¹⁵³ See, for instance, Edward Carpenter’s *Towards Industrial Freedom*, London, 1917, pp. 20-21.

¹⁵⁴ Edward Carpenter, ‘Modern Money-Lending and the meaning of Dividends’, in *England’s Ideal*, pp. 37-39.

Benjamin Tucker criticised Herbert for failing to appreciate the economic results of his ideas and disagreed with him over free credit, rent and interest.¹⁵⁵ Tucker pointed out that although Herbert advocated free trade, he omitted the most important free trade, that in banking. Competition in this area, Tucker argued, would provide people with the best possible articles at the lowest possible price, thereby steadily reducing interest and rent to zero. Overall, it would put capital within the comfortable reach of all deserving and enterprising people. The abolition of the credit monopoly would, in his view, cause the ‘greatest liberation on record of heretofore restricted energies’.¹⁵⁶ Consequently, labour would understand that Liberty and not government would be their saviour. Herbert did not reply to all of Tucker’s points. But he defended the continued existence of interest stating that it was ‘both moral and useful, and often more than anything else a chance of a better future to workmen’.¹⁵⁷ He reiterated this point in regard to trade union investment as discussed below.

On the subject of increasing the remuneration of labour, Herbert suggested that higher wages were not necessarily a sign of economic health and vigour. Rather, they might indicate the operation of a monopoly or the result of high prices existing under a protective tariff. Elsewhere, he argued that the produce of labour must be paid on an equal basis and that a higher wage should only mark a higher rate of skill etc.¹⁵⁸ It was necessary that all men accept this basis. Continuing, he wrote: ‘it is unfair that some men should sell their labour on Free Trade principles, whilst other men are selling their labour on Protection principles’.¹⁵⁹ He was particularly critical of those organised trades which enjoyed a monopoly and had the power to raise wages at the expense of other trades. On several occasions, he referred to the London Dockers as monopolists taking advantage of their position to charge a higher price for their labour while accepting the labour of their fellow-workmen at a lower price. He noted that ‘the

¹⁵⁵ Benjamin Tucker, *Instead of a Book: A Fragmentary Exposition of Philosophical Anarchism*, 1893, reprint, New York, 1972, pp. 470-471. For discussion of the English Individualists exchanges with Tucker see Carl Watner, ‘The Individualists as they Appear in *Liberty*’, *Journal of Libertarian Studies*, VI, 1, 1982, pp. 69-74.

¹⁵⁶ Tucker, *Instead of a Book*, p. 472.

¹⁵⁷ Auberon Herbert, ‘An Alleged Flaw in Anarchy’, *Liberty*, 29 November 1890, p. 6.

¹⁵⁸ *Free Life*, 20 March 1891, p. 230.

¹⁵⁹ *Ibid.*

great mass of our workmen cannot act in this manner'.¹⁶⁰ One of the consequences of protected labour was that everybody had to pay higher prices as a result. Another was that new ways would be sought to circumvent the labour monopoly by working through other trades and channels.¹⁶¹ Also, those people, rich or poor, who were artificially protected, harmed their moral character by taking advantage of their position.

If, however, wages increased as a result of free competition then this was a sign of economic health. It indicated an abundance of capital and a willingness to reward high quality labour. In respect to free trade and competitive labour, Herbert addressed the argument that labour can never obtain for itself, except at the expense of other labour, more than the free and open market will yield.¹⁶² Market regulation like this belonged to a perfect state of competition and this situation was still very far from perfect because the labourer still could not take his labour to the best market and make the best price of it. One of the obstacles to this was the 'tacit combination' of employers that continued to operate. Unionism, therefore, was the necessary answer to the imperfections of the market. Two points arise here. First, Herbert admitted later in a note that, in some trades, it was in the interests of some masters to preserve a state of restriction and monopoly.¹⁶³ Using various means, they made it difficult for new capital to enter such trades as well as combining with other employers to settle wages. This situation, he added, occurred less often in open trades that tended to be more innovative and attracted good labour. This admission shows that Herbert could be critical of employers as he was of the wasteful lifestyles of the rich, but he gave these criticisms much less space than those he made of organised labour under new unionism.

Secondly, Herbert also conceded that competition was not perfect and that many obstacles prevented labourers from obtaining the perfectly just rate as declared by competition

¹⁶⁰ Ibid. Herbert's letter, captioned 'Eating the Cake on the Sunny Side of the Hedge', published in the *Times* also criticised unions including seamen, dockers, and railway employees as enjoying a labour monopoly at the expense of unions such as agricultural labourers, cotton spinners, worsted weavers, all of whom had to provide their labour competitively; *Times*, 19 February 1891, p. 4.

¹⁶¹ 'True Line', p. 310.

¹⁶² Ibid., p. 313.

¹⁶³ Ibid., p. 324.

in the open market. He argued, however, that these obstacles could gradually be removed. Because the system was still imperfect, he asked: should society abandon it and plunge into ‘an interminable morass of restriction and regulation, through which we can only make our way by guesswork and reckless adventure?’¹⁶⁴ Arguing in support of the ‘true direction’ of the open market, he added that no man, whether a ‘street-sweeper or writer of the highest philosophy’ can claim more than what his work is worth to his ‘fellow-men’.¹⁶⁵ The assumption here is the working of the law of supply and demand that Herbert thought applied to labour, as it did to the sale of commodities. Again, he followed Mill, who earlier wrote that: ‘supply and demand do entirely govern the price obtained for labour’.¹⁶⁶ However, Mill conceded that the buyer or employer had the initiative in fixing the price of that labour. While Herbert was more reluctant to admit this, he conceded the difficulty of ascertaining labour value in the current market. His solution sought to widely open up access to the job market by utilising modern communication methods and transport.

The existence of a widespread press, improved postal services, and the railways, he suggested, formed a communication network that assisted access to the labour market in a manner previously unavailable.¹⁶⁷ In the past, there could only be local competition for labour but in the modern day there could be general competition. Publicity and greater human mobility made it possible for workers to know the value of their labour and to offer it in the best market. To enable this to be of the most benefit, Herbert explained that the existing labour unions should work as a reforming party and remove most restrictions to employment. At the same time, employers should continue to open registers of ‘free labour’ and organise those workers into unions for their own protection. Significantly, each side should report publicly on a weekly basis on the employment situation, particularly where labour was required. The Gazette of Unions, Herbert suggested, should publish information provided by

¹⁶⁴ Ibid., p. 313.

¹⁶⁵ Ibid., p. 314.

¹⁶⁶ Mill, ‘Thornton on Labour and its Claims’, p. 643.

¹⁶⁷ ‘True Line’, p. 314.

both employer and workers containing notices of categories of jobs and the remuneration being offered. He anticipated that the widest diffusion of information would greatly assist in making the labour market freely accessible and, consequently, help create a new ethos in labour and industry. Although employment bureaux flourished in the 1890s and the 1900s, the commonest methods of finding work were customary and idiosyncratic: private tip-offs, employer patronage, trade union and family connections, personal application at the factory gate.¹⁶⁸ Therefore, Herbert's plan to ease labour access to the job market was progressive.

In the new climate, he envisaged that unions would leave every worker to settle the price of his or her labour in a same way as a shopkeeper settled prices.¹⁶⁹ All prices, however, would likely be published and some might be recommended. Unions would also allow workers to negotiate different working hours and job content. Thus, he saw some workshops running longer, and others shorter hours. Some workplaces would employ only highly skilled workers but others would employ lesser skilled ones. With the greater fluidity in employment opportunities, it would be easier for those with the aptitude to follow different trades at different times. In its desired outcome, Herbert's approach to work flexibility resembles that of Morris, whose ideals included greatly reduced working hours, more creative work, and technical education in the workplace.¹⁷⁰ Morris, like Herbert, also envisaged a much greater co-operative component in factories and other industrial groups in the future.

Another significant factor evident in Herbert's discussion on labour and industry is that it almost avoids recourse to the rigid evolutionary determinism employed by Herbert Spencer on the same subject. Spencer has been portrayed as having had a distaste for trade unionism that verged on hysteria.¹⁷¹ This statement needs qualification. As organisations rendering mutual aid, Spencer thought trade unions extremely beneficial and their existence

¹⁶⁸ Harris, *Private Lives*, p. 128. Skelley notes that trade unions were suspicious of the quasi official London labour exchanges set up in 1905; see his *The Victorian Army at Home: The Recruitment and Terms and Conditions of the British Regular, 1859-1899*, London, 1977, p. 213.

¹⁶⁹ 'True Line', p. 315.

¹⁷⁰ Morris, 'Work in a Factory as it Might Be III', *Political Writings*, pp. 42-44.

¹⁷¹ David Wiltshire, *The Social and Political Thought of Herbert Spencer*, Oxford, 1978, p. 141.

had led to better treatment of workers by employers and to the raised status of workers, overall.¹⁷² However, he was more concerned about unions' 'corporate relations to employers and the public'.¹⁷³ In this sense, he regarded the methods of new unionism as regressive because they exemplified the compulsory co-operation of a former militant age. Spencer contributed the introduction to *A Plea for Liberty* entitled 'From Freedom to Bondage' that argued against state socialism and state legislation as the remedy for social ills including those of labour.¹⁷⁴

These arguments were presented in greater detail in his *Principles of Sociology* in which Spencer proposed the notion of gradual social progress from the militant state to the industrial state. Industrial organisation in the earlier militant state paralleled that of a military body: hierarchical and tightly regulated, with involuntary co-operation consciously directed at achieving a particular end. As European societies evolved, however, industrial regulation became part of political regulation and independent of church and state. Coerciveness simultaneously decreased allowing co-operation to become more voluntary with many social relations organised by contract rather than status as formerly. According to Spencer, contract and free labour that developed from the dissolution of the guilds were correlatives. Organisation of labour changed in the evolution to the modern factory system and was accompanied by great mechanical progress. Although Spencer regarded these developments positively, he concluded that many of the social effects were detrimental to the lives of workers. Also, with mechanised processes, body and mental powers were rendered superfluous. As well as decreasing the sphere of human agency, this way of working was monotonous and unhealthy. Operatives spent hours standing at machines breathing in stale air. Furthermore, he noted that a wage-earning factory hand, although employed under a contract of free labour, enjoyed a liberty that in practice was 'little more than the ability to

¹⁷² Herbert Spencer, *Principles of Sociology*, III, pp. 541-542.

¹⁷³ *Ibid.*, 542.

¹⁷⁴ Herbert Spencer, 'From Freedom to Bondage', in Mackay, ed., *A Plea for Liberty*, pp. 1-24.

exchange one slavery for another'.¹⁷⁵ Spencer concluded that these labourers experienced the coercion of circumstances. Inevitably, he suggested, parts of society are sacrificed for the benefit of society as a whole: either in earlier society and chiefly by warfare, or later, in commercial struggle and keen competition. Evolutionary political theory aside, this notion is unpalatably true as witnessed in warfare even in the present day. Spencer implied, however, that the fittest humans would survive the social sacrifices. His bleak account ended with the Malthusian prediction that as long as people continue to multiply in excess of the means of subsistence, there appeared no remedy to this retrogression.¹⁷⁶

In 'From Freedom to Bondage', Spencer made it equally clear that, while he was not content with the present state of things, society was in transition towards a better state.¹⁷⁷ An immediate cure was, therefore, impossible. Moreover, immediate and radical remedies, such as the introduction of state socialism, would only delay the progress to a higher state and bring back a lower state. 'Nothing but the slow modification of human nature by the discipline of social life', he concluded, 'can produce permanently advantageous changes'.¹⁷⁸

Herbert, I argue, very seldom responded so pessimistically to social, economic and political issues. 'The True Line of Deliverance' is no exception. Herbert made no reference to Malthusian limitations. He did not employ Spencer's rigid militant and industrial antinomies. He did, however, offer his own alternatives: centralisation, monopoly and coercion, versus localisation, free action and voluntary association. Yet, these are not so fixed. Furthermore, he always brought his arguments back to people and the choices they may be persuaded to make as rational beings. In this respect, Herbert's tone of argument appears more Millite than Spencerian. Also distancing him from Spencer's rigid determinism was the fact that implementation of a number of his proposals could be embarked upon immediately, within households and within workshops. In other words, Herbert created a sense of the possible.

¹⁷⁵ Spencer, *Principles of Sociology*, III, p. 516.

¹⁷⁶ J. S. Mill also supported Malthus's theory that population increased faster than the means of subsistence, see, for example, *Principles of Political Economy*, in *CW*, II, pp. 357-358.

¹⁷⁷ Spencer, 'From Freedom to Bondage', pp. 22-23.

¹⁷⁸ *Ibid.*, p. 22.

Workable solutions to large industrial and economic problems were within the reach of every individual and not a remote possibility in the distant future.

One of Herbert's aims was to remove rigid barriers in the workplace and promote a closer working relationship between employees and employers so that the primary focus would become the work undertaken. If the process of production were made easier and smoother by all the parties in industry, he argued, more intelligence and invention could be devoted to the work itself.¹⁷⁹ This is where Herbert thought that 'all open-minded' trade unionists could play a significant role. In other words, if labour was less insistent on uniformly increasing pay and improving conditions in the short term, industry would expand and cause higher wages and greater employment in the longer term. However, it must be noted here that, even in favourable times, many employers still prove reluctant to increase wages and only after union interference will they agree to do so. Additionally, labour tends to be seen as an expense not an asset or an integral part of a business and equal in input to that of an employer. This point aside, Herbert argued that a favourable industrial environment would encourage new employers to start new businesses. This contrasted with the prevailing uncertain climate which drove capital and investment abroad. The market left to itself, without union interference, would eventually ensure greater gains for both labour and capital. Greater competition, Herbert argued, would ensure higher and cheaper production. Increased production would bring workers higher wages and lower prices as consumers. Moreover, in the newly vitalised industrial climate, the 'second-class employer' and the 'unthrifty manager' would be unable to survive.¹⁸⁰

Allowing that some of his arguments were true of some trade sectors at different times, Herbert also assumes continuously auspicious economic conditions nationally and internationally. As discussed, Britain experienced cycles of expansion and prosperity followed by contraction and depression. Among those critical of these fluctuations was

¹⁷⁹ 'True Line', pp. 307-308.

