

Enquiry Concerning Political Justice

By
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Book VIII
Of Property

Chapter II
Principles of Property

Having considered at large the question of the person entitled to the use of the means of benefit or pleasure, it is time that we proceed to the second question, of the person in whose hands the preservation and distribution of any of these means will be most justly and beneficially vested. An interval must inevitably occur between the production of any commodity and its consumption. Those things which are necessary for the accommodation of man in society cannot be obtained without the labour of man. When fit for his use, they do not admit of being left at random, but require that some care and vigilance should be exerted to preserve them, for the period of actual consumption. They will not, in the first instance, fall into the possession of each individual, in the precise proportion necessary for his consumption. Who then is to be the factor or warehouseman that is to watch over their preservation, and preside at their distribution?

This is strictly speaking the question of property. We do not call the person who accidentally takes his dinner at my table the proprietor of what he eats, though it is he, in the direct and obvious sense, who receives the benefit of it. Property implies some permanence of external possession, and includes in it the idea of a possible competitor.

Of property there are three degrees.

The first and simplest degree is that of my permanent right in those things the use of which being attributed to me, a greater sum of benefit or pleasure will result than could have arisen from their being otherwise appropriated. It is of no consequence, in this case, how I came into possession of them, the only necessary conditions being their superior usefulness to me, and that my title to them is such as is generally acquiesced in by the community in which I live. Every man is unjust who conducts himself in such a manner respecting these things as to infringe, in any degree, upon my power of using them, at the time when the using them will be of real importance to me.

It has already appeared (1*) that one of the most essential of the rights of man is my right to the forbearance of others; not merely that they shall refrain from every thing that may, by direct consequence, affect my life, or the possession of my powers, but that they shall refrain from usurping upon my understanding, and shall leave me a certain equal sphere for the exercise of my private judgement. This is necessary because it is possible for them to be wrong, as well as for me to be so, because the exercise of the understanding is essential to the improvement of man, and because the pain and interruption I suffer are as real, when they infringe, in my conception only, upon what is of importance to me, as if the infringement had been, in the utmost degree,

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palpable. Hence it follows that no man may, in ordinary cases, make use of my apartment, furniture or garments, or of my food, in the way of barter or loan, without having first obtained my consent.

The second degree of property is the empire to which every man is entitled over the produce of his own industry, even that part of it the use of which ought not to be appropriated to himself. It has been repeatedly shown that all the rights of man which are of this description are passive.(2*) He has no right of option in the disposal of anything which may fall into his hands. Every shilling of his property, and even every, the minutest, exertion of his powers have received their destination from the decrees of justice. He is only the steward. But still he is the steward. These things must be trusted to his award, checked only by the censorial power that is vested, in the general sense, and favourable or unfavourable opinion, of that portion of mankind among whom he resides. Man is changed from the capable subject of illimitable excellence, into the vilest and most despicable thing that imagination can conceive, when he is restrained from acting upon the dictates of his understanding. All men cannot individually be entitled to exercise compulsion on each other, for this would produce universal anarchy. All men cannot collectively be entitled to exercise unbounded compulsion, for this would produce universal slavery: the interference of government, however impartially vested, is, no doubt, only to be resorted to upon occasions of rare occurrence, and indispensable urgency.

It will readily be perceived that this second species of property is in a less rigorous sense fundamental than the first. It is, in one point of view, a sort of usurpation. It vests in me the preservation and dispensing of that which in point of complete and absolute right belongs to you.

