

# A PLEA FOR LIBERTY

*If every action which is good or evil in man at ripe years  
were to be under pittance, prescription, and compulsion,  
what were virtue but a name, what praise could be then  
due to well doing, what gramercy to be sober, just,  
or continent? . . .*

*They are not skilful considerers of human things who  
imagine to remove sin, by removing the matter of sin; . . .*

*Suppose we could expel sin by this means; look how  
much we thus expel of sin, so much we expel of virtue:  
for the matter of them both is the same: remove that,  
and ye remove them both alike.*

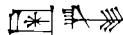
MILTON, *Areopagitica*: A Speech for the Liberty of Unlicensed Printing

# A PLEA FOR LIBERTY

## AN ARGUMENT AGAINST SOCIALISM AND SOCIALISTIC LEGISLATION

CONSISTING OF AN INTRODUCTION BY  
HERBERT SPENCER  
AND ESSAYS BY VARIOUS WRITERS

*Edited by Thomas Mackay*



Liberty Fund

INDIANAPOLIS

This book is published by Liberty Fund, Inc., a foundation established to encourage study of the ideal of a society of free and responsible individuals.



The cuneiform inscription that serves as our logo and as the design motif for our endpapers is the earliest-known written appearance of the word "freedom" (*amagi*), or "liberty." It is taken from a clay document written about 2300 B.C. in the Sumerian city-state of Lagash.

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## FOREWORD

The latter third of the nineteenth century in England was a period of advancing government intervention. With growing alarm, Whigs and Tories observed the adoption of measures which served to circumscribe the rights of contract and property. Moreover, the extension of the franchise begun in 1867 slowly transferred effective control of the Parliament from aristocratic and commercial hands into those of the middle and working classes. The newly eclectic electorate could not be stimulated to express the kind of opposition to interventionist proposals which disposed of the Corn Laws in 1846.

If liberalism was to survive in this altered electoral environment it must persuade the masses of its benefactions and refute the claims of its enemies. In 1882 the Liberty and Property Defense League was formed to do just that. In 1891 it published the collection of essays which was to become its manifesto under the title, *A Plea for Liberty*.

## I

The initial event that precipitated the League's founding was the passage of the Irish Land Act of 1881. Its provisions included the infamous "three F's"—fair rent, free sale, and fixed tenure. It provided for "fair" rents to be determined by specially established land courts. These rents were binding upon both parties for fifteen years. The Act additionally guaranteed fixed tenure for all who paid rents and most significantly, it permitted the unrestricted sale by the tenant of the remainder of his lease to a successor of his own choosing. Not surprisingly, the landed classes of England were appalled at this trampling of contractual freedoms and property rights. Furthermore, Radicals like Joseph Chamberlin seemed favorably disposed to a similar treatment of English landlords. Even Bright had criticized aristocratic land holdings. Feeling betrayed by Gladstone and his Liberal cohorts, the landowners had their insecurities instantly multiplied by the appearance in England of Mr. Henry George to preach his doctrine of land nationalization, and they began to cast about for a defender against possible further Parliamentary transgressions.

Industrialists were similarly distressed at the turn of events under Gladstone's administration. However, the particular object of their antipathy was the proposed Employers' Liability Act Amendment Bill.<sup>1</sup> This bill would have amended the Employers' Liability Act of 1880, which

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<sup>1</sup> Norbert C. Soldon, *Laissez-Faire on the Defensive: The Story of the Liberty and Property Defence League, 1882-1914* (unpublished Ph.D. dissertation, 1969), p. 195.



provided for compensation to injured workmen when negligence on the part of their employer could be proven, by prohibiting persons from contracting out of the Act. Employers who had provided their workers with insurance against work accidents in exchange for their agreement to waive all claims against the employer were outraged by this prospective constriction of their contractual freedoms.

Philosophical individualists joined the commercial and landed interests in their repudiation of Gladstone's Liberal government. Herbert Spencer bemoaned the transformation of the Liberal Party into what he was disparagingly to call the "New Toryism," and Auberon Herbert was similarly critical. Even prior to Gladstone's second administration the individualists had begun to organize an opposition to state intervention. Wordsworth Donisthorpe had formed the State Resistance Union<sup>2</sup> to warn against the dangers of a variety of socialist palliatives and J. H. Levy had founded the anti-interventionist Personal Rights Defense Association in 1871 initially to oppose the Contagious Disease Acts.<sup>3</sup> In addition, Auberon Herbert had created the Personal Rights and Self-Help Association in 1877 in order "(1) to protect and enlarge personal liberty and personal rights, (2) to oppose the multiplication of laws and the tendency to control and direct, through Parliament, the affairs of the people."<sup>4</sup>

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<sup>2</sup> *Ibid.*, pp. 110-111.