¹⁸⁰ *Ibid.*, p. 319.

Carpenter who wrote of the disruption and dislocation they brought to the lives of workers.¹⁸¹ Like Morris, he believed that modern commerce had proved a failure. Not only were nations and peoples armed in enmity against each other, but wage slavery abounded. He called for a new spirit in social and industrial life to transform the industrial system. Herbert also sought fundamental change including that to the employment and organisation of labour.

His ideas, therefore, must be considered on two levels: as a response to the late nineteenth century labour and industrial environment, and as part of a philosophy radically transforming society. On one level, Herbert's view, although well intentioned, is rather unrealistic for reasons already stated. The *Times* reviewer of his 'The True Line of Deliverance' reached a similar conclusion, stating that Herbert 'seems to expect superhuman denial on the part of workmen'.¹⁸² On the other level, however, Herbert's ideas are no more unrealistic than those of radical reformers like Morris and Carpenter, who similarly envisaged fundamental change including that of mentality.

In Herbert's ideal labour world, there would be no minimum of wage, except as such as each worker chose to establish for himself or herself.¹⁸³ However, it is likely that a minimum wage and other standards would emerge by default, provided that jobs and conditions continued to receive publicity. Strikes, in their present guise, would not exist. If a serious dispute arose between an employer and workers, the union would remove all the workers who wished to leave and provide them with an allowance while they found new work. According to Howell, older unions endeavoured to localise and confine strikes whereas the new unions tended to widen them, often spreading their resources too thinly.¹⁸⁴ Herbert, also opposed to the manner in which contemporary conflicts escalated, favoured their immediate resolution. Although the employer involved in a conflict would be allowed to hire new labour, details of the dispute would be published in the Union Gazette. Potential

¹⁸¹ Carpenter, *Towards Industrial Freedom*, pp. 20-21, 27-28.

¹⁸² Review of *A Plea for Liberty*; *Times*, 27 January, 1891, p. 13.

¹⁸³ 'True Line', p. 315.

¹⁸⁴ Howell, *Trade Unionism New and Old*, pp. 223-224.

employees, therefore, could decide whether to apply for vacancies at that particular workplace or not. Herbert insisted that there would be no strike, picketing, or coercion of ‘scabs’ and ‘blacklegs’ on the grounds that any fellow workers prepared to take a lower wage were exercising their personal judgement.¹⁸⁵ For employers who behaved badly, he considered that the penalty incurred was sufficient: departing workers and bad publicity. The penalty also offered an immediate remedy. This was the limit of action he allowed in labour disputes. Later, Herbert acknowledged that strikes might still occur after every effort of mediation and arbitration.¹⁸⁶ If some workers then downed tools, they must allow those workers who chose to continue to work to do so. He justified both positions on the grounds of human rights.¹⁸⁷

Under Herbert’s scheme, association would be more prevalent and almost every worker would belong to some form of union. This point must not be overlooked for two main reasons. It shows that Herbert regarded trade unionism positively and as largely beneficial to its members. For this reason, he considered it would be a significant influence in future labour organisation. Unions, though, would play a different role; information would be a major function. They would keep information about labour and the state of the market as well as that concerning workplaces. Publicity would play a major part in improving working conditions with those workshops that valued the comfort and health of their workers being described as examples to raise the general level of conditions.

Unions, instead of accumulating money for future conflicts, would invest it on behalf of their members. Herbert noted the current wastage of funds by unions on industrial conflicts, a point also made by Howell, who criticised unions for wasting money in ‘fruitless and trifling disputes’, especially those between ‘one society and another’.¹⁸⁸ Noting that some of the new unions, established in 1889 and 1890, gloried in the declamation ‘fighting

¹⁸⁵ ‘True Line’, pp. 315-316.

¹⁸⁶ ‘A Plea for Voluntaryism’, pp. 357-358. This essay was written in 1906.

¹⁸⁷ *Ibid.*, p. 358.

¹⁸⁸ Howell, *Trade Unionism New and Old*, p. 223.

machines', he complained that they were not functioning as provident associations primarily concerned with workers' welfare.¹⁸⁹

Generational difference, as well as ideological difference, also accounts for the nature of Howell's and Herbert's responses to the militancy of new unionism and its perceived effect on political society.¹⁹⁰ The new generation of union leaders, frustrated by the lack of social reform, became impatient with both political parties. They also became highly critical of older union leaders in the Trades Union Council, including Howell and Henry Broadhurst. A number of new unionists were antagonistic to capitalism favouring socialism in its place.¹⁹¹ However, the new form of unionism had peaked by 1894, when the employers' counter attack was already under way.¹⁹² Furthermore, new unionism became numerically only a minority part of the movement and did not supplant the older forms of unionism.¹⁹³ Moreover, most unions favoured conciliation. At the same time, Howell, pointing out that militancy was no new feature in trade unionism, acknowledged that the new unionism had infused new life into 'labour movements in all directions'.¹⁹⁴ Above all, the mass of unskilled or only partially skilled labourers had been organised. He argued that only mutual help and associative effort would improve the condition of the workers. In common with Herbert, he thought that labour combination extended and strengthened self-help and self-reliance.

Using combination primarily for individual worker's welfare rather than conflict was also in Herbert's mind. He thought that making investments from member's voluntary weekly subscriptions would be a leading function of future unions. A number of funds would be

¹⁸⁹ Ibid., p. 239.

¹⁹⁰ Biagini emphasises the role of generational change in popular radicalism; see his *Liberty, Retrenchment and Reform*, p. 9. Howell objected to the term 'Old Trade Unionism' observing that it was about forty years old; Howell, *Trade Unionism*, p. 70.

¹⁹¹ Prominent were Tom Mann and John Burns of the Amalgamated Engineers who joined the Socialist Democratic Federation. Mann also belonged to the Fabian Society as did Ben Tillett, who organised the Dock, Wharf, Riverside and General Labourers Union in 1889; Hopkins, *Working-class Self-help*, pp. 143-144. Howell, a strong opponent of state socialism, was denounced by the Social Democratic Federation as a traitor to his class; see Leventhal, 'Introduction' in Howell, *Trade Unionism*, p. xxvi.

¹⁹² Hopkins, *Working-class Self-help*, p. 145.

¹⁹³ Pelling, *History of British Trade Unionism*, p. 117.

¹⁹⁴ Howell, *Trade Unionism*, p. 138, 235. Hoppen, noting trade union militancy between 1850 to 1875, suggests that the period was not as peaceful as sometimes portrayed; *Mid-Victorian Generation*, p. 70.

established for various purposes including: unemployment and benefit payments, education, general investment, house ownership, land ownership.¹⁹⁵ Each union member could choose to subscribe to them or not. As regards union investment, shares would be purchased in industries of the district: in ‘water, gas, omnibus, tram-car, dock and railway companies’, and in the industrial concerns where members worked.¹⁹⁶ In fact, this occurred. In Lancashire, for instance, several spinning mills were owned and managed by working class joint-stock companies.¹⁹⁷ Under Herbert’s scheme, purchased shares would pass in time to individual members so that workers received a double income from their usual wages plus a return from the industrial investments. This was another method whereby workers, assisted by trade unions, could employ capitalism to increase their portion of material wealth and exercise great influence over production.¹⁹⁸ Herbert thought the future investment role of trade unions would become significant.

An associated union function would be for unions to act as house-building societies, building or purchasing houses and then passing them on, for purchase or rental, in return for small monthly payments to their members. Herbert also envisaged unions purchasing farms for urban workers to visit in summer.¹⁹⁹ Members would erect their own wooden rooms in which to stay and each would have a sanatorium for workers in need of restoration.

As well as providing places of rest and recreation, Herbert also thought that unions would have an important training role. In times of under employment or unemployment, workshops would be available to teach workers new skills or a new trade. Alternatively, they might receive a grant from a dedicated fund to spend useful time in study or education.²⁰⁰ Some of the contemporary London workmen’s clubs, for instance, offered suitable facilities. Unions, he suggested, might also find temporary employment for workers on union farms.

¹⁹⁵ ‘True Line’, p. 317.

¹⁹⁶ *Ibid.*, p. 316.

¹⁹⁷ Harris, *Private Lives*, p. 112.

¹⁹⁸ See also *Free Life*, 20 March 1891, p. 232.

¹⁹⁹ For earlier discussion of Herbert’s ideas on trade union investment in property see Chapter Five.

²⁰⁰ ‘A Plea for Voluntaryism’, p. 357.

Another suggestion was that unions might start workshops of their own to produce articles for members' home and personal use. Herbert's approach is practical. While his alternatives may not pay immediate dividends, they would help to give some workers more opportunities of future employment. In some respects, Herbert anticipated the concept of industry retraining introduced later in the following century. Moreover, had Herbert's scheme proposed public funding, wholly or partially, commentators may have regarded it more favourably. However, because it charged trade unions and not the state largely with the welfare of unemployed workers, it was contrary to the political mood of the time.

Nevertheless, Herbert continued to support trade unionism as beneficial to raising the position of labour. But he advocated a greatly reformed version of the contemporary movement, one that was prepared to end the present industrial war and work with employers for mutual benefit. Warning that prolonging the contest between them made reconciliation more difficult, Herbert stated that: 'friendship, friendly co-operation, the making of a common cause for common ends, are the true ends to be aimed at between labour and capital'.²⁰¹ In his view, there was no choice: 'we *must* be friends'. 'Capital and labour, like the rest of us', he added, 'must obey the great moral law and tread in the path of peace and friendship'.²⁰² Only with peace, at home and internationally, would the widest prosperity come. Herbert regarded the partnership of labour and capital, therefore, almost as a prerequisite in making a new society.

²⁰¹ Ibid., p. 355.

²⁰² Ibid., p. 356.

Conclusion

Examination of Herbert's ideas on labour and capital reveals someone strongly committed to improving the material position of the working classes and the status of labour. Early in his career, Herbert was actively involved in a number of labour matters. Among them was his co-organisation of an international exhibition promoting the skill and creativity of artisans. In parliament, he challenged the inequity of the contemporary labour laws. He became well acquainted with a number of trade union leaders, among them Howell and Arch. Arch's Agricultural Workers Union became somewhat of an archetype to Herbert because it embodied collective self-reliance. These principles he found also in the Co-operative Movement. As well as offering a closer link with trade unionism, Co-operation also provided a means of reconciling labour and capital. Although he valued the principles on which co-operation was founded, he opposed its monopolistic and centralising tendencies. His objections to uniformity and conformity in all human institutions were influenced by Mill as much as Spencer.

Herbert's mature position on labour and industry had a natural rights basis: individual self-ownership and the freedom of conscience, action and association. His argument that labour issues were basically a private or local matter became increasingly challenged in the late Victorian industrial climate. Herbert attacked the growing arbitrary action, restriction and coercion that he found in state intervention and New Unionism alike. Moreover, he perceived the widening conflict between labour and capital to be morally harmful and materially wasteful. His response, however, was not merely reactionary. The philosophy of labour he developed was progressive and radical. Significantly also, it was no great departure from his early labour activism. Furthermore, Herbert developed a view of labour that is closer to Mill's later position than has been previously considered. Also, in the tradition of Ruskin, he criticised the wealthy for selfishly misdirecting labour. This instance, among several, suggests

that Herbert shared an ethos with other radical reformers, such as Morris and Carpenter, whose politics were supposedly opposed to his. At the same time, Herbert argued that free market capitalism and not socialism would better serve the working classes. Worker co-operatives and reformed trade unions would play a key role in elevating labour and bridging the divide between it and capital. Applying the principles of Voluntaryism would eventually dissolve class barriers in the wider transformation of society. Importantly, Herbert avoided Spencer's rigid determinism by focussing his arguments on people and the choices they may be persuaded to make. Thus, he created the sense that a number of his proposals could be embarked upon immediately in households or workplaces. They were plans for radical reform and not apologies for capitalist reaction.

CHAPTER SEVEN

EDUCATION REFORM

Education, to Herbert, was a vital component of intellectual freedom. Intellectual freedom was one of the fundamental natural rights possessed by humans. Along with self-ownership and the liberty of action, people had the right to express their thoughts and exercise their conscience. However, rather than explore Herbert's ideas on the wider issues associated with intellectual freedom, this chapter focuses on his thoughts on the role of the state in education reform. The rationale for taking this path is the importance that he accorded the topic. Education in its many guises engaged him for most of his life. Before entering politics, Herbert had frequently undertaken the role of educator. In 1870, he delivered his maiden parliamentary speech during the passage of the Education (Elementary) Bill. Herbert maintained his interest in education after leaving parliament but began to have doubts about the wisdom of a state education system. Its tendency to conformity and mediocrity worried him, as it had J. S. Mill and Herbert Spencer. Although Herbert accepted that it was no longer practicable to abolish state education, at least in the short term, he thought it might be reformed. In co-operation with several others, he organised a national campaign against the external examination system. Herbert believed that the provision of education was becoming too narrowly focused on the mechanics of learning at the expense of moral and intellectual development.