The third degree of property is that which occupies the most vigilant attention in the civilized states of Europe. It is a system, in whatever manner established, by which one man enters into the faculty of disposing of the produce of another man's industry. There is scarcely any species of wealth, expenditure or splendour, existing in any civilized country, that is not, in some way, produced by the express manual labour, and corporeal industry, of the inhabitants of that country. The spontaneous productions of the earth are few, and contribute little to wealth, expenditure or splendour. Every man may calculate, in every glass of wine he drinks, and every ornament he annexes to his person, how many individuals have been condemned to slavery and sweat, incessant drudgery, unwholesome food, continual hardships, deplorable ignorance, and brutal insensibility, that he may be supplied with these luxuries. It is a gross imposition that men are accustomed to put upon themselves when they talk of the property bequeathed to them by their ancestors. The property is produced by the daily labour of men who are now in existence. All that their ancestors bequeathed to them was a mouldy patent which they show as a title to extort from their neighbours what the labour of those neighbours has produced.

It is clear therefore that the third species of property is in direct contradiction to the second.

The most desirable state of human society would require that the quantity of manual labour and corporal industry to be exerted, and particularly that part of it which is not the uninfluenced choice of our own judgement, but is imposed upon each individual by the necessity of his affairs, should be reduced within as narrow limits as possible. For any man to enjoy the most trivial accommodation, while, at the same time a similar accommodation is not accessible to every other member of the community, is, absolutely speaking,

wrong. All refinements of luxury, all inventions that tend to give employment to a great number of labouring hands, are directly adverse to the propagation of happiness. Every additional tax that is laid on, every new channel that is opened for the expenditure of the public money, unless it be compensated (which is scarcely ever the case) by an equivalent deduction from the luxuries of the rich, is so much added to the general stock of ignorance, drudgery and hardship. The country-gentleman who, by levelling an eminence, or introducing a sheet of water into his park, finds work for hundreds of industrious poor is the enemy, and not, as has commonly been imagined, the friend, of his species. Let us suppose that, in any country, there is now ten times as much industry and manual labour as there was three centuries ago. Except so far as this is applied to maintain an increased population, it is expended in the more costly indulgences of the rich. Very little indeed is employed to increase the happiness or conveniences of the poor. They barely subsist at present, and they did as much at the remoter period of which we speak. Those who, by fraud or force, have usurped the power of buying and selling the labour of the great mass of the community are sufficiently disposed to take care that they should never do more than subsist. An object of industry added to or taken from the general stock produces a momentary difference, but things speedily fall back into their former state. If every labouring inhabitant of Great Britain were able and willing today to double the quantity of his industry, for a short time he would derive some advantage from the increased stock of commodities produced. But the rich would speedily discover the means of monopolizing this produce, as they had done the former. A small part of it only could consist in commodities essential to the subsistence of man, or be fairly distributed through the community. All that is luxury and superfluity would increase the accommodations of the rich, and perhaps, by reducing the price of luxuries, augment the number of those to whom such accommodations were accessible. But it would afford no alleviation to the great mass of the community. Its more favoured members would give their inferiors no greater wages for twenty hours' labour, suppose, than they now do for ten.

What reason is there then that this species of property should be respected? Because, ill as the system is, it will perhaps be found that it is better than any other, which, by any means, except those of reason, the love of distinction, or the love of justice, can be substituted in its place. It is not easy to say whether misery or absurdity would be most conspicuous in a plan which should invite every man to seize upon everything he conceived himself to want. If, by positive institution, the property of every man were equalized today, without a contemporary change in men's dispositions and sentiments, it would become unequal tomorrow. The same evils would spring up with a rapid growth; and we should have gained nothing, by a project which, while it violated every man's habits, and many men's inclinations, would render thousands miserable. We have already shown, (3*) and shall have occasion to show more at large, (4*) how pernicious the consequences would be if government were to take the whole permanently into their hands, and dispense to every man his daily bread. It may even be suspected that agrarian laws, and others of a similar tendency which have been invented for the purpose of keeping down the spirit of accumulation, deserve to be regarded as remedies more pernicious than the disease they are intended to cure. (5*)

An interesting question suggests itself in this stage of the discussion. How far is the idea of property to be considered as the offspring of positive institution? The decision of this question may prove extremely essential to the point upon which we are engaged. The regulation of property by positive laws may be a very exceptionable means of reforming its present inequality, at the same time

that an equal objection may by no means lie against a proceeding the object of which shall be merely to supersede positive laws, or such positive laws as are peculiarly exceptionable.