<sup>3</sup> *Ibid.*, p. 112.

<sup>4</sup> S. Hutchinson Harris, *Auberon Herbert: Crusader for Liberty* (London: Williams and Northgate, Ltd., 1943), p. 189.

In 1882 these three elements in the opposition to the new Liberal interventionism, the philosophical individualists, the landed interests and their commercial counterparts combined to launch what was to be the principal bulwark of economic liberalism for the next three decades, the Liberty and Property Defense League.

## 2

The founder of the League was the Earl of Wemyss, a self-described liberal conservative and landowner whose consternation over Gladstone's "betrayals" led him to combine with Wordsworth Donisthorpe to expand the scope and size of the State Resistance Union and to give it its new, less inflammatory name. Wemyss was to be its chairman until his death in 1914.

Francis Wemyss-Charteris-Douglas, tenth Earl of Wemyss, was a vigorous man whose life spanned almost an entire century, 1818 to 1914. Educated at Oxford, Wemyss entered the House of Commons as a Conservative in 1841. Except for a brief and involuntary respite in 1846–1847, he served there continuously until 1883 when he was called to the House of Lords. Originally a proponent of protectionism, he became a convert to free trade soon after taking his seat in the Commons and supported the repeal of the Corn Laws. His influence in the Commons reached its peak when he supported the Reform Act of 1867, believing that the limited suffrage provided for in that bill was preferable to the universal franchise demanded by the Reform League.<sup>5</sup> In 1867 he also carried

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<sup>5</sup> *Ibid.*, p. 68.

through Parliament a bill which ameliorated the effects of the Master and Servant Laws, changing the sanctions imposed upon workingmen for breaches of employment contracts from criminal to civil ones. In labor legislation, generally his views tended to be those of a classical liberal. He came to oppose laws restricting combination and preventing picketing, while resisting attempts to transform unions into coercive associations. Often he described himself as a liberal concerning civil and economic liberties and conservative on constitutional questions.

The accumulated Parliamentary intrusions on property rights during the 1870s led Wemyss to write two letters which inspired the actions leading to the constitution of the League. In 1880 Wemyss wrote a letter to the *St. James Gazette* which recommended the formation of a group that would transcend party affiliation and would forge a defense against governmental attacks upon contractual rights and personal liberties. Wordsworth Donisthorpe and William Carr Crofts were so moved by it that they formed the State Resistance Union to carry out its program.<sup>6</sup> Wemyss's second letter which was printed by the *Pall Mall Gazette*<sup>7</sup> impelled Donisthorpe and Crofts to expand the scope of the Union. A provisional committee was established to supervise this expansion, meeting at Wemyss's house on May 19, 1881. Wemyss explicitly identified its cause with the liberal tradition of Smith, Mill, Cobden, Spencer, Humboldt and Bastiat, and emphasizing the superiority of voluntary social arrangements to governmental regulation.

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<sup>6</sup> *Ibid.*, p. 107.

<sup>7</sup> *Ibid.*, p. 114.

## 3

The League was a synthesis of two functions. It was at once a commercial lobby and a vehicle for expounding economic liberalism. Thus its membership included, on the one hand, commercial associations like the Iron Trades Employers' Association, the General Shipowner's Society, the Bradford Property Owners' Association, and the Licensed Victuallers' Protection Society. On the other hand, it included intellectuals and academics like social philosophers W. H. Mallock and Wordsworth Donisthorpe and, among its foreign affiliates, economists Vilfredo Pareto and Arthur Raffalovich.

Its dichotomous purpose led it to engage both in parliamentary lobbying and in educational pamphleteering and debating. Thus, it opposed a succession of bills which aimed at restricting the hours during which retail shops could conduct business, bills aimed at regulating unsanitary and overcrowded conditions in the cottages of Scottish farm servants, and bills which provided for public works during a depression. In the 1890s it directed its attention to the problems of "municipal socialism" and to an increasingly militant and coercive trade unionism. In all of these endeavors the League sustained some level of activity until the outbreak of World War I, slowly diminishing its efforts until its demise in 1933.