Herbert the Educator

Herbert's interest in education was enduring and, as in several other areas of absorption, was informed by a range of practical experience. As someone born into the ruling class, he had access to extensive education including private tutoring, elementary and secondary schooling at a prestigious public school, and tertiary education at Oxford University as an undergraduate

and a postgraduate. Herbert's family had a tradition of educating children at a young age. Its attention to early education needs extended outside the family. Lady Carnarvon, Herbert's mother, was one of the pioneers in local village education.¹ She arranged for each of her offspring to contribute small weekly sums for the education of village children. This example of *noblesse oblige* also appears to have imbued in Herbert the importance of education amongst all classes, at least to an elementary level. The attitude is apparent when he interrupted his academic career to serve in the British army. Stationed in India, he held lessons several times a week to teach reading, writing and basic arithmetic to men in the lower ranks.²

Herbert returned to Oxford as, in today's parlance, a mature student. After obtaining graduate qualifications, he became a fellow of St John's College where he lectured in history and jurisprudence. His politics changed from Conservative to Liberal. Consequently, he began to question the basis of privileged institutions such as Oxford. Herbert had become 'an academical Liberal' by the time he resigned his fellowship in 1869. His two reasons for resigning were non-belief in the Thirty-Nine Articles of Anglican faith and opposition to the existence of fellowships that, he considered, reinforced the exclusivity of the university.³ The provision of scholarships, especially those gained under restricted competition, remained unsatisfactory to him. Further reference to this issue appears below.

Before he entered parliament, Herbert became prominently involved in the administration of the Working Men's Club and Institute Union and may have given lectures in its programmes. The objective behind the Union was to help working men establish clubs or institutes where they could meet for conversation, business, and 'mental improvement', with

¹ Arthur Hardinge, *The Life of Henry Howard Molyneux Herbert, Fourth Earl of Carnarvon 1831-1890*, 3 vols, London, 1925, I, p. 29.

² S. Hutchinson Harris, *Auberon Herbert: Crusader for Liberty*, London, 1943, pp. 28-29.

³ *Ibid.*, p. 95. Religious tests for university degrees, except for divinity degrees, were finally abolished in 1871. Most academic posts were also open now to non-Anglicans.

the means of recreation and refreshment.⁴ In providing recreation and amusement including concerts, parties and outings, they provided an interim step between public houses and Mechanics' Institutions and Working Men's Colleges that had more serious intellectual intent. Many club rooms had small libraries and supplies of newspapers. Regular discussion groups and lectures were held. The Union aimed to be self-sufficient and operate on co-operative principles or mutual help. About the same time, Herbert also became active in the Co-operative Movement and delivered lectures on co-operation to various groups of co-operators throughout England. The principles of co-operative self-help Herbert later incorporated into Voluntaryism.

Herbert was influenced by J. S. Mill's ideas on education, including the notion that it could improve human character. His correspondence with Mill reveals that he was closely following Mill's philosophy in the 1860s and early 1870s.⁵ One subject they discussed was the intellectual and moral cultivation of 'working men' to enable them to participate more fully in an increasingly democratic society.⁶ Suffrage had been reformed in 1867 and the next two decades would bring additional electoral reform, including that in local government. Herbert favoured the establishment of intellectual centres where working men could study a range of subjects in the sciences and arts. Mill, however, thought that politics, social and economic questions would be of more absorbing interest and would be for some time.

Mill considered suffrage 'inadmissible' without basic literacy and numeracy.⁷ Suffrage aside, he also believed that justice demanded that every person had the means of attaining these elementary acquirements, either gratuitously or at an affordable cost even to the poor. Mill, however, made the distinction between the enforcement of education *by* the

⁴ Henry Solly, *Working Men's Clubs and Educational Institutes*, B. T. Hall, ed., 2nd edn, London, 1904, pp. 29-31.

⁵ Harris, *Auberon Herbert*, p. 147.

⁶ See, for instance, Mill to Herbert, 29 Jan. 1872, in Mill, 'Additional Letters 1869-1871', in *CW*, XXXII, pp. 235-236.

⁷ J. S. Mill, *Considerations on Representative Government*, in *CW*, XIX, p. 470.

state and state *direction* of education.⁸ He deprecated the state having responsibility for the whole or any large part of education on the grounds that it would not foster individuality of character and a diversity of opinions and modes of conduct. A general state education Mill described as a ‘mere contrivance for moulding people to be exactly like one another’.⁹ Therefore, any education established and controlled by the state should only exist as one among many competing experiments. Herbert held this position when he entered parliament in 1870, the year in which significant education legislation was vigorously debated and finally enacted.

The Development of State Education

Before 1870, the provision of education in England and Wales was uneven. Politicians during the 1860s regarded the situation as inadequate and recommended an extension of elementary instruction.¹⁰ Little public money was spent on anything but elementary education. The wealthy educated their children privately. For the rest of the population, reliance was placed on Church of England ‘National’ schools, non-denominational ‘British’ schools, and other voluntary and charitable organisations.¹¹ Although a modest system of state aid partly funded what were essentially denominational schools, a number of children received no elementary instruction.¹² An expanding urban population exacerbated the problem. Deficiencies in the education system were also blamed for Britain experiencing greater international trade rivalry. The German education system, particularly its technical and scientific instruction, was increasingly considered worth emulating.

⁸ J. S. Mill, *On Liberty*, in *CW*, XVIII, p. 302.

⁹ *Ibid.*

¹⁰ In 1858, a Royal Commission, chaired by the Duke of Newcastle, investigated the complicated problems of national education. Reporting in 1861, it recommended an ‘extension of sound and cheap elementary instruction’; H. C. Barnard, *A History of English Education from 1760*, 2nd edn, London, 1961, pp. 108-110.

¹¹ Michael Bentley, *Politics without Democracy 1815-1914*, 2nd edn, Oxford, 1996, p. 147.

¹² K. Theodore Hoppen, *The Mid-Victorian Generation 1846-1886*, Oxford, 1998, p. 597.

In an attempt to make the provision of education more comprehensive, the Liberal government introduced the Elementary Education Bill of 1870 sponsored by W. E. Forster. Basically, the bill aimed at supplementing existing education services. Voluntary schools would be able to apply for additional building grants and continue to receive Treasury money to cover a percentage of their costs. More importantly, the legislation placed far-reaching obligations on local government to set up elected school boards and establish schools where education provisions were neglected or inadequate.¹³ Board schools were to be funded out of rates. The Bill did not intend to make schooling compulsory or free. However, the legislation empowered school boards to make by-laws to compel attendance.¹⁴

Although it was a significant step towards national education, the legislation displeased those people who sought a complete state system, as well as those who wanted only sectarian voluntary schools.¹⁵ Opinion was deeply divided about religious instruction in board schools; this was permitted under the Bill, although parents were allowed to withdraw their children from these classes. But any greater involvement by the state in education provision, either in funding or curriculum planning, meant that it had to first overcome the great differences among parents and other interested groups about the religious teaching to be taught.¹⁶ The formation of two lobby groups in 1869 anticipated the debate. The National Education Union supported the existing denominational system. The National Education League supported universal and unsectarian, or secular, schooling.¹⁷ Initially, Forster favoured only non-denominational religious instruction, a position more widely supported among Nonconformists and some Anglicans. William Gladstone, in contrast, wanted

¹³ Jose Harris, *Private Lives, Public Spirit: Britain 1870-1914*, London, 1994, p. 199.

¹⁴ Soon after enactment of the law, the London School Board passed a by-law for the compulsory attendance of children between five and thirteen, with certain exceptions; Barnard, *History of English Education*, p. 169.

¹⁵ Hoppen, *Mid-Victorian Generation*, pp. 598-599.

¹⁶ Bentley, *Politics without Democracy*, p. 147.

¹⁷ The National Education League grew out of the Birmingham Education League. Its Executive Council was chaired by Joseph Chamberlain. Herbert was among those prominent at the first annual meeting of the NEL. Others who gave papers or addresses included Professor Henry Fawcett, Thorold Rogers, Jacob Holyoake and Captain Maxse; J. L. Garvin and Julian Amery, *The Life of Joseph Chamberlain*, 6 vols, London, 1932-1969, 1, p. 97.

denominational instruction. The issue became very contentious, as did the associated question of the funding of Anglican schools from taxes paid by Nonconformists.

Herbert's Support of Secular State Education

Herbert, as a new MP, spoke in favour of non-denominational or secular education. His maiden parliamentary speech argued that the new schools to be created 'should be truly national, and should rise above all partiality and sectarianism'.¹⁸ Although he did not consider the denominational system was beneficial to the nation, he was content to see the denominational schools continue in their existing form. Interestingly, he expressed 'great pleasure' in recognising in the Bill 'the principle of the school Board, the principle of a rate, and the principle of coercion'.¹⁹ In later years, he would strongly oppose the compulsion represented in all three of these principles. In 1870, although he also welcomed the principle of free schools signalled in the legislation, he opposed the Bill's intention to allow a school board to apply school rates to assist in creating denominational schools. Herbert's arguments from this point became increasingly radical. He contrasted the great power, wealth and landed property of the Established Church with that of Dissent, which was poor with little land on which to build a chapel or school. He claimed (with some justification) that the existing grant system worked in favour of the Established Church. The new system would advantage it even more, while continuing to disadvantage Nonconformists.

The bulk of Herbert's speech, however, argued for a separation of church and state in the provision of education. His criticism of established powers and privileges revealed his radicalism. Experience, he stated, had shown that government should not throw money down to be scrambled for, especially for religious purposes. The offer of money tempted a sensible

¹⁸ *Hansard*, CXCIX, 15 March 1870, col. 2051.

¹⁹ *Ibid.*

man, but when it was mixed up with religion it was 'enough to make men mad together'.²⁰ Alluding to the derogatory comments in parliament on the growth of irreligion and on secularism, Herbert observed that the working people did not consider that the House had a monopoly on religion. They could see, however, that Members possessed the knowledge they desired to possess. He added that the over-anxiety to connect religion with education would call up the 'most unfortunate suspicions' in the minds of working men about the earthly motive for this anxiety over the spiritual welfare of the working classes.²¹ He implied that they would regard this sort of paternalism as an attempt to make them 'safer members of society' as regards the rights of property, privilege, or establishment. The people, he added were not irreligious but did not perhaps indulge in as great a number of religious formulas as many of the Hon. Members did. Moreover, he believed that 'unless religion were founded upon equal and impartial dealing, and upon justice, the line between religion and irreligion would be very narrow'.²² Unequal and intolerant law would not overcome irreligion but every law which expressed intolerance was a great irreligious lesson poisoning all religion worthy of the name.

On this ground, Herbert insisted that 'only that which is common to all was to be taught in rate-supported and State schools'.²³ He opposed discretion being given to school boards in relation to religious teaching because it was not the work of the state to teach religion. Outside parliament, Mill claimed the Bill introduced a new religious inequality by employing teachers out of public money to teach religion to only part of the community.²⁴ Herbert suggested that rather than ask whether religion should be taught, the real question was who should teach it. This division of labour had to be clearly defined for the sake of the churches and of the state. Herbert held that one of the first duties of the state was to teach its

²⁰ Ibid., col. 2053.

²¹ Ibid., col. 2054.

²² Ibid.

²³ Ibid., col. 2055.

²⁴ Mill addressed a meeting of the National Education League in London on 25 March 1870; 'The Education Bill [1], in *CW*, XXIX, pp. 381-382.

children their rights, the rights of others, and their duties as citizens.²⁵ Claiming that this was what the state had never done, he thought it ought to do so if it took on the responsibility of administering punishment. The possession of individual rights and their protection would later form the basis of Herbert's reformed justice system.

On religious instruction, however, Herbert claimed that most churches had sufficient faith in themselves and sufficient independence and self-reliance to teach their children freely and gladly. The Church of England was the great exception. Herbert returned to that institution's wealth and power, and the advantages it enjoyed compared with other religious bodies. Wondering whether the 'air of establishment had proved relaxing' he also pondered whether the Church would gain greater vigour if 'she were to breathe the more bracing air of voluntary work'.²⁶ This is an extraordinary statement given Herbert's class and the High Anglicanism of his brother Lord Carnarvon.

Furthermore, Herbert drew comparison with the Sunday-school system in the United States of America, in which churches undertook religious instruction separately from state schooling. Herbert was reasonably well informed on the American situation having specifically inquired into religious teaching on his visit to North America during the mid-1860s. Furthermore, he had family and friends there, including the journalist and historian Goldwin Smith. Consequently, he suggested, the temper of the American people was more religious than Britain. Although his claim met with opposition, Herbert maintained that one unchallengeable fact was that the system had developed nationally reaching most of the population.

The passage of Forster's Bill stalled on the issue of religious teaching in board schools. Only the acceptance of an amendment proposed by W. F. Cowper-Temple ensured the Bill passed into law after some other minor changes. The Cowper-Temple amendment stipulated that in board schools 'no religious catechism or religious formulary which is

²⁵ *Hansard*, 15 March 1870, col. 2057.

²⁶ *Ibid.*, col. 2056.

distinctive of any particular denomination shall be taught'.²⁷ As this clause was open to interpretation and the finding of loopholes, it did not really prevent denominational religious teaching. Dissatisfaction with the situation remained among many Nonconformists. The National Education League continued its opposition; Herbert was among its members.