In pursuing this enquiry, it is necessary to institute a distinction between such positive laws, or established practices (which are often found little less efficacious than laws), as are peculiar to certain ages and countries, and such laws or practices as are common to all civilized communities, and may therefore be perhaps interwoven with the existence of society.

The idea of property, or permanent empire, in those things which ought to be applied to our personal use, and still more in the produce of our industry, unavoidably suggests the idea of some species of law or practice by which it is guaranteed. Without this, property could not exist. Yet we have endeavoured to show that the maintenance of these two kinds of property is highly beneficial. Let us consider the consequences that grow out of this position.

Every man should be urged to the performance of his duty, as much as possible, by the instigations of reason alone.(6*) Compulsion to be exercised by one human being over another, whether individually, or in the name of the community, if in any case to be resorted to, is at least to be resorted to only in cases of indispensable urgency. It is not therefore to be called in for the purpose of causing one individual to exert a little more, or another a little less, of productive industry. Neither is it to be called in for the purpose of causing the industrious individual to make the precise distribution of his produce which he ought to make. Hence it follows that, while the present erroneous opinions and prejudices respecting accumulation continue, actual accumulation will, in some degree, take place.

For, let it be observed that, not only no well informed community will interfere with the quantity of any man's industry, or the disposal of its produce, but the members of every such well informed community will exert themselves to turn aside the purpose of any man who shall be inclined, to dictate to, or restrain, his neighbour in this respect.

The most destructive of all excesses is that where one man shall dictate to another, or undertake to compel him to do, or refrain from doing, anything (except, as was before stated, in cases of the most indispensable urgency) otherwise than with his own consent. Hence .it follows that the distribution of wealth in every community must be left to depend upon the sentiments of the individuals of that community. If, in any society, wealth be estimated at its true value, and accumulate and monopoly be regarded as the seals of mischief, injustice and dishonour, instead of being treated as titles attention and deference, in that society the accommodations of human life will tend to their level, and the equality of conditions will be destroyed.(7*) A revolution [in] opinions is the only means of attaining to this inestimable benefit. Every attempt to effect this purpose by means of regulation will probably be found ill conceived and abortive. Be this as it will, every attempt to correct the distribution of wealth by individual violence is certainly to be regarded as hostile to the first principles of public security.

If one individual, by means of greater ingenuity or more indefatigable industry, obtain a great proportion of the necessaries or conveniences of life than his neighbour, and, having obtained them, determine to convert them into the means of permanent inequality, this proceeding is not of a sort that it would be just or wise to undertake to repress by means of coercion. If, inequality being

thus introduced, the poorer member of the community shall be so deprived as to be willing, or so unfortunately circumstanced as to be driven, to make himself the hired servant or labourer of his richer neighbour, this probably is not an evil to be corrected by the interposition of government. But, when we have gained this step, it will be difficult to set bounds to the extent of accumulation in one man, or of poverty and wretchedness in another.

It has already appeared that reason requires that no man shall endeavour, by individual violence, to correct this inequality. Reason would probably, in a well ordered community, be sufficient to restrain men from the attempt so to correct it. Where society existed in the simplicity which has formerly been described,(8*) accumulation itself would be restrained by the very means that restrained depredation, the good sense of the community, and the inspection of all exercised upon all. Violence therefore would, on the one hand, have little to tempt it as, on the other, it would be incessantly and irresistibly repressed.

But, if reason prove insufficient for this fundamental purpose, other means must doubtless be employed.(9*) It is better that one man should suffer than that the community should be destroyed. General security is one of those indispensable preliminaries without which nothing, good or excellent can be accomplished. It is therefore right that property, with all its inequalities, such as it is sanctioned by the general sense of the members of any state, and so long as that sanction continues unvaried should be defended, if need be, by means of coercion.