## 4

During its existence the League included a number of distinguished writers, businessmen, and legislators among

its members. One of its most famous Parliamentarians was Lord Fortescue who served in both Houses and was a prolific writer, and a determined opponent of "free," i.e., tax defrayed, education. Sir William Lewis, the coal baron, was a particularly energetic member of the League. His mines were productive and famous for the machinery employed in them. Lewis, who had striven for labor-management harmony in the 1870s and 1880s, became a strident opponent of the New Unionism in the 1890s. The League member who attained the greatest success in his relations with labor was George Livesey, Chairman of the Board of the South Metropolitan Gas Company. Livesey inaugurated a profit sharing scheme which elicited the admiration and gratitude of his employees and achieved for his company the kind of congenial labor relations which were the envy of other businesses.

Of the League's intellectuals and publicists three stand clearly above the rest. Wordsworth Donisthorpe, co-founder of both the League and its predecessor, was brilliant, volatile and eccentric. Calling himself a philosophical anarchist, Donisthorpe repeatedly defended controversial positions which created friction between himself and other League members, leading to his resignation from its Council in 1887. As a legal positivist and follower of Hobbes he eschewed a natural rights defense of liberty, preferring to rest his case for it on evolutionary grounds. His works included *Overlegislation*, *Individualism*, and *Law in a Free State*.

Frederick Millar was the League's most prolific pamphleteer, and the editor of its unofficial journal, *Liberty Review*. In addition, he was Wemyss's "second-in-com-

mand," acting as the League's secretary until the former's death in 1914. He sustained the League thereafter until his own death in 1933.

Superior to either of these in intellect and ability was the author, William Hurrell Mallock. A graduate of Balliol College, Oxford where he was deeply affected by the thought of John Ruskin, Mallock acquired instant fame with the publication in 1877 of his *New Republic*, a book patterned after the Platonic dialogue. After the publication of several works on religious themes, Mallock became absorbed in questions of political economy and social philosophy. His interest derived from the increasing influence that egalitarian doctrines were having upon the educated classes and his concern that these were not being refuted. In 1882 he published *Social Equality*, a work in which he tried to demonstrate that inequality of circumstance is a *sine qua non* of the production of wealth. Later he published a more sophisticated version of the same doctrine, *Labour and the Popular Welfare*. His *Aristocracy and Evolution* defended the proposition that evolution tended to improve the elite stratas in society whose achievements are required to advance human welfare. In 1906 he toured the United States lecturing on the evils of socialism before university audiences at Columbia, Harvard, the Universities of Chicago and Pennsylvania, and Johns Hopkins. His addresses were later collected in a book called *A Critical Examination of Socialism*.

Mallock spoke for the League's Tory wing, preferring to think of himself always as an expositor of Conservative philosophy. His contribution to Conservative theory has

been a major influence upon many twentieth century American Conservative intellectuals like Russell Kirk.

## 5

Unfortunately, Mallock was not a contributor to the volume which served as the League's manifesto, *A Plea for Liberty*, which was organized as the individualist response to the *Fabian Essays in Socialism* of 1889. The man nominated by the League to edit its manifesto was the prolific writer and staunch laissez-fairest Thomas Mackay.

Mackay was a successful wine merchant who had been educated at New College, Oxford and who retired from business in 1885 at the age of thirty-six in order to devote himself to the study of political and economic problems. He was an incisive critic of the English Poor Laws, seeing in them a subsidy for idleness and complacency. His *History of the English Poor Law from 1834 to the Present Time* details his attitudes on the subject. Mackay was especially concerned to find alternatives to the public dole for society's impoverished citizens.<sup>8</sup> One of his schemes was to have London subdivided into smaller units so as to simulate in each of these the ambience of a country village and thereby inculcate in their poor the rustic values of self-reliance and industry. His writings reflect the wide-ranging character of his economic and social interests and include: *Methods of Social Reform*, *the State and Charity*, *An Apology for Liberty*, and *Dangers of Democracy*.

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<sup>8</sup> *Ibid.*, p. 277.

