

LIBERTY'S HERITAGE

Auberon Herbert, voluntaryist

ERIC MACK

FROM THE EARLY 1880s until his death in 1906, Auberon William Edward Molyneux Herbert was *the* hardcore libertarian figure in British intellectual and political life. While this country had both Benjamin Tucker and Lysander Spooner during this period, Britain had only Auberon Herbert. Of course, Britain was also the home of Herbert Spencer, whom Auberon Herbert saw as the fountainhead of libertarian ideas. But it was principally Herbert himself who represented the most consistently, radically, anti-State, pro-freedom position during these years.

Herbert was born in 1838, the youngest son of the third

Earl of Carnarvon. In family, education (at Eton and Oxford), military service (with the seventh Hussars in India), and marriage, the Hon. Auberon Herbert was a well-placed member of the British ruling class. The Herberts were Tories, and Auberon Herbert's oldest brother eventually served in a succession of Conservative cabinets. Herbert himself organized Conservative debating societies at Oxford, and in his first try for a seat in the House of Commons in 1868 he stood as a Conservative. But by the late 1860s and early 1870s Herbert came to see himself as a radical liberal. In 1870 he tried again for a seat in Commons—this time as a Liberal, but again unsuccessfully. Then finally, in 1872, he won a by-election and entered the House as a Liberal.

During this period his more radical activities included declaring his republicanism in the House of Commons, and strongly supporting the formation of an agricultural laborer's union. He also, unfortunately, supported legislation for state education. But he insisted, at least, that this education be strictly nonsectarian. Retrospectively this stand is interesting because in one of his first fully libertarian essays, "State Education: Help or Hindrance?" (1880) Herbert came to maintain that for every good argument against state religion—and they were legion—there was a good parallel argument against state education. Still, as a final indication that during this earlier

Parliamentary period Herbert had not yet arrived at his consistent libertarianism, we may note his sponsorship of something called the Wild Bird's Protection Act.

Herbert was, nevertheless, sufficiently troubled by the character of political life and institutions to decide not to stand for re-election in 1874. It was at this time that he met Herbert Spencer. And discussion with and reading of Spencer lead him to the view that

thinking and acting for others had always hindered, not helped, the real progress; that all forms of compulsion deadened the living forces in a nation; that every evil violently stamped out still persisted, almost always in a worse form, when driven out of sight, and festered under the surface.

Indeed, this belief in the inefficacy of force, in its counterproductive and anti-progressive effects, was perhaps the most fundamental and constant element in Herbert's worldview. It was this belief which clearly was present, in more specific form, long before Herbert's explicit libertarianism. Thus when he wrote home from India as early as 1860 to express his opposition to the caste system, he added that British attempts to eliminate this system forcibly were likely to "trample the evil in, not out." And writing from America during the Civil War, he said, "I am very glad that slavery is done away with, but I think the manner is very bad and wrong." While Herbert may have intended here to support the right of secession, it is likely

also that he felt that even slavery should not be forcibly trampled out—could not be genuinely and lastingly dissolved by mere force. Indeed, so fundamental was Herbert's opposition to the use of force that, as we shall see, his position sometimes threatened to slip into pacifism.

Herbert's anti-imperialism developed during the 1870s. As early as 1875 he expressed concern about Britain's involvement in the Suez project, and in 1878 he was one of the chief organizers of the anti-Jingoism rallies at Hyde Park, counteracting the momentum toward war with Russia. In the early 1880s he again opposed British intervention in Egypt as the use of national power to guarantee the results of particular speculations. His anti-imperialism also led him to demand Irish self-determination and, later, to oppose the Boer War.

As early as 1877 Herbert had been disturbed by the "constant undertone of cynicism" in the writings of Herbert Spencer, and he resolved, in contrast, to do full justice to the principled moral case for a free society. He refused to follow Spencer in the latter's growing intellectual accommodation to coercive institutions, especially taxation. And, in later years, Herbert always held himself somewhat distant from organizations such as the Liberty and Property Defense League which he felt to be "a little more warmly attached to the fair sister Property than . . . to the fair sister Liberty." In 1879, Herbert gave a series of talks to the Liberal Union of Nottingham expressing his now uncomprisingly individualist radicalism. And on the basis of those talks, he was denied the Liberal nomination for his old Commons seat. This experience must have solidified his decision to battle primarily with the pen.