We have already endeavoured to show that coercion would probably, in no case, be necessary but for the in-judicious magnitude and complication of political societies.(10*) In a general and absolute sense therefore it cannot be vindicated. But there are duties incumbent upon us of a temporary and local nature; and we may occasionally be required, by the pressure of circumstances, to suspend and contravene principles, the most sound in their general nature.(11*) Till men shall be persuaded to part with the ideas of a complicated government and an extensive territory, coercion will be necessary, as an expedient to counteract the most imminent evils. There are however various reasons that would incline a just man to confine the province of coercion within the severest limits. It is never to be regarded but as a temporary expedient, the necessity of having recourse to which is deeply to be regretted. It is an expedient, protecting one injustice, the accumulation of property, for the sake of keeping out another evil, still more formidable and destructive. Lastly, it is to be considered that this injustice, the unequal distribution of property, the grasping and selfish spirit of individuals, is to be regarded as one of the original sources of government, and, as it rises in its excesses, is continually demanding and necessitating new injustice, new penalties and new slavery.

Thus far then it should seem the system of coercion must be permitted to extend. We should set bounds to no man's accumulation. We should repress by wise and effectual, yet moderate and humane, penalties, all forcible invasion to be committed by one man upon the acquisitions of another. But it may be asked, are there not various laws or practices, established among civilized nations, which do not, like these we have described, stop at the toleration of unequal property, but which operate to its immediate encouragement, and to the rendering this inequality still wider and more oppressive?

What are we to conceive in this respect of the protection given to inheritance, and testamentary bequest? "There is no merit in being born the son of a rich

man, rather than of a poor one, that should justify us in raising this man to affluence, and condemning that to invincible depression. Surely," we might be apt to exclaim, "it is enough to maintain men in their usurpation [for let it never be forgotten that accumulated property is usurpation], during the term of their lives. It is the most extravagant fiction, which would enlarge the empire of the proprietor beyond his natural existence, and enable him to dispose of events, when he is himself no longer in the world."

The arguments however that may be offered, in favour of the protection given to inheritance and testamentary bequest, are more forcible than might at first be imagined. We have attempted to show that men ought to be protected in the disposal of the property they have personally acquired; in expending it, in the necessities they require, or the luxuries in which they think proper to indulge; in transferring it, in such portions, as justice shall dictate, or their erroneous judgement suggest. To attempt therefore to take the disposal out of their hands, at the period of their decease, would be an abortive and pernicious project. If we prevented them from bestowing it in the open and explicit mode of bequest, we could not prevent them from transferring it before the close of their lives, and we should open a door to vexatious and perpetual litigation. Most persons would be inclined to bestow their property, after the period of their lives, upon their children or nearest relatives. Where therefore they have failed to express their sentiments in this respect, it is reasonable to presume what they would have been; and this disposal of the property on the part of the community is the mildest, and therefore the most justifiable, interference. Where they have expressed a capricious partiality, this iniquity also is, in most cases, to be protected, because, for the reasons above assigned, it cannot be prevented without exposing us to still greater iniquities.

But, though it may possibly be true, that inheritance, and the privilege of testation, are necessary consequences of the system of property in a community the members of which are involved in prejudice and ignorance, it will not be difficult to find the instances, in every political country of Europe, in which civil institution, instead of granting, to the inequalities of accumulation, only what could not prudently be withheld, has exerted itself, for the express purpose of rendering these inequalities greater and more oppressive. Such instances are, the feudal system, and the system of ranks, seignorial duties, fines, conveyances, entails, the distinction, in landed property, of freehold, copyhold and manor, the establishment of vassalage, and the claim of primogeniture. We here distinctly recognize the policy of men who, having first gained a superiority, by means of the inevitable openings before cited, have made use of this superiority for the purpose of conspiring to monopolize whatever their rapacity could seize, in direct opposition to every dictate of the general interest. These articles fall under the distinction, brought forward in the outset,(12*) of laws or practices not common to all civilized communities, but peculiar to certain ages and countries.