Mackay followed *A Plea for Liberty* with a second collection of essays which he published in 1894 under the title *A Policy of Free Exchange*.

The first of the two volumes brought together a group of writers, several of whom had only informal connections with the League. Wemyss, who was not himself a contributor, prevailed upon one of these, Herbert Spencer, to write an introduction for the book. Perhaps the latter was moved to do so by the chiding given to him and the League by Sidney Webb:

. . . No member of Parliament has so much as introduced a Bill to give effect to the anarchist principle of Mr. Herbert Spencer's *Man Versus The State*. The not disinterested efforts of the Liberty and Property Defense League fail to hinder even Conservative Parliaments from further socialist legislation.<sup>9</sup>

Spencer, of course, had supported the League both spiritually and financially since its inception but had refused formal membership in it because:

I think it would be politic neither for the League nor for myself that I should join it. Rightly or wrongly it has acquired the repute of a Tory organization.<sup>10</sup>

The volume was concluded with an essay by Auberon Herbert, in many ways Spencer's intellectual heir, who also chose to forego any formal connection with the League. His refusal to do so is understandable in one so

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<sup>9</sup> G. Bernard Shaw, ed., *Fabian Essays in Socialism* (Garden City, New York: Doubleday and Co., Inc., 1899), pp. 72-73.

<sup>10</sup> David Duncan, *Life and Letters of Herbert Spencer*, Vol. I (New York: D. Appleton and Co., 1908), p. 323.



doctrinaire. As the most uncompromising of the English individualists and libertarians, he felt that the League had been so zealous in its defense of property that it had given inadequate attention to questions of personal liberty.

## 6

The publication of *A Plea for Liberty* was the overture of the League's most frenzied decade during which it fought numerous Parliamentary battles frequently preventing the passage of interventionist bills. It effectively opposed the use of union violence to halt industrial production during strikes, by enlisting private police when municipal authorities were reticent to exercise their powers. It injected itself furiously into the Parliamentary campaign of 1895, warning the electorate against interventionist candidates from both parties.

By the turn of the century, however, its activity and influence began to wane; on the eve of the First World War it had become virtually moribund. And yet it lingered, finally dying a quiet death amidst the Great Depression.

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## PREFACE

The essays contained in the present volume have a common purpose, which is sufficiently indicated on the title page. The various writers, however, approach the subject from different points of view, and are responsible for their own contributions and for nothing else.

As will be readily seen from a glance at the table of contents, no attempt has been made to present a complete survey of the controversy between Socialists and their opponents. To do this, many volumes would have been necessary. The vast extent of the questions involved in this controversy will explain the exclusion of some familiar subjects of importance, and the inclusion of others which, if less important, have still a bearing on the general argument. All discussion of the Poor Law, for instance, the most notable of our socialistic institutions, and its disastrous influence on the lives of the poor, has been omitted. The subject has often been dealt with, and the arguments are familiar to all educated readers. It seemed superfluous to include a reference to it in the present volume.

The introduction and the first and second articles deal with theoretical aspects of the question. The papers which follow may be described as illustrative. Mr. Howell traces the gradual advance of the working-class on the path of liberty. Mr. Fairfield and Mr. Vincent describe socialistic influences at work in an English colony and in the London streets. Mr. Mackay's paper is an endeavour to point out the disadvantage of monopoly, and the advantage of giving to free investment the largest possible sphere of action. The objections to 'Free' Education are very briefly set out by Mr. Alford, who takes a practical view of the subject, and declines to discuss the larger question of compulsory education as being for the moment at any rate beyond the range of practical politics. M. Arthur Raffalovich may be introduced to English readers as one of the secretaries of the *Société d'Études Économiques* recently founded in Paris, a frequent contributor to the *Journal des Économistes*, and author of an excellent work, *Le logement de l'ouvrier et du pauvre*. His article deals historically and from the cosmopolitan point of view with the question of the Housing of the Poor. The difficulty, he argues, is being overcome gradually, in the same way as other difficulties in the path of human progress have been overcome, by the solvent power of free human initiative. The Post Office is often quoted by persons of Socialist proclivities as an example of the successful organisation of labour by the State. Mr. Millar's paper points out that this department has not escaped from defects inherent in all State-trading enterprises. These are tolerable when they exist in a service comparatively simple and unimportant like the Post Office, but if Government mo-