In 1872, Herbert spoke in support of a parliamentary resolution proposed by George Dixon (Liberal MP for Birmingham) declaring that the provisions of the Elementary Education Act were defective and working unsuccessfully. Dixon's chief recommendation was secularisation. Herbert commenced speaking by claiming that evidence in Nottinghamshire demonstrated that the new system appeared to favour existing denominational schools against rate-established schools. He repeated his claim that it was not the duty of the state to provide religious instruction. 'No common funds', he stated, 'ought to be applied towards teaching the religion of another persuasion'.²⁸ The underlying principle in the matter, he continued, was that public machinery or public money should only be used for the benefit of an entire community and not for the benefit of one party or section alone. Secular education was of general interest but religion, because it was subject to difference, was not. Although people greatly disagreed on religious teaching, all concurred that 'reading, writing, and arithmetic', ought to be taught.²⁹ Whatever the House might decide, Herbert thought the time would arrive when the country's conscience would recognise that the principle of equal toleration would only be effected by making the national education system entirely secular.³⁰

Herbert's speech is pertinent for several reasons. First, he was free to vote for Dixon's resolution, unlike the similar motion in 1870. Then, Herbert, although in sympathy with the measure, had already informed his constituents that he would not vote for it against the

²⁷ Hoppen, *Mid-Victorian Generation*, p. 599.

²⁸ *Hansard*, CCIX, 5 March 1872, col. 1445.

²⁹ *Ibid.*, col. 1446.

³⁰ *Ibid.*, col. 1447.

government.³¹ Secondly and more importantly, the content of Herbert's address indicates a developing concern with freedom: universal religious and intellectual freedom. He began to develop the argument that education, like religion, was not an appropriate domain for state interference. Thirdly, Herbert supported Nonconformist objections against the existing monopoly of the Anglican Church and its apparent reinforcement by a Liberal government that was supposed to be reforming education. The defence of minority rights against the majority featured prominently in his political theory. In a similar vein, Mill had observed that those who voiced care for the conscience of the minority were told that they violated that of the majority who conscientiously disapproved of schools in which religion is not taught.³² Herbert, at this time, largely took his lead from Mill. Fourthly, Herbert's support for Dixon's resolution indicates the difficulty he had in following the party line against his conscience. By the same token, religious instruction in schools caused division in the Liberal Party as well as loss of support in by-elections and the general election of 1874.³³ The majority of Nonconformists were usually Liberal Party supporters.

Reconsidering the State Management of Education

In 1876, the Conservative government passed legislation that moved closer to compulsory school attendance. It instituted, in districts without school boards, a network of school attendance officers to enforce this provision.³⁴ Formalising the responsibility of parents to provide elementary education for their children, it set penalties for parents neglecting this duty. Herbert, no longer an MP, regarded this law as signalling threatening tendencies in state education. The same year, he resigned from the Committee of the Education League because

³¹ See Harris, *Auberon Herbert*, pp. 119-120.

³² Mill, 'Education Bill [1]', p. 384.

³³ Hoppen, *Mid-Victorian Generation*, p. 599.

³⁴ The 1870 Act had established attendance officers in board school areas; Barnard, *History of English Education*, pp. 169-170.

his convictions grew increasingly out of sympathy with that body's aims.³⁵ He admitted this change of heart on education in a letter to Helen Taylor, Mill's stepdaughter:

I have changed my opinion as regards compunction—feeling on the whole that we have used this bad instrument (I mean bad in itself) without sufficient effort to replace it by active moral persuasion ... how difficult it is to make real progress when the law becomes our conscience. I know you sympathise with this feeling—although not in this particular application.³⁶

The correspondence between them also reveals that Herbert, who was developing his new ideas on education, was keen to explain them to her.³⁷ Moreover, because of the strength of his feelings on state education, he reluctantly declined her invitation to attend school board meetings. Their positions on state education differed markedly. In 1876, Taylor won election as a school board candidate for the London constituency of Southwark. As a suffragist and reformer, she welcomed the opportunity to participate in this area of local government, especially since women were ineligible to vote in general elections.³⁸ Taylor became a prominent supporter of free and universal education. She was re-elected to the school board in 1879 and in 1882, but resigned, due to ill health, in 1884.

Despite his change in political thinking, Herbert remained actively interested in education reform, specifically education provision to the lower and middle classes. But he was convinced that this could and should be achieved without the introduction of large and unwieldy state bureaucracy. Typically, one of the self-help schemes he financially and practically supported was a local struggling voluntary school near Ashley Arnewood. Herbert briefly took the role of school examiner there.³⁹

Always a keen supporter of adult education, Herbert joined the National Sunday League. This organisation campaigned for the Sunday opening of museums, art galleries, and

³⁵ Harris, *Auberon Herbert*, p. 172. Presumably, this was the Executive Council. The NEL was dissolved in 1877.

³⁶ Herbert to Taylor, nd, Mill-Taylor Correspondence, Vol. 15, fol. 163, London School of Economics Library Archives. The letter is undated but was likely written around the mid to late 1870s.

³⁷ *Ibid.*, fols 165-167.

³⁸ The Education Act of 1870 made women eligible to stand as candidates, schooling being deemed part of the legitimate female sphere; Harris, *Private Lives*, p. 191.

³⁹ Harris, *Auberon Herbert*, pp. 216-217.

cheap Sunday railway excursions so that growing urban populations had access to educational and cultural facilities.⁴⁰ It also held regular public lectures on Sunday evenings. Herbert occasionally contributed to this programme.⁴¹

In 1877, however, Herbert had unsuccessfully floated the idea of holding a conference in London to consider the best means of preventing education becoming a matter of state management.⁴² Increasingly, his statements on education reflected Spencer's influence, particularly the emphasis on human progress and anti-statism. Spencer rejected the notion of national education on several grounds. First of all, it could not be comprehended under the administration of justice. Spencer stated that 'a man can no more call upon the community to educate his children, than he can demand that it shall feed and clothe them'.⁴³ His libertarian concept of the state confined its role to civil and criminal justice and defence, not the provision of education.⁴⁴ It did not allow the fundamental resources of others to be used without their consent. Yet, it did not mean that Spencer opposed education reform. He did object, however, to the basic assumption of national education: the desirability of a uniform system of instruction.

Spencer, like Mill, thought that the uniformity it would impose on human intellect would impede the progressive improvement of civilisation. Mill, on the other hand, supported some state involvement in education. An established education, Spencer conceded, may initially stimulate the national mind into a rapid growth. Yet, the natural growth of education would likely surpass these gains. Spencer believed that the natural process of mental evolution correlated with the evolution of the social state.⁴⁵ The growth in political liberty had

⁴⁰ In a joint letter to the *Times* co-signed by the Secretary, Herbert, as President of the Council of the National Sunday League, alerted readers to a circular produced by the Lord's Day Observance Society attempting to persuade shareholders of the London, Brighton and South Coast Railway Company to have the Sunday excursions stopped. The letter also contained an authorised statement by the Company's general manager affirming the extremely orderly behaviour of the excursionists; *Times*, 18 July 1878, p. 11.

⁴¹ Harris refers to Herbert lecturing for the Sunday Society; *Auberon Herbert*, p. 185.

⁴² *Ibid.*

⁴³ Herbert Spencer, 'The Proper Sphere of Government, Letter VII', in *Political Writings*, John Offer, ed., Cambridge, 1994, p. 33.

⁴⁴ For discussion of Spencer's 'negative' conception of justice see Chapter One.

⁴⁵ Herbert Spencer, *Education: Intellectual, Moral and Physical*, London, 1861, p. 56.

been accompanied by a kindred progress towards non coercive education. To be most effective these changes had to emerge gradually and not be imposed. Immediate remedies introduced by the well intentioned drew his condemnation. Spencer also suspected that national education would gradually be corrupted and abuses emerge. Citing the fact that the Anglican Church had become a political tool, he raised freedom of conscience as an issue likely to be problematic. Also, many people would dissent from state education but have to pay towards its maintenance. If it was intended to be equitable, he added, it must necessarily be presumed that all men would agree to adopt it, a presumption which could never be borne out. Spencer concluded by claiming that national education would be used by the government as a means of ‘blinding the people’ and keeping them in a ‘state of subserviency’.⁴⁶ Basically, he supported the existing largely voluntary system leading commentators to interpret his overall position as conservative support for the status quo.⁴⁷ Although this may have reflected aspects of Spencer’s late opinions, I think care must be taken when discussing his views on education.

One of Spencer’s objections to a state system was that it would likely not encourage ‘bold and independent reasoning, originality of thought, and firmness in defence of principles’.⁴⁸ But ‘great veneration for authority, a high respect for superiors, and implicit faith in the opinions of the great and learned’ would be incalculated instead.⁴⁹ This is hardly conservatism. Moreover, Spencer’s *Education: Intellectual, Moral and Physical* was progressive in its day. His views on the necessary balance between mental and physical activity were never more relevant.⁵⁰ On the other hand, Spencer’s biological determinism was unfashionable. The social organism, he insisted, should be left to evolve; it should be left to

⁴⁶ Spencer, ‘Proper Sphere of Government’, p. 43.

⁴⁷ See, for instance, M. W. Taylor, *Men versus the State: Herbert Spencer and Late Victorian Individualism*, Oxford, 1992, pp. 128-130.

⁴⁸ Spencer, ‘Proper Sphere of Government’, p. 42.

⁴⁹ Ibid.

⁵⁰ Spencer, *Education*, p. 189. See also Chapter Three for reference to Spencer’s views on physical activity.

the discipline of nature without ‘artificial’ human intervention.⁵¹ Spencer also thought that voluntarism in education would produce a multiplicity of bold and imaginative thinking. A vision of separate groups holding narrow and one-sided ideas comes to mind. Nonetheless, Spencer and Herbert believed that, provided free expression prevailed, great truths would emerge from among competing ideas.⁵² In later years, Herbert placed less emphasis than Spencer on the natural process of mental evolution. Enhanced political freedom, he thought, would promote an intellectual flourishing to advance society.

Education in Herbert’s Mature Philosophy

Thus education—which includes all knowledge, all experiment, all civilisation in itself, which above all the great matters of life demands freedom and space and difference, is compressed and moulded by influences as narrow and nearly as much out-of-sight as those which decide the dresses which our woman-kind receive at the hands of their only half-recognised but almost irresistible tribunal.⁵³

Herbert made the above statement specifically in opposition to external examination. Yet, it summarises his mature position nicely. As the following discussion shows, Herbert was concerned at the many and various restrictions that accompanied a national system of education. Confined in this way, education would not produce the bold, democratic and progressive thinking required to create, let alone support, a Voluntaryist state. His thoughts in this direction began to emerge at the end of the 1870s.

In 1879, Herbert returned to Nottingham to address the Liberal Three Hundred. His ideas by this time had shifted beyond Radical Liberalism towards Voluntaryism. Although the Party stalwarts had virtually rejected his nomination as an election candidate, they invited him to present his political views, which were reported extensively in the *Nottingham and Mid-*

⁵¹ Herbert Spencer, *Social Statics*, p. 388.

⁵² See, for instance, ‘Principles of Voluntaryism’, pp. 414-415.

⁵³ Auberon Herbert, ‘The Sacrifice of Education to Examination’, in Herbert, ed., *The Sacrifice of Education to Examination: Letters from “All Sorts and Conditions of Men”*, London, 1889, p. 175.

Counties Daily Express newspaper.⁵⁴ Education comprised a significant part of the speech. Herbert, admitting that his opinion was not new but one he now saw more clearly, exhorted his audience to make education an entirely a personal voluntary matter. Education, he argued, should be treated like religion and not be under the guidance of any part of the state. Under state direction, religion tended to uniformity and prevented the ‘free movement of men’s minds’.⁵⁵ In contrast, heterogeneity of opinion brought ‘progress of every kind’.⁵⁶ If the state freely provided religion, moreover, half the value of it would be gone. Value, Herbert believed was largely bound up with people doing things for themselves. To add weight to his argument, he evoked the voluntary co-operative tradition that had produced many successful institutions. His reference to the co-operative movement, although ideological in intent, was also based on personal observation.⁵⁷

Herbert also outlined a number of risks he saw in greater government direction and official interference. Higher education he considered at particular risk, citing the degree of control and censorship prevalent in the French education system. This direction, he argued, was not the way great teaching could ever be produced. It was not the way in which love and passion of truth were created. Furthermore, expansion of the education system led to greater expense, which principally fell on working people. Herbert’s claim was correct, at least initially. Many parents were required to pay school fees, a provision which was not abolished until 1891.⁵⁸ Some parents saw ‘school’ as the enemy because it decreased or ceased their children’s earnings and sapped the roots of parental authority.⁵⁹ Herbert also acknowledged the sensitive issue that required people to help fund general education when only some of

⁵⁴ *Nottingham and Midland Counties Daily Express*, 17 March 1879, p. 3.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ Herbert’s active participation in the Co-operative Movement was examined in the previous chapter.

⁵⁸ In 1891 a fee grant was instituted making schools virtually free but it was not until 1918 that fees in elementary schools were finally and definitely abolished; Barnard, *History of English Education*, p. 170.

⁵⁹ Harris, *Private Lives*, p. 89.

them presently used it. His greatest concerns, however, were 'the dread of uniformity of system, the monotony, and the routine the Government is inflicting upon us'.⁶⁰

Although strongly and deeply believing in voluntary education, Herbert stated that he would not remove or greatly alter the existing system, but he would give every town the power of deciding the question itself through school board elections every three years. Herbert thought a likely scenario would be that after some elections and a few changes, there would be a return to his plan as it was the most 'natural' and the one most conducive to peacefully living together. Replying to a question on the necessity of governing bodies to administer state aid to education, Herbert said he recognised that power should be given to the localities to employ a rate for educational purposes. This position is consistent with his policy on local government generally. At the same time, he admitted he would not release people who contributed to sectarian schools from paying rates to support board schools, although he once had been inclined to do so. But if any locality rejected a state grant, he would leave it free to manage education in its own way. Herbert thought that the 'most active and advanced districts' would take the latter course, while the backward districts would continue to take the grant. He was glad to adopt some safeguards in the matter but did not specify what these might be. Herbert's Nottingham speech indicated that he rejected further central direction in education, a matter that he thought better addressed in the localities.