Herbert's first major work was a series of essays collec-

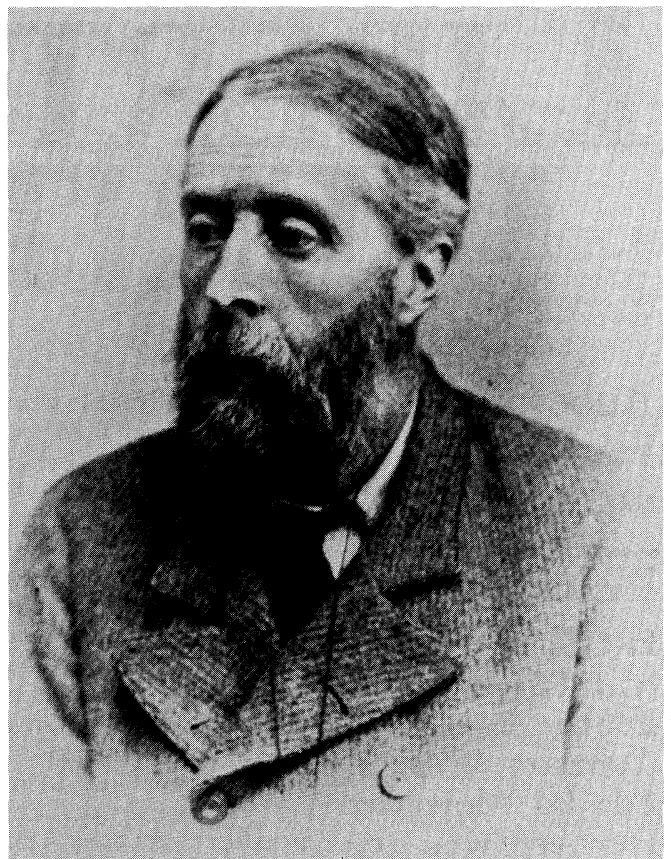
tively labeled "A Politician in Trouble About His Soul" which culminated in the segment, "A Politician in Sight of Haven." While the earlier sections dealt generally with the moral unsavoriness of party politics, the last segment outlined Herbert's Haven—a fully "voluntaryist" society in which the rights to self-ownership, liberty, and property were fully recognized and in which, therefore, all compulsory taxation was abolished. In 1885 Herbert brought out his most systematic work, *The Right and Wrong of Compulsion by the State*. Here he presented a series of arguments in defense of the rights of self-ownership and freedom from force and its moral equivalent, fraud. These arguments turned on the special role that each person's judgments about his happiness must play in his own life and moral well-being, and on the absurdities involved in the contrary claim that some people are the natural owners, in whole or in part, of others.

Herbert further argued for absolute respect for the holdings which individuals acquired through their labor without violating the rights of other individuals. And he included an important defense of freedom of contract in terms of his distinction between "direct" and "indirect" force. One party was subject to this misnamed "indirect" force when another party induced him to do something for which the first party would like greater payment. Herbert insisted that as long as the first party was not directly coerced into the exchange, his rights were not violated and, at least in his own eyes, he had benefited. Only direct force could prevent indirect force. And direct force *would* violate rights and leave some parties worse off than they were found. With respect to justifying defense, Herbert argued that one party's use of (direct) force against another

placed the first party "outside the moral-relation" and "into the force-relation." On such an occasion the aggrieved party may use force for the sake of self-preservation. Such defensive force was, Herbert argued, of the nature of a usurpation, though it was a "justified usurpation". This ambivalence toward even defensive force persisted at least implicitly in many of Herbert's later writings.

One can get a sense of the radicalism of Herbert's work by this rough list of goals proposed in *The Right and Wrong of Compulsion by the State*: abolition of state enterprises and state-fostered monopolies, abolition of professional licensing, abolition of state and compulsory education, repeal of laws requiring vaccination, repeal of laws in violation of freedom of contract, repeal of Sunday blue laws, repeal of laws suppressing brothels and allowing the arrest of prostitutes, abolition of state constraints on marriage and divorce, abolition of the House of Lords, eventual (with the death of Victoria) conversion from monarchy, self-determination for Ireland, independence for India "without any attempt at developing its civilization according to British ideas and through taxation imposed by British force," withdrawal from entanglements in Egypt, and in general, "a strictly non-aggressive" foreign policy.