It should seem therefore that these are institutions the abolition of which is not to be entirely trusted to the silent hostility of opinion, but that they are to be abrogated by the express and positive decision of the community. For their abrogation, it is not necessary that any new law or regulation should be promulgated, an operation which, to say the least, should always be regarded with extreme jealousy. Property, under every form it can assume, is upheld by the direct interference of institution; and that species which we at present contemplate must inevitably perish the moment the protection of the state is withdrawn. Of the introduction of new regulations of whatever description it becomes the friend of man to be jealous; but we may allow ourselves to regard

with a more friendly eye a proceeding which consists merely in their abolition.

The conclusion however in this instance must not be pushed further than the premises will justify. The articles enumerated will perhaps, all of them, be found to tally with the condition annexed; they depend for their existence upon the positive protection of the state. But there are particulars which have grown up under their countenance that are of a different sort. Such, for instance, are titles, armorial bearings and liveries. If the community refuse to countenance feudal and seignorial claims, and the other substantial privileges of an aristocracy, they must inevitably cease. But the case is different in the instances last cited. It is one thing to abolish a law, or refuse to persist in a practice that is made the engine of tyranny; and a thing of a totally different sort, by a positive law to prohibit actions, however irrational, by which no man's security is directly invaded. It should seem unjustifiable to endeavour, by penalties, to deter a man from calling himself by any name, or attiring himself or others, with their own consent, in any manner he thinks proper. Not that these things are, as they have sometimes been represented, in their own nature trivial. We have endeavoured to prove the reverse of this.(13*) They ought to be assailed with every weapon of argument and ridicule. in an enlightened community, the man who assumes to himself a pompous appellation will be considered as a fool or a madman. But fulminations and penalties are not the proper instruments to repress an ecstasy of this sort.

There is another circumstance necessary to be stated, by way of qualification to the preceding conclusion. Evils often exist in a community, which, though mere excrescences at first, at length become so incorporated with the principle of social existence that they cannot suddenly be separated without the risk of involving the most dreadful calamities. Feudal rights, and the privileges of rank, are, in themselves considered, entitled to no quarter. The inequalities of property perhaps constituted a state through which it was at least necessary for us to pass, and which constituted the true original excitement to the unfolding the powers of the human mind.(14*) But it would be difficult to show that feudality and aristocracy ever produced an overbalance of good. Yet, were they to be suddenly and instantly abolished, two evils would necessarily follow. First, the abrupt reduction of thousands to a condition the reverse of that to which they had hitherto been accustomed, a condition, perhaps the most auspicious to human talent and felicity, but for which habit had wholly unfitted them, and which would be to them a continual source of dejection and suffering. It may be doubted whether the genuine cause of reform ever demands that, in its name, we should sentence whole classes of men to wretchedness. Secondly, an attempt abruptly to abolish practices which had originally no apology to plead for their introduction would be attended with as dreadful convulsions, and as melancholy a series of public calamities, as an attack upon the first principles of society itself. All the reasonings therefore which were formerly adduced under the head of revolutions(15*) are applicable to the present case.

Having now accomplished what was last proposed,(16*) and endeavoured to ascertain in what particulars the present system of property is to be considered as the capricious offspring of positive institution, let us return to the point which led us to that enquiry, the question concerning the degree of respect to which property in general is entitled. And here it is only necessary that we should recollect the principle in which the doctrine of property is founded, the sacred and indefeasible right of private judgement. There are but two objects for which government can rationally be conceived to have been originated: first, as a treasury of public wisdom, by which individuals might, in all cases,