In contrast, T. H. Green, philosopher and educational reformer, considered that meeting the nation's educational needs by voluntary means was no longer adequate.⁶¹ In 1878, he specifically addressed the past role of Voluntarism in education. Voluntarism in this context meant the Voluntary Principle followed by Nonconformists, earlier in the nineteenth century, who refused government aid thereby making their schools independent of state interference and religious domination by the Church of England. They justified their stand by

⁶⁰ *Nottingham and Midland Counties Daily Express*, 17 March 1879, p. 3.

⁶¹ See Thomas Hill Green, 'Two Lectures on the Elementary School System in England', in *Works*, R. L. Nettleship, ed., 3 vols, London, 1900-1911, 3, pp. 433-434.

invoking arguments of self-reliance against bureaucracy and centralised state meddling.⁶²

These points were also employed by Spencer and Herbert. Green acknowledged the spirit of the theory that emphasised parental responsibility and voluntary association. At the same time, he argued that Voluntarism had had a fair trial and had failed. The Nonconformists, or Dissenters as Green called them, lacked the resources to establish sufficient schools and run them adequately, especially in the rural areas. Furthermore, the Voluntary schools were denominational, encouraging ordinary people to abrogate their civic responsibilities to religious enthusiasts.

Green, therefore, strongly supported the creation of a truly national system of elementary education and campaigned for this.⁶³ Parents, he thought, should be legally compelled to send their children to school. Attendance at publicly funded schools should be free. He urged society to allocate further public funds, a combination of general taxation and local rates, to meet these developments. Green also wanted to end the public funding of privately owned and managed schools because the Church of England was the main beneficiary, a point that Herbert raised earlier. Also like Herbert, Green especially disapproved of the 1870 legislation that provided subsidies for existing voluntary schools thereby allowing church schools to pre-empt in their parishes the establishment of popularly elected school boards.⁶⁴ This measure also allowed significant farmers and rural landlords to evade a 'permanent charge proportionate to their wealth'.⁶⁵

Herbert, however, consistently rejected the argument, made by Green and others, that people could not provide education for themselves, in their own fashion, if left to do so. Herbert's assertion may have validity. Some modern commentators argue that, before 1870, the vast majority of children received a primary education and that high levels of literacy

⁶² Peter P. Nicholson, *The Political Philosophy of the British Idealists: Selected Studies*, Cambridge, 1990, p. 166.

⁶³ Green later served on the School Board for Oxford elementary education and was also a leading promoter of the education of both boys and girls at secondary and university level; *Ibid.*, p. 165.

⁶⁴ Green, 'Two Lectures', p. 438.

⁶⁵ *Ibid.*, p. 435.

existed.⁶⁶ Furthermore, the Newcastle Commission, which found no serious gaps in the provision of schools, recommended strengthening the existing system not replacing it.⁶⁷ These arguments, above all, indicate that the subject remains contentious.

State Education: A Help or Hindrance?

The beginning of the late Victorian period saw the general trend moving towards greater state organisation of education. One of the prime movers in enacting new legislation was A. J. Mundella, Herbert's former Liberal 'mentor'. In 1880, elementary education was made compulsory up to the age of ten.⁶⁸ Furthermore, all school boards and attendance committees were obliged to enforce the law.

Herbert's response to the further regulation and state education generally appeared in his essay 'State Education: A Help or Hindrance?' published in the *Fortnightly Review* during 1880.⁶⁹ The work, which built on ideas expressed in Nottingham, significantly presented a nascent form of Voluntaryism, possibly for the first time.⁷⁰ Education, Herbert thought, was highly compatible with his philosophy as some of the foundations were already in place. But the state system was developing in the opposite direction. Moreover, Herbert considered that greater state involvement had already begun to hamper the advancement of education. The essay 'State Education' expresses Herbert's concern at the restrictive tendencies emerging in

⁶⁶ A. N. Wilson states that overall literacy had risen to about ninety-two per cent. The growth in freelance schooling, privately financed, contributed to a rise in literacy levels from the early Victorian period. He maintains that there was no pressing need for the state to involve itself in education. See his *The Victorians*, London, 2002, p. 363.

⁶⁷ E. G. West, *Education and the State: A Study in Political Economy*, 3rd rev. edn, Indianapolis, 1994, p. 179. West analyses the statistics provided to the Newcastle Commission and on which Forster based his 1870 estimates and finds a number of inaccuracies and oversights. He wonders whether Forster's statistics were exaggerated because officials had a vested interest in the expansion of their department; *Ibid.*, p. 182.

⁶⁸ Exemptions still applied on proficiency up to fourteen; Barnard, *History of English Education*, p. 170.

⁶⁹ Auberon Herbert, 'State Education: A Help or Hindrance?', pp. 53-80. First published in the *Fortnightly Review*, July 1880, it predates 'A Politician in Trouble about his Soul' (1884) and *The Right and Wrong of Compulsion by the State* (1885).

⁷⁰ Although Herbert's essay 'The Choices between Personal Freedom and State Protection' was published earlier in March 1880, it is more an assertion of 'negative liberty' unlike 'State Education: A Help or Hindrance?', in which Herbert gives some consideration to practical application.

the new national system that concentrated on the mechanics of schooling rather than the broader idea of education.

Introducing his paper, Herbert observed that, as ten years of national organisation of education had passed, it was time to assess whether state education was favourable, or not, to progress. A footnote admitted his change of opinion on the subject, one that he attributed to 'Mr Herbert Spencer's writings'.⁷¹ Yet, the text, which contains several distinctive elements, is no mere gloss of Spencer.

Herbert ventured that it might seem rash at first sight to attack an institution so newly created and so strongly supported. Nevertheless, every institution eventually had to answer the challenge of whether it was founded on the principles of justice and liberty. Although Herbert employed the same argument as Spencer, he explored the likely results that the compulsory redistribution of resources would have on people. This technique is a trademark of his political theory. Whereas Spencer concentrated on the evolutionary 'big picture', Herbert emphasised the more immediate effects of political decisions on individuals and how these decisions affected social interaction generally. This approach is evident throughout his arguments against the state control of education.

National education, Herbert suggested, was a measure supposedly carried out in the interest of the workmen and lower middle class. In truth, it was a political favour. As he explained, when one set of people pay for what they do not use, but that is used by another set of people, their payment was and must be in the nature of a favour.⁷² It necessarily created a sort of dependence. In other words, if you take a favour from someone, you surrender control to them. The most striking result, according to Herbert, was that the wealthier class thought they had a right and duty to direct the education of the people. He explained that as long as the wealthy paid by rate and tax for part of this education, they undoubtedly possessed a corresponding right of direction. Consequently, a workman found that he had little say in the

⁷¹ 'State Education', p. 53.

⁷² Herbert also noted that the small wealthy class that once ruled the country helped themselves to many favours but found that these later became dangerous burdens tied around their own necks; *Ibid.*, pp. 54-55.

education of his children. The power of the richer classes, the disputing churches, and the political organisers overwhelmed him. Herbert offered a class analysis of those who directed education: the ministers of all denominations, then the merchants, manufacturers, and squires. These ministers and gentlemen, he noted, did not place workmen on committees to manage the education of their children, so how did the reverse come about? His analysis is correct in so far as he identified an alliance of church and state interests concerned with maintaining a hierarchical society. Also, the middle classes tended to dominate school boards. But the existing social structure, more than the wealthier classes' contributions to working class education, determined the amount of control of working people had over their lives, including the education of their children. Furthermore, the working classes paid taxes and many paid school fees. Also, according to Green, many wealthier rural inhabitants avoided paying their fair share.⁷³

Herbert also claimed that the workman was selling his birthright for favours and intrusion into his home affairs. His argument comprised several strands. Primarily with Nonconformists in mind, Herbert cited their past efforts of self-help and co-operation. Unlike Green, Herbert believed that the voluntary movement provided a sufficiently strong foundation on which to provide future education. The same impetus had created chapels, benefit societies, trade societies, and co-operative societies. Moreover, creating and maintaining these institutions had developed desirable individual moral and social qualities. In other words, these endeavours were educational. They were also popular in the sense that the impetus for their creation came from ordinary people desiring to work co-operatively. They did not owe their existence to government legislation or official planning. But, as Herbert pointed out, in the matter of educational instruction, the state was prepared to overlook these civilising developments. In doing so, it negated such virtues as self-help, patience, hard work, and duty. The degree to which the state stipulated educational

⁷³ Green, 'Two Lectures', p. 435.

requirements, he thought, was undermining parents' aspirations and efforts to educate their children. Worse, the state was teaching them that they no longer had to be responsible because it would decide every aspect of schooling instead. This approach Herbert thought morally harmful to all concerned. It also impeded social development.

Herbert also objected to assumptions about working class parenting. Green, for instance, had voiced doubts on the subject. Although he believed in the value of self-reliance and individual initiative, Green thought many parents, outside nonconformist congregations, did not possess the necessary 'feeling of educational responsibility' for their children.⁷⁴ This particularly applied to the working classes who most needed education. Because the prevailing system of labour in industrial England drew those who had to work for a living more and more away from home, he doubted whether education might safely be left under the control of parents any longer.⁷⁵ The proper substitute, he argued, was not the 'casual action of charitable persons, but the collective action of society'.⁷⁶ In contrast, Herbert thought the assumption that parents were too weak and selfish to ensure the education of their children, and that the inspector and policemen held better motives, was cynical. If people were treated as unworthy of trust, he argued, they would justify this expectation by acting accordingly.⁷⁷ There was no incentive to do otherwise. Some parents, Herbert thought, required encouragement to act responsibly. But persuasion, not coercion, was called for in changing behaviour. Again, Herbert shows his faith in humanity. People, he reasoned, must have something to aspire to. The state must recognise this and not dismiss the 'power of better motives'.⁷⁸ Under the existing system, he added, good and bad parents stood on the same footing because the statutes assumed impartially that every parent intended to defraud his or her child.

⁷⁴ *Ibid.*, pp. 427-428.

⁷⁵ *Ibid.*, p. 432.

⁷⁶ *Ibid.*

⁷⁷ 'State Education', p. 68.

⁷⁸ *Ibid.*, p. 65.

A similar point was raised in the previous century by the German philosopher and educational reformer Wilhelm von Humboldt when he cautioned against a too extensive solicitude on part of the state. If parents proved remiss at arranging education, then the state should appoint guardians.⁷⁹ If poverty was the problem, then parents should be subsidised. Moreover, Humboldt was highly critical of the state introducing universal compulsory arrangements without allowing adult citizens any discretion over, or selection of, the most appropriate course for them to take. National education, he concluded, was very questionable; it must always promote a definite form of development resulting in an artificial equilibrium leading to sterility and enervation.⁸⁰ Herbert, familiar with Humboldt's philosophy, expressed similar thoughts.

Herbert believed that parenthood, including educating one's children, was one of the great natural duties. Natural duties were also opportunities for universal improvement. Wealthy parents who handed their children into the care of others, he thought, learned little from them. These children hardly influenced their lives. However, parents who interacted daily with their offspring found constant mental and moral change. Given the importance of this process, Herbert concluded that: 'no man's character, rich or poor, can afford the intrusion of a great power like the state between himself and his thoughts for his children'.⁸¹ Depending on their circumstances, however, children might benefit from this intrusion (as Green maintained above). As noted, many working class parents were suspicious of state intrusion in education as harming the relationship between them and their children. This attitude gradually changed.⁸² The forms that this intrusion took remain the subject of ongoing debate in many parts of the Western world. For instance, Herbert criticised the state's erosion of parental responsibility in making key decisions about a child's schooling including the masters, standards, examinations, subjects and hours. He challenged the assumption that the

⁷⁹ Wilhelm von Humboldt, *The Limits of State Action*, J. W. Burrow, ed., Indianapolis, 1993, pp. 50-51.

⁸⁰ *Ibid.*, p. 48.

⁸¹ 'State Education', p. 66.

⁸² Jose Harris comments that by 1900 this stance had reversed and parents were anxious for their children's success. Many treated the authority of the teacher with exaggerated deference; *Private Lives*, p. 89.

state could decide what was best for children against their parents' convictions and knowledge of their own offspring.

The current political system, Herbert suggested, also reinforced the powerlessness of the working classes to determine the education of their children. He thought them particularly disadvantaged in resisting the momentum of a growing state system. In what was basically a critique of government, Herbert argued that large national systems left little room for local issues or problems concerning particular institutions. Certainly, there was no place for personal issues. This assertion invites the rejoinder that sometimes this might be desirable. Representative government, Herbert added, worked on principles of common political application and issues already in the political arena. The constituency would be divided according to existing party divisions. The only solution for workmen was to join one of the two main parties and vote every three years. Both school boards and municipal government, Herbert added, demonstrated that popular elections must be fought on 'simple and familiar questions'.⁸³

Also, this system delivered an undesirable homogeneity and uniformity impeding progress. Spencer, earlier, warned of the 'control over the national mind' as being conservative and not progressive in spirit.⁸⁴ As Herbert pointed out, one system of education applied to the whole of England. The local character of school boards deceived people into believing that some 'variety and freedom of action existed'.⁸⁵ In reality, they had only the power to apply an established system. Schools, he pointed out, must use the same class of teachers, submit to the same inspectors, prepare children for the same examinations, and pass in the same standards. Any differences were minimal. What would be the result, he asked, if uniform methods were established for religion, art, science, or any trade or profession? In this context, he quoted Spencer's maxim that 'progress is difference'.⁸⁶

⁸³ 'State Education', p. 60.

⁸⁴ Spencer, *Social Statics*, pp. 373-376.

⁸⁵ 'State Education', p. 67.

⁸⁶ *Ibid.*, p. 68.

Here, we are reminded of Herbert's analogy with the dictates of women's fashion. Decisions about what constitutes style or fashion, he suggested, are made in private by a select few self-appointed arbiters, who are usually able to persuade large numbers of the populace to adopt their ideas. In other words, the process is undemocratic and there is no court of appeal. Fashion is largely a cultural concept that seeks to shape or mould society. As Herbert implied, many Victorian women felt compelled to adopt very constricting clothing in order to be considered fashionable. They did so at the expense of their health, freedom of movement, and overall independence.⁸⁷ Herbert's implication is that people followed fashion thinking that it enhanced their appearance and individuality when really it detracted from both. Not only were many of the contemporary women's styles physically harmful but they created a predictable uniformity, at least among the more affluent classes. Put another way, fashion, if rigidly followed, also harmed society. In what first appears as a witty aside, Herbert's parallel between women's fashion and state education is intriguing and quite complex. He suggested that similar restricting forces operated in both areas. Despite appearances to the contrary, neither areas were actually progressive.

If society desired progress, Herbert explained, it should not make it difficult for people to think and act differently. Their senses and imagination should not be dulled by routine or officialism. Herbert claimed that the assertion, frequently made in reference to the working classes, that book education was a necessity of life, was simply not true.⁸⁸ Moreover, he later rejected the notion that examination preparation particularly developed valuable qualities such as care, perseverance, and concentration. The same, he thought, could be said of many skilled trades.⁸⁹ The salient point was that all of these good qualities could be more fully and richly acquired when a person's intellect was aroused. Although he did not elaborate on these remarks, it suggests a broader view of education as held by philosophers such as Jean Jacques

⁸⁷ Herbert's critique of fashionable clothing appears in Chapters Three and Six.

⁸⁸ 'State Education', p. 68.

⁸⁹ Auberon Herbert, ed., *The Sacrifice of Education to Examination: Letters from "all sorts and conditions of men"*, London, 1889, p. 182.

Rousseau and, later, by British reformers including William Morris. Herbert had earlier advocated that elementary teaching be made more relevant connecting the playground with the schoolroom.⁹⁰ If children understood the basic principles to things they perceived in their environment, they would begin to acquire a scientific habit of mind. An elementary scientific knowledge, he claimed, was required by workmen such as cabinetmakers. He cited Professors Huxley and Tyndall as both supporting the teaching of science in schools.⁹¹

Considering how society could advance intellectually, Herbert urged that all obstacles impeding the individual exercise of reason and imagination be removed. He envisaged that such a promotion of intellectual freedom would usher in a flourishing of new ideas and discoveries. At the same time, he warned that, if such forces were to be placed in the service of society, it should not throw artificial and ‘almost insuperable obstacles’ in the way of reformers searching for better methods.⁹² In education, for example, someone holding new views might gain sympathisers, collect funds and proceed to try his or her experiment. At the time, however, official bureaucracy blocked innovation. One of Herbert’s specific objections to the education system was that the Education Department could not use its discretion: it could not issue an edict applying to certain school boards but not to others. ‘Our bastard system of half-central half-local government’, he wrote, ‘is contrived with great ingenuity to render all such experiments impossible’.⁹³ In contrast, a completely autocratic centre could choose to experiment. Moreover, if the localities were independent, each could act for itself. Herbert argued that under voluntary systems, ‘there is continual progress, the constant development of new views, and the action necessary for their practical application’.⁹⁴

Another ‘great evil’ Herbert perceived as accompanying an official system was the basis upon which public money was granted for education. The judgement of public officials was subject to different standards and personal caprice. A system of payment by results had

⁹⁰ *Hansard*, CCVIII, 21 July 1871, cols 132-133.

⁹¹ Earlier, Spencer had emphasised the value of science in education; see his *Education*, pp. 18-25.

⁹² *Hansard*, CCVIII, 21 July 1871, cols 132-133.

⁹³ ‘State Education’, p. 70.

⁹⁴ *Ibid.*, p. 61.

some merit as it was easy to administer and fairly equal. However, Herbert considered the prevailing payment by results system necessarily ‘restricts and vulgarises our conceptions of education’.⁹⁵ It reduced everyone concerned to the single object of satisfying certain regulations. It wrongly equated success in passing standards and success in education. A yearly examination by an inspector could not adequately measure the effectiveness of a teacher. On the current exaggerated use of examinations, Herbert commented: ‘any plan better fitted to reduce managers, teachers, and pupils to one level of commonplace stupidity could scarcely be found’.⁹⁶ ‘The State’, he added, ‘rules a great copybook, and the nation simply copies what it finds between the lines’.⁹⁷ A number of contemporaries agreed.

Herbert’s criticism of the payment by results system was not unwarranted. Introduced in the 1860s, the system was revised on a number of occasions.⁹⁸ Basically, schools received a grant partly based on attendance and partly on the proficiency of their pupils measured by examination. The system became stretched, however, between 1870 and 1880 with a large influx of new pupils in elementary schools. This situation encouraged mechanical rote-learning and cramming of pupils largely for grant earning purposes and not for their educational needs. Although conditions in public elementary schools gradually improved, the scheme was not abolished until 1897 when examination was replaced by inspection.⁹⁹

Addressing the ‘much-vexed religious question’, Herbert admitted that his position had altered.¹⁰⁰ Once favouring secular education, he now thought it at best a ‘miserable expedient’, even if it was the most just arrangement of trying to meet the injustice necessarily incurred by a state system. Greater political freedom, he argued, would lead to greater religious tolerance. Far healthier would be for each section in the nation, from the Catholic to

⁹⁵ Ibid., p. 72.

⁹⁶ Ibid., p. 73.

⁹⁷ Ibid.

⁹⁸ Barnard, *History of English Education*, pp. 171-172.

⁹⁹ Between 1874 and 1880, only about 25 per cent of children qualified for a grant in the three ‘R’s’ with only a slight rise at the end of the period; Ibid., p. 171.

¹⁰⁰ ‘State Education’, p. 73.

the materialist, to regain 'perfect freedom' in educating their children.¹⁰¹ Herbert acknowledged the claim that such separate teaching would produce narrowness of mind and sectarian jealousy. To counter this possibility, therefore, he proposed that on Sundays children should not be permitted to go to their own churches and chapels, but attend instead a state provided universal temple with ceremonies adapted for all. Herbert, by introducing this coercive element, surprisingly undermined his own doctrine. Although it evokes the Cult of the Supreme Being of Jacobin France, the notion might have been inspired by Herbert's Theism. He did not elaborate. It was a progressive idea but likely to have had little appeal in late Victorian England. At the same time, Herbert confessed that he preferred to see intensity of conviction, even if joined with some narrowness, to a state of moral and intellectual sleepiness.

Given religious difficulties and other problems identified in the provision of education, Herbert asked whether it could be supplied without official assistance. Naturally, he thought it could be with some provisos. The combining and cooperative power of 'our people', he continued, already provided for religious and social wants. Funding, he suggested, could be diverted from scholarships and the examination system. He called for a 'thorough and radical readjustment of educational endowments' in the interest of workmen, who mostly had the first claim but derived little or no advantage from them.¹⁰² Admitting himself a past recipient of such endowments, Herbert was consistently critical of the waste of university funds when they could be devoted to more beneficial purposes and, thus, fulfil the great purposes of a university.¹⁰³ His inference is that universities exist to promote higher learning beyond the confines of class, sex and established religion. He hoped that philanthropy would also play a part, especially since there would be no compulsory contributions. The remedy, he thought, lay in independence, the renunciation of all legal obligations, and resorting to

¹⁰¹ *Ibid.*, p. 75.

¹⁰² *Ibid.*, p. 58.

¹⁰³ In Parliament, Herbert sought unsuccessfully to introduce a bill to limit the compensation awarded on abolition of fellowships in the colleges of Oxford and Cambridge; *Hansard*, CXV, 22 April 1873, cols 801-809.

voluntary combinations. Also, he considered it was wrong for workmen to accept forced contributions of the rich, even if they could afford them. On the other hand, evidence showed that the richer classes were generous donors towards educational and religious institutions. Gifts or voluntary contributions, he maintained, brought fewer obligations provided that the spirit on both sides was one of 'friendly equality'.¹⁰⁴ Forced contributions, in contrast, brought neither grace to the giver nor to the receiver. If the reason given for this form of payment was inability to pay, it placed the workman in the position of pauper.

Getting rid of compulsion was one of the first practical steps Herbert advocated. He described compulsion in education as an attempt to make one of those shortcuts to progress which ends instead by making the goal recede. It was fatal to the free growth of an intelligent love of education. He maintained that the existing compulsory system was a copy of a continental institution taken from a nation living under paternal government that had not yet learned to spell 'liberty'.¹⁰⁵ The example of Germany and its highly organised state was not alluring. In no country perhaps, was there less respect of one class for the other class, or greater extremes of violent feeling. Herbert's opinion of Prussian and, later, German official administration was partly coloured by his experience travelling with the Prussian army at the beginning of the Franco-Prussian War. He had also read Humboldt's *The Limits of State Action* warning of the harmful consequences of positive institutions on citizenry and, ultimately, the state. Positive welfare, Humboldt claimed, did not unite citizens in a social compact but created isolated subjects living in relation to the state.¹⁰⁶ State measures, which usually implied coercion of some sort, suppressed all active individual energy and eventually weakened the vitality of the nation.

Almost a century later, Herbert also argued that subjecting people to strong official restraint produced rigidity of thought and pedantry of feeling on one side. On the other side, it generated 'those violent schemes against the possessions and the personal rights of the rich

¹⁰⁴ Ibid., p. 58.

¹⁰⁵ Ibid., p. 78.

¹⁰⁶ Humboldt, *Limits of State Action*, pp. 16-20.

which we call socialism'.¹⁰⁷ Herbert's allusion to continental socialism, which many English associated with violence and revolution, was carefully chosen. It connected the idea of national education with foreign upheaval. Moreover, it deliberately countered the perceived challenge that Germany offered, including a superior education system. This is another instance in which Herbert drew on traditions of English liberty and English voluntary co-operation.

Green, however, believed that conditions of modern life necessitated state action rather than voluntary association.¹⁰⁸ He envisaged the state becoming the main agent of collective human action taking over from the family and local community. In fact, this occurred. Compulsory schooling was increasingly perceived at least as an institution that relieved mothers of sole child care, and a force for betterment in a child's life.¹⁰⁹ School also became a medium for transmitting the doctrine that child-rearing was no longer a purely private matter and that the child belonged to both the family and the state.

Compulsory elementary education, Green argued, was morally justified. His rationale was that basic education allowed an individual the freedom to develop his or her faculties, and to become a moral agent in society. Elementary education was necessary to the growth of the capacity for beneficially exercising rights, both individually and for the benefit of society. Moreover, he argued that people had a moral duty to educate their children, as did Herbert.¹¹⁰ At the same time, Green claimed that the law did not affect the moral disposition and spontaneity of parents who wished to send their children to school because they were doing what they thought right anyway. In the case of parents who did not obey the law, Green argued that compulsion could not interfere with their spontaneity as they were failing to act

¹⁰⁷ Ibid.

¹⁰⁸ Green believed the state was a form which society took to maintain the rights of individuals, although these rights must never extend as far as to conflict with the common good; see T. H. Green, *Lectures on the Principles of Political Obligation and Other Writings*, Paul Harris and John Morrow, eds, Cambridge, 1986, p. 90.

¹⁰⁹ Harris, *Private Lives*, p. 89.

¹¹⁰ Green, 'Two Lectures', p. 432.

morally.¹¹¹ But this does not alter the fact that the state has initiated force against its citizens. Also, as Humboldt argued generally, such blanket measures deny that other alternatives exist or that most people are capable of rational choice. Similarly, Herbert reasoned that the state, as the instrument of citizens, ought to merely guide and advise, rather than organise or control. Government might valuably take this role in education.¹¹²

Another significant reform Herbert advocated was to abolish all dependence on a central department allowing each town to administer education in its own way. At the least, this measure would put local vitality and variety into education. The public needed to accustom itself to the idea that people would act better in voluntary groups than if forced into a union by external power. Herbert anticipated many boards acting freely in a town, and gradually learning to cooperate together ‘to some extent and for some purposes’.¹¹³ Preparation for a purely free system might be assisted by powers granted by parliament under which any considerable number of electors (one-sixth, or one-tenth), according to the size of the town, might elect and pay their rate to their own board. Although imperfections and possible evasions would arise under this plan, Herbert thought it would enliven the provision of education. Also, it would more than compensate for the loss of mechanical regularity. He noted that it was always difficult to introduce freedom into a system founded on authority and officialism. Anomalies and contradictions could be escaped only by being either rigidly despotic or completely free. Herbert opted for the latter. The final step in his reform of education was to render the rate purely voluntary, and to give full freedom and responsibility of action.

In the following five years, Herbert wrote less specifically about education, although it formed an important part of his philosophy. Reference to education appeared in key political works such as *The Right and Wrong of Compulsion by the State* of 1885, also an election

¹¹¹ Nicholson points out that compulsory education ends the negative freedom of child and parent. It is superseded by positive freedom for the child; *British Idealists*, p. 171.

¹¹² See, for instance, ‘Principles of Voluntaryism’, p. 377.