with advantage be directed, and which might actively lead us, with greater certainty, in the path of happiness: or, secondly, instead of being forward to act itself as an umpire, that the community might fill the humbler office of guardian of the rights of private judgement, and never interpose but when one man appeared, in this respect, alarmingly to encroach upon another. All the arguments of this work have tended to show that the latter, and not the former, is the true end of civil institution. The first idea of property then is a deduction from the right of private judgement; the first object of government is the preservation of this right. Without permitting to every man, to a considerable degree, the exercise of his own discretion, there can be no independence, no improvement, no virtue and no happiness. This is a privilege in the highest degree sacred; for its maintenance, no exertions and sacrifices can be too great. Thus deep is the foundation of the doctrine of property. It is, in the last resort, the palladium of all that ought to be dear to us, and must never be approached but with awe and veneration. He that seeks to loosen the hold of this principle upon our minds, and that would lead us to sanction any exceptions to it without the most deliberate and impartial consideration, however right may be his intentions, is, in that instance an enemy to the whole. A condition indispensably necessary to every species of excellence is security. Unless I can foresee, in a considerable degree, the treatment I shall receive from my species, and am able to predict, to a certain extent, what will be the limits of their irregularity and caprice, I can engage in no valuable undertaking. civil society maintains a greater proportion of security among men than can be found in the savage state: this is one of the reasons why, under the shade of civil society, arts have been invented, sciences perfected and the nature of man, in his individual and relative capacity, gradually developed.

One observation it seems proper to add to the present chapter. We have maintained (17*) the equal rights of men, that each man has a perfect claim upon everything the possession of which will be productive of more benefit to him than injury to another. "Has he then" it will be asked, "a right to take it? If not, what sort of right is that which the person in whom it vests is not entitled to enforce?"

The difficulty here is in appearance, and not in reality. The feature specified in the present instance adheres to every department of right. It is right that my actions should be governed by the dictates of my own judgment: and every man is an intruder who endeavours to compel me to act by his judgement instead of my own. But it does not follow that I shall always do wisely or well in undertaking to repel his intrusion by force. Persuasion, and not force, is the legitimate instrument for influencing the human mind; and I shall never be justifiable in having recourse to the latter, while there is any rational hope of succeeding by the former. Add to which, the criterion of morals is utility. When it has once been determined that my being constituted the possessor of a certain article will be beneficial, it does not follow that my attempting, or even succeeding, violently to put myself in possession of it will be attended with a beneficial result. If I were quietly installed, it may be unquestionable that that would be an absolute benefit; and yet it may be true that my endeavours to put myself in possession, whether effectual or ineffectual, will be attended with worse consequences than all the good that would follow from right being done as to the object itself. The doctrine of rights has no rational or legitimate connection with the practice of tumult.

But, though I may not, consistently with rectitude, attempt to put myself in possession of many things which it is right I should have, yet this sort of right is by no means futile and nugatory. It may prove to be a great truth, resting

upon irresistible evidence, and may, in that case, be expected to make hourly progress in the convictions of mankind. If it be true, it is an interesting truth, and may therefore be expected to germinate in the mind, and produce corresponding effects upon the conduct. It may appear to be a truth of that nature which is accustomed to sink deep in the human understanding, insensibly to mix itself with all our reasonings, and ultimately to produce, without shadow of violence, the most complete revolution in the maxims of civil society.

Notes:

1. Book 11, Chap. V, VI.
2. Book II, Chap. V.
3. Book VI, Chap. VIII, p. 616.
4. Chap. VIII.
5. Book VI, Chap. 1.
6. Book 11, Chap. VI; Book VII, *passim*.
7. Chap. I.
8. Book V, Chap. XXIV.
9. Book VII, Chap. V.
10. Book VII, Chap. V.
11. Vol. 1, Book IV, Chap. VI, App, No. 1.
12. p. 714.
13. Book V, Chap. XIL.
14. Chap. VII.
15. Book IV, Chap. II.
16. p. 714.
17. Chap. I.