¹¹³ *Ibid.*, p. 79.

year. In an appendix to the entire published work, Herbert included state education as one of the examples of the stupefying and brutalizing effect that he associated with large state systems.¹¹⁴ At the same time, he granted that locally elected school boards managing schools were a great gain in escaping from centralization.¹¹⁵ But, he asked, why not continue and escape still further? Essentially, he called for the decentralization of education and the abolition of all compulsory clauses. Also, he recommended that education be taken out of the hands of a single compulsorily elected board for the district placing it in the hands of voluntary groups. He suggested that eventually municipal education would seem as ‘absurd and grotesque an undertaking’ as a municipal organization of religion.¹¹⁶

By this time, too, Herbert had formed the short-lived Party of Individual Liberty which contested the 1885 election. One of his highly polemical *Anti-Force papers* was entitled ‘Education by Bribes and Coercion’.¹¹⁷ Basically, this pamphlet appealed to the ‘English people’ to reject state education and all the compulsion and officialdom that accompanied it. In it, Herbert alleged that ‘State education, State religion and State conscription are three children of the same evil family’, and that two or three Whitehall gentlemen, protected by the ‘sleepy approval of Parliament’ had ousted parents from real control over the education of their children.¹¹⁸ This propagandistic tone gave way to a more reasoned critique of state education and a call for local Voluntaryism to replace national education. While the *Anti-Force papers* were intentionally polemical, they also mark Herbert’s changing role as an educator. By now, he concentrated on educating the public, by lecturing or writing, in the principles of Voluntaryism. Herbert remained its principal instructor, teaching its main tenets and advising supporters on tactics to adopt in various

¹¹⁴ Auberon Herbert, ‘Do our Force-Systems Stupefy and Brutalize?’ in *The Right and Wrong of Compulsion by the State*, London, 1885, app. A, pp. 74-75.

¹¹⁵ *Ibid.*, pp. 78-79.

¹¹⁶ *Ibid.*, p. 83.

¹¹⁷ Auberon Herbert, *Education by Bribes and Coercion*, London, 1885, 8p. (Anti-force paper no. 5)

¹¹⁸ *Ibid.*, p. 1.

circumstances. The latter is highly evident in his *How to Conduct the Liberty Agitation*.¹¹⁹

Soon, he adopted a similar role in the pages of *Free Life*.

The Sacrifice of Education to Examination

Part of Herbert's concern at the narrowness of the new education system related to the over-emphasis on examination at the expense of broader learning. Also, in his opinion, the state was misusing examination. Examination, which was intended primarily to be an educational tool, was becoming an administrative one. Examination results helped determine the level of school funding. Herbert (as noted above) and many contemporaries criticised this 'payment by results' system.

In 1888, the Royal Commission appointed to assess the 1870 Education Act reported.¹²⁰ Among its several recommendations was that urging a modification of the 'payment by results' system, which the Commissioners unanimously regarded as being too rigidly applied. At the same time, the Commission was divided on the religious issue (as discussed above) and the public funding of 'higher grade' schools. The division of opinion among Commission members reflected the divergence of contemporary views on education.

Herbert was among those people concerned at the new prominence of examination. Although he opposed the payment by results system, his concerns extended beyond elementary education. The prominent educator and Positivist Frederic Harrison and James Knowles, the editor of the *Nineteenth Century*, encouraged Herbert to help organise supporters in a national campaign to draw attention to a system they saw as becoming an end in itself.¹²¹ Herbert also drafted a manifesto protesting at the sacrifice of education to examination. This document, with numerous signatories attached, was published in the

¹¹⁹ Auberon Herbert, *How to Conduct the Liberty Agitation*, London, 1885, 4p. (Anti-force paper no. 4)

¹²⁰ Chaired by Sir Richard Cross, the Commission was established in 1886. A majority and a minority report were issued. See Barnard, *History of English Education*, pp. 174-176.

¹²¹ For an account of this campaign see Harris, *Auberon Herbert*, pp. 288-292.

November 1888 issue of the *Nineteenth Century*. Politicians from both Houses, teaching and medical professionals, and other notable members of the public signed. Among those names which appeared were Grant Allen, Wilfred Blunt, Edward Burne-Jones, Joseph Cowen, William Gladstone, Francis Newman, and Beatrice Potter. Also published were essays by Professors Max Müller, Edward Freeman and Frederic Harrison. In his essay, Harrison stated that although he did not object to examinations *per se*, he thought an over-emphasis on them had developed which distorted education and poisoned the spirit of healthy learning. Rather than an aid to education, the examination system had become the master of it. Herbert did not publicly contribute to the text at this stage. A significant feature of the campaign, although organised from London, was its national focus. It also saw Herbert working with others outside his Individualist sphere.

The manifesto protested against the ‘dangerous mental pressure and misdirection of energies and aims’ that were found in the ‘Educational System’.¹²² It condemned the prevailing spirit of place-hunting and prize-winning in education. It claimed that similar evils followed the subjection of teaching to examination whether in elementary schools, conditions governing scholarships and the class list at universities. The manifesto drew attention to the ‘over-strain’, not immediately apparent, placed on young bodies and minds in this artificially competitive system. As these effects might apply more strongly to women and girls, it urged the avoidance of the mistakes made in the case of males. It also pointed to an increasingly centralised system leading schools to adopt the same methods. One of its strong objections was the sacrifice of the higher intellectual interests of the students to concentrate on the superficial learning required to pass exams. The existing system also sacrificed the independence of the teacher. The best teaching was destroyed by the preponderance of examinations. Furthermore, examination results told parents little about what their children were actually learning. Better means needed to be devised for informing the public about

¹²² ‘The Sacrifice of Education to Examination: A Signed Protest’, *Nineteenth Century*, November 1888, p. 617.

education methods so they could judge them. A protest was made against the waste of money entailed in the prize system, which, at the same time, hindered any intelligent consideration of the value of different kinds of education, say between classical and scientific education. The money currently spent on scholarships and fellowships might be better spent if redirected to areas of greatest need. The manifesto ended with several recommendations including a petition to the Queen to appoint a Royal Commission to look at the subject. The Commission would also require input from a range of educational bodies, corporations, hospitals and large private firms.

Following publication, Herbert used his connections, persuasive powers and parliamentary experience to lobby politicians, including the Prime Minister, Lord Salisbury. The plan was to build on the public feeling generated in the press and move the discussion into parliament beginning with a debate in the House of Lords in late 1888. This date was moved to early 1889. However, owing to the illness of two successive sponsors, a motion was not proposed in the Lords until 1890. As Harris notes, the loss of momentum was fatal and the campaign died.¹²³ Yet, it appears that the protest was not entirely in vain. The concerns raised about ‘cramming’ for elementary examinations, for example, were partly addressed by the abolition of the ‘payment by results’ system in 1897.¹²⁴

The best record of the protest is found in the volume *The Sacrifice of Education to Examination* edited by Herbert.¹²⁵ Basically, this work covers the same ground as outlined above, plus the inclusion of letters both supporting and opposing examination. Included in Herbert’s contribution are his principles for reform that chiefly comprise a minimum of regulation and centralisation, the availability of multiform education, and constant

¹²³ Harris, *Auberon Herbert*, p. 292.

¹²⁴ Furthermore, the Bryce Commission examining secondary education sat in 1894 and reported in 1895.

¹²⁵ Auberon Herbert, ed., *Sacrifice of Education to Examination: Letters from “all sorts and conditions of men”*, London, 1889.

communication between educational providers and parents and other people concerned.¹²⁶

The latter is one of several progressive features.

Herbert went to some length in advocating public involvement in the provision of education and its development. Recognising that external and competitive examination served to reform education in the past, he suggested that improved communication and a national press now offered the means of appealing to public opinion and directing public choice. As in labour recruitment, he urged people to use the 'new instruments' in changing their approach to education. Herbert also commented that the public, for its own sake, must learn to discriminate between good and bad teachers. This implies that people ought to take responsibility for understanding at least the basics of educational practice in their community's schools. As well as recommending a greater flexibility of methods to be employed in these institutions, he wished to see greater publicity about them: more transparency, in other words.

Another significant recommendation Herbert made was the redirection of endowments, scholarships and other monetary awards to areas where it was most needed, such as additional teachers, lower fees, and university extension throughout Britain. In this further attack on privilege, he claimed that such measures would be 'more truly in the interests of the poor'.¹²⁷ Similarly, charitable endowments attached to 'our great Public Schools' should be spent in a manner more distinctly to reach the poor. Part of the money used to create stipendiary scholars, he suggested, might offset the cost of model secondary or day schools that charged moderate fees, or might be spent on model elementary schools. These reforms were far-reaching. If carried out, they would have greatly contributed to a more egalitarian education system. A change in social expectations concerning access to secondary and tertiary education would have been one outcome. As regards schools in general, Herbert

¹²⁶ Ibid., p. 180.

¹²⁷ Ibid., p. 193.

urged ‘an active and friendly co-operation between parents and teachers’ to replace the test of winning scholarships.¹²⁸

As it is a collaborative work, Herbert’s tone is moderate throughout. Nonetheless, he expressed the hope that some day the elementary official system would pass into many different voluntary systems. He admitted to personal faith in the new forces coming into existence to move in the direction of pure Voluntaryism in education. This would likely be achieved after the implementation of a number of huge systems, each one failing the expectations placed in it. Eventually, people would realise that these authoritative systems directing them would not work. Only a free system that left them to satisfy their own desires in their own way would improve the general intelligence. Herbert suggested that the same freedom which had revolutionised Britain’s markets in the commercial world must as completely revolutionise Britain’s markets in the educational world.¹²⁹

Opening the Great Safety Valve

One of the last public statements Herbert made on education appeared in response to changes introduced under the 1902 Education Act. This legislation abolished the school boards of 1870 and transferred control of elementary and secondary schools to county and borough councils that also became Local Education Authorities (LEAs).¹³⁰ These bodies were instructed to appoint education committees to consider the educational needs of their areas and, in consultation with the Board of Education, supply or aid the supply of education. Every committee was required to include women members. All schools were placed under a common financial system. Most controversial was the distinction between ‘provided’ or former board schools and ‘non-provided’ or voluntary schools. Councils were also responsible for secular instruction in the former voluntary schools. These schools were now

¹²⁸ Ibid.

¹²⁹ Ibid., pp. 197-198.

¹³⁰ Barnard, *History of English Education*, pp. 209-210.

eligible for rate aid but capital and maintenance costs were thrown on the religious body to which the school belonged. Although managers of the non-provided schools retained the right of appointing and dismissing their teachers, subject to LEA approval, one third of the managers had to be appointed by the authority. Religious instruction could be given in a provided school, as before, but in a non-provided school was virtually under the control of the managers. The 1902 Act caused a great deal of bitterness, particularly among Nonconformists. Many began a passive resistance campaign against payment of the education rate.

In a letter to the *Times* in 1902, Herbert commented on the current bitter divisions relating to education.¹³¹ This letter represents Herbert at his most eloquent, persuasive, and original. Basically, it is a plea for Voluntaryism with education the focus. The problems in education, he observed, were not unique to England. Other continental countries experienced similar problems. Why was this, when education ought to be the most powerful of healing influences? Herbert decided that England and Europe had placed an over-emphasis on education's 'direct effects': teaching, reading, writing. While these were valuable, they were also mechanical. That they were also easier to publicly administer is unsaid. More valuable, Herbert thought, were the 'indirect effects' that accompanied 'true education'. Such effects included uniting people in friendly co-operation and promoting the amity and kindness it brought about. These were civilising influences in society that Herbert wished to encourage. Under this higher education, he suggested, richer people would become less selfish more inclined to 'serve the great public interest'.¹³² Again, Herbert explored the possibility of a kindling and awakening of intellectual energies when people have free action and free choice. This, in turn, would inspire parents to act, alone or with others to involve themselves in their children's education.

¹³¹ The letter was entitled 'Opening the Great Safety Valve', *Times*, 23 August 1902, p. 8.

¹³² *Ibid.*

However, no solution was possible under the existing system because ‘peace can never go hand-in-hand with the spirit of uniformity and the spirit of domination’.¹³³ Here, Herbert returned to the deep feelings about education and religious conscience. The rights of government, he maintained, were secondary to the deeper rights of conscience and free action: the real rights. Although considering the current quarrelling unsatisfactory, he thought it better than the intellectual paralysis that creeps over a nation when people are no longer allowed to exercise their own faculties but fall under the dominion of the ‘great departments’.

The solution Herbert suggested was two-fold. The first related to central government organisation and control. People had to give up the idea of official systems: one, two, or any number of them. ‘Let the nation’, he suggested, ‘discover its own systems’.¹³⁴ In arguing for greater plurality, he asked ‘why force like and unlike together?’ This especially applied to ‘Churchmen and Nonconformists’. Herbert urged that groups with similarly interests be allowed to separate, organise and direct themselves. Continuing his pluralistic approach, he advocated a new role for the education department and, by implication, of government generally. He proposed that, instead of one central department controlling education as it did, it should demonstrate successful models and be content to advise, to suggest, to help. The existing grants, he added, could be spent on building and sanitary arrangements, and school apparatus, rather than any specific system of teaching. As well, there should be no payment for education results.

Herbert’s second reform measure was designed to defuse the present religious conflict. In his words, it was opening the ‘safety valve’. Ostensibly the subject was education but it also served as his pattern for local self-government in the longer term. In the short term, the districts should keep the existing machinery for administering education; however, a person should be allowed to withhold his or her school rates on the grounds of conscience. Herbert thought this move would encourage local authorities to say ‘please’ instead of ‘must’ for

¹³³ Ibid.

¹³⁴ Ibid.

public funding. Thus, there would be no forced contributions to rates. People could organise their own schools if they wished. Compulsion, Herbert argued, was harmful and discouraged poorer parents from taking honest self-help action. Compulsion 'for every sort of object' was the great danger that all nations had to fight against.

At the same time, Herbert expressed hope in the potential of local government. Local bodies faced 'a great and useful future' once they realised that compulsion hindered and not helped their work. Everything that was 'great and valuable in our character', he added, depended upon the gradual replacement of compulsion by persuasion. He concluded that 'we must get the children to school by persuasion, not by compulsion'.¹³⁵ The same argument applied to the payment of education rates. Finally, Herbert wrote, 'we must appeal to all better and deeper motives instead of falling back so readily upon the magistrate and policeman. In a word, we must make a friendly instead of a squabbling nation, a united instead of a divided nation'. Basically, he suggested that, by applying the Voluntaryist principles of liberty, peace and friendliness, this could be achieved.

Conclusion

Examination of Herbert's ideas on education shows the extent to which Herbert remained a radical reformer critical of privilege. His early career, heavily influenced by Mill, saw Herbert closely involved in a number of educational initiatives particularly for working men, sometimes at the classroom level. Even at this stage, he valued individual self-improvement by mutual co-operation. Herbert was a great 'joiner' of reforming and radical organisations. The Liberal National Education League was such a body. However, when it began to insist on one national system, and other forms of coercion, he no longer supported it. Another significant aspect of his early views on education is the strong and enduring support for the

¹³⁵ Ibid.

Nonconformist position against the alliance of Established Church and State. This was a radical position for someone of Herbert's background, but Herbert always challenged power and privilege. His criticisms of university scholarships and fellowships are no less radical. In fact, his recommendations on them are more far-reaching than those of most contemporary reformers.

Most of Herbert's writing on education appeared in response to significant state legislation gradually establishing a comprehensive national system. Unlike Green, he opposed this trend. Ironically, Herbert's ideas became more extreme the more the state moved to organise and control the provision of education. They also reflected Spencerian philosophy, especially in the late 1870s and early 1880s. Yet, important differences can be detected. Herbert was more concerned with the immediate effects of regulation on human character and interaction. At the same time, he attempted to develop libertarian alternatives that appealed to voluntary traditions and the co-operative ethos.

It is also useful to note that Herbert was by no means alone in voicing objections to state reforms. Evidence suggests that the campaign to review examinations had widespread support. Furthermore, official steps were taken to change the rigid 'payment by results system'. When Nonconformist dissatisfaction resurfaced with the 1902 legislation, it also provided a platform for Herbert to apply a Voluntaryist solution to a 'voluntarist' issue. Now less in the shadow of Spencer, Herbert the educator and idealist explained how bad feeling and division in society could be transformed into good will and unity. Herbert's late position on education emphasised pluralism and toleration, as well as the freedom to exercise conscience and choice. As much as these, it urged friendly co-operation among people. True education, he claimed, taught this.

CONCLUSION

From a critical examination of the political ideas of Auberon Herbert, this thesis draws a number of conclusions. Findings relate to the distinctiveness of Herbert's Voluntarist philosophy, his ideological position, and his standing generally. One of the most apparent outcomes is the evidence revealing the large extent to which Herbert contributed to late Victorian political, economic and social discourse. At a time of great social and political change, he addressed such issues as the role of the state in modern society (particularly the subject of taxation), property ownership, labour organisation, and education. Herbert also expressed strongly internationalist views that, while favouring peace and co-operation, also recognised national self-determination. Overall, Herbert's political ideas, this thesis suggests, perform two functions: they critique existing political arrangements, particularly coercive government, and offer an alternative 'system' of politics. The latter largely comprised Herbert's Voluntarism.

Voluntarism was aptly described by Herbert as the system of liberty, peace and friendliness and these elements appear in every application of the theory. Voluntarism was founded on a Lockean-Spencerian concept of natural individual rights and voluntary co-operation among people. Although derivative of Herbert Spencer's philosophy, it also owed much to J. S. Mill. Nonetheless, Voluntarism, as developed by Herbert, was a distinctive and coherent political theory. It did not equate to Spencer's thinking, especially what became his synthetic philosophy. Furthermore, Herbert's position departed from Spencer's in several significant areas including taxation, Irish self-determination, and women's suffrage. More distinctive, however, was Herbert's approach to various issues. Whereas Spencer focussed on the quasi scientific and the evolutionary longer term, Herbert always considered the more immediate effects on people, increasingly emphasising the benefits of enhanced political freedom. Significantly also, he constantly attempted to apply Voluntarist solutions to various situations ranging from street maintenance to collective property purchase, and, finally, to the

voluntary support of the state. Usually, Herbert conveyed the sense that many of these measures could be implemented at once should citizens desire it. Also, many of his reforms did not require the establishment of the Voluntary State to proceed.

Of all the components of Voluntaryism, voluntary taxation was the most novel and the most controversial, drawing severe criticism from fellow Individualists. Voluntary taxation, to Herbert, was a logical extension of the libertarian argument that the state existed to protect and serve the citizens who instituted it. As the state and government ruled by consent, compulsory taxation represented an abuse of this consent. However, Herbert's insistence on voluntary taxation was not merely an extreme assertion of negative liberty; it also had a positive function. National fund-raising occasions were a means of uniting citizens for a specific end as well as fostering patriotism in the widest sense. This process represents one of several instances of community in Herbert's political theory, an aspect which is almost entirely overlooked by critics. Voluntaryism, this thesis argues, extended far beyond the general obedience to the formal rule of law that guarantees individual rights. Not only are citizens expected to respect the rights of others, but also to work co-operatively and peacefully in all areas to improve human society and, thus, advance progress. Herbert urged citizens to actively participate in political affairs, implying that was a public duty.

Morality also featured strongly in Herbert's political thought, a component also which has not received the attention it warrants. Like most Victorian intellectuals, Herbert emphasised morality variously and often did not distinguish between it and ethics. As noted, he exhorted individuals to fulfil their civic and national duties. Herbert believed that greater political and social liberty would encourage the development of a higher morality and truer friendliness amongst people. Although this implication hints at anarchism, it also sits comfortably with libertarianism. In lieu of extensive state organisation, citizens have to establish methods and rules for co-operation. Some of these exist already in the form of common language and shared customs. Although great fluidity helps define Herbert's

libertarian state, there remains the overriding sanction against force and fraud. Moral persuasion, in contrast, is permitted although this appears to resemble force in extreme situations.

Herbert's overriding concerns regarding morality relate to his arguments for self-ownership or individual liberty. Individuals are responsible for their own actions, but they must be free to make moral choices. If not, then morality is not being practised. Liberty, in Voluntaryism, is not merely to be unrestrained but to enjoy the freedom of independent choice or judgement, and action by oneself or in concert with others. In common with other natural rights theorists, Herbert claimed that the free exercise of human faculties necessarily entailed the ownership of private property. Proprietorship helped realise individual freedom.

Like many contemporaries, Herbert regarded the acquisition and maintenance of private property as character building. It also engendered respect for the rights of others. For this reason, he encouraged the working classes to become property owners collectively if not individually. Herbert's primary concern was empowerment and self help. He approached labour issues in the same way, supporting workers' collectives and trade unions, but providing that they did not act coercively against other workers who held different convictions. Trade unions, he thought, ought to play a greater role in workers' general welfare, and he suggested a number of functions that they could undertake such as education, retraining, and the provision of places of rest and recreation. His proposal that unions invest in property, including workers' houses, anticipated developments in the following century. Herbert's ideas on labour and property were not reactionary but opposed state regulation and redistribution. His works carry a number of warnings about allowing politicians to bribe voters, chiefly the working classes, with the material resources of the more affluent. This misuse of power undermined morality and caused psychological harm.

Analysis of power is a constant theme in Herbert's writing. He warned people against handing power and to control to others, namely politicians, to act on their behalf. While

surrendering self-reliance and voluntary co-operation might seem beneficial in the short term, in the longer term it was morally harmful and enervating to all parties. People should take primary responsibility for their own affairs, those of their communities and those of the nation. At the same time, Herbert did not expect isolated individuals to struggle alone in the world, attempting to overcome every obstacle. He urged people to voluntarily combine in a friendly co-operative spirit making use of their wider freedom to achieve happiness and prosperity. Herbert's strong emphasis on home-grown traditions is a notable feature of his political writing. Self-help, nonconformism, and the British Co-operative Movement were existing foundations on which to build Voluntaryism. Herbert's focus was heavily on local communities and local solutions.

Herbert's political ideas were not restricted to domestic politics. A strong internationalist, he supported free trade more as a means of promoting peace and goodwill than for potential economic advantage. There is some evidence that Richard Cobden's ideas on internationalism and national self-determination influenced Herbert. This thesis maintains that on both subjects Herbert's thoughts were progressive, anticipating several developments in the twentieth century, including international mediation and arbitration in times of conflict. At a time of emergent nationalism, he also argued in favour of national self-determination generally, and specifically for India, Egypt and Ireland. Viewing the 'Irish Question' as an issue of nationalism and not land reform, he supported independence for that country with the proviso that Ulster, should it choose, remain part of Britain. Herbert's position was a minority one and largely unpopular among contemporaries. Similarly, his strong criticism of the second Boer War demonstrated his opposition to aggressive imperialism abroad and jingoist sentiment at home. However, he was not an anti-imperialist and thought that the existing Empire could become a useful instrument to promote peace and goodwill in the world. On the other hand, he thought that each country should decide whether or not to remain in the Empire. There was to be no additional territorial acquisition.

Although not a pacifist, Herbert constantly sought peaceful outcomes abroad and at home. One of his justifications for a restricted government dependent on voluntary taxation was that this agency would be less capable of waging war without the explicit consent of the populace gained through a referendum. In Voluntaryist terms, warfare represented the initiation of unjustifiable force by an aggressor. It resulted in coercive acts and a loss of liberty even for the citizens of an aggressing country, who were compelled to support the war. In promoting International Voluntaryism, Herbert had a faint hope of countering rising European militarism. He pointed out that certain authoritarian governments over-taxed their citizens to build up great war-machines and instituted military conscription. Every aspect of their war systems depended on compulsion. His arguments in favour of purely defensive and voluntary British armed forces, therefore, seem at greater variance with the mood of the era. At the same time, Herbert attempted to demonstrate the desirability of the military's integration into the ordinary life of the community and not something entirely apart from it. Furthermore, a volunteer army embodied the concept of self-help. The subject of military reform shows Herbert as an informed commentator as well as a visionary philosopher.

Research shows that there is some complexity to Herbert's overall position. Many contemporaries claimed that he was an anarchist, and this view remains in some quarters. However, this thesis argues that Herbert was an extreme libertarian. Although his ideas sometimes closely approached anarchism, he never completely lost sight of the state, although he greatly limited its role. The Voluntary State was founded on the consent of its citizens and it existed to guarantee and protect their liberties. Although Herbert conceded that people might wish to establish rival associations, he doubted the reality of this happening. Also, it is important to remember that Herbert's Liberty Councils had a deliberative function and not a legislative one. Therefore, his position resembled neither Stirner's union of egoists nor Proudhon's federalism.

Moreover, Herbert was an idealist rather than a utopian, in that his Voluntaryist solutions avoided prescription. A number of Herbert's proposals appear highly idealistic but no more so than other radical reformers such as William Morris and Edward Carpenter. Although Morris and Carpenter espoused a different political ideology, the way in which they expressed their ideals was often remarkably similar to Herbert's. All three indicated disenchantment with increasingly larger central government and Carpenter seems to have disliked modern bureaucracy even more than Herbert. These thinkers also advocated greater local democracy and community co-operation, but Herbert's path to this end was Voluntaryism and not socialism. Herbert also shared with Morris and Carpenter a progressive ethos that anticipated widespread cultural and social change, including personal lifestyle, social interaction, universal suffrage and nature conservation. Herbert and Carpenter had a very similar approach to healthy and simple living which incorporated fresh air, exercise, a simple diet and wearing loose woollen clothing.

Herbert enthusiastically embraced new technology, especially communications technology, whether a national press or a new railway network. The new technology, he believed, would improve communication among people in various ways. For instance, it could assist in employment recruitment. More significantly, it could assist the democratic process, enabling the government to keep its citizens better informed, whether about domestic military manoeuvres or education policy. Technological developments, in the form of motor transport, also meant greater social mobility for the less privileged.

Detailed examination of Herbert's political ideas suggests that his association with conservative forces in the 1880s and 1890s has been exaggerated. Rather than indicate a change in position, the research reveals the extent to which he attacked privilege. As well as opposing institutional privilege such as enjoyed by the Church of England and the House of Lords, Herbert criticised the ruling classes for their paternalism, misdirection of labour and failure to reform the legal system to enable agricultural land to be more easily acquired by

labourers. Herbert's championing of agricultural labourers was notable and he played a prominent role in their unionisation. This position was remarkable for an aristocratic landowner. According to Herbert, however, the upper classes had to contribute more usefully to society and not remain social 'butterflies'. It is also useful to note that Herbert remained a republican.

The views included above, this thesis contends, indicate that Herbert became more radical rather than returning to conservatism. Indeed, few contemporaries held such radical ideas. Continuing to seek reform in most areas, Herbert's mature position remained consistent, although the main political parties underwent something of an ideological reversal. Moreover, Herbert was never merely a philosopher or passive commentator but frequently an active participant in various issues such as the Eastern Question or the promotion of Sunday cultural activities. For some years he was active in the Co-operative Movement and, later, the small holdings movement to which he contributed land. He championed some causes that have subsequently been politically or socially sanctioned, most notably universal suffrage. However, many issues such as the appropriate role of the state, taxation, state education, and imperialism remain perennial issues in much of the Western world, if not outside it.

Discussion of Herbert's political ideas with a focus on Voluntaryism shows that he was a highly progressive and radical thinker who developed a very distinctive and optimistic philosophy, which he attempted to live by and promote as a means of fostering liberty, peace and friendliness among all people. For these reasons, he warrants acknowledgement as one of the most prominent English libertarians of the nineteenth century. Although Herbert sits most comfortably within late Victorian and early Edwardian discourse, the ideas expressed in Voluntaryism remain relevant. Analysing the relationship of the individual to the state, they warn of the human consequences when this relationship becomes unbalanced in favour of the state.

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