In 1890 Herbert founded the weekly (later changed to monthly) *Free Life*, "The Organ of Voluntary Taxation and the Voluntary State", which he continued to publish until 1901. In his optimism Herbert saw State-Socialism as the last gasp in the cause of aggressive force and he called for "One Fight More—The Best and the Last" against this "mere survival of barbarism, . . . mere perpetuation of slavery under new names against which the reason and moral



Auberon Herbert

sense of the civilized world have to be called into rebellion." Also, throughout the 1890s Herbert engaged in published debates with such noted contemporary Socialists as Belfort Bax, J. A. Hobson and Grant Allen. Herbert embarked upon the publication of *Free Life* despite Spencer's concern that Herbert's opposition to taxation would bring his other views (the ones shared by Spencer) into disrepute. Spencer was wrong, however, if he thought that, for Herbert, taxation was just another issue. Herbert's stand on taxation was motivated by more than his deep commitment to general principles and consistency. For one thing, he argued, compulsory taxation crucially marked the difference between the State-Socialist and the true Individualist.

I deny that A and B can go to C and force him to form a State and extract from him certain payments and services in the name of such State; and I go on to maintain that if you act in this manner, you at once justify

State-Socialism. The only difference between the tax-compelling Individualist and the State-Socialist is that whilst they both have vested ownership of C in A and B, the tax-compelling Individualist proposes to use the powers of ownership in a very limited fashion, the Socialist in a very complete fashion.

Herbert added, "I object to the ownership in any fashion."

For Herbert, the power to levy taxes was the "stronghold" which must be "levelled to the ground." For, "There can be no true condition of rest in society, there can be no perfect friendliness amongst men who differ in opinions, as long as either you or I can use our neighbor and his resources for the furtherance of our ideas and against his own." It is compulsory taxation, he insisted, which generates the corrupt and aggressive game of politics and which in its ultimate expression,

gives great and undue facility for engaging a whole nation in war. If it were necessary to raise the sum required from those who

individually agreed in the necessity of war, we should have the strongest guarantee for the preservation of peace. . . . Compulsory taxation means everywhere the persistent probability of a war made by the ambitions or passions of politicians.

As one might expect, and as Spencer fearfully anticipated, Herbert's abolitionism and his continual attack on involuntary taxation led to his being labelled an anarchist. This "charge" came from idiots, from informed advocates of State Socialism, from advocates of limited (but tax-funded) government, and from anarchists. In the last instance, Benjamin Tucker always insisted that, despite himself and to his credit, Auberon Herbert was a true anarchist. Upon hearing of Herbert's death, 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."

Herbert's superb essay of 1894, "The Ethics of Dynamite," can be seen as a response to the idiotic charge that he was an anarchist of the terrorist sort. Here Herbert argued that as an enemy of government, he was the greatest enemy of dynamite. For "dynamite is not opposed to government; it is, on the contrary, government in its most intensified and concentrated form." Dyna-

mite is just the most recent development in the art of governing people. Herbert even went so far as to suggest a special explanation for the revulsion that the defenders of the State have for the dynamiter.

Deep down in their consciousness lurks a dim perception of the truth, that between him and them exists an unrecognized blood-relationship, that the thing of which they have such a horror is something more than a satire, an exaggeration, a caricature of themselves, that, if the truth is to be fairly acknowledged, it is their very own child, both the product of and the reaction against the methods of "governing" men and women, which they have employed with so unsparing a hand.

Important as it was for Herbert to repudiate any alleged association with the dynamiter, he insisted that the dynamiter's *enemy* was the primary source of his evil. Ideologically, it was the justification of the coercive State, of force and domination, which provided the philosophical basis for the dynamiter. And, materially, it was the crushing "great official machines" of Statehood which produced the impassioned dynamiter.

What of the "charge" that Herbert was an anarchist of what he himself labeled the "reasonable" sort? In the passage directed against the tax-compelling "individualist" we have already seen that Herbert believed individuals

should be free to withhold support from any institution—even any institution designed to protect rights. Yet Herbert insisted, against the informed commentators, that he was not an anarchist. For he thought that all people in a given territory would freely converge on a single institution as their means of protecting their common rights. Indeed, he thought that since a single agency would best protect rights, each individual had "strong minor moral reasons" for supporting this common Voluntary State. Benjamin Tucker denied that such a common agency would be a genuine State. But Herbert, for whom the admission of defensive force was always the crucial and controversial step, maintained that Tucker himself, and anyone who allowed the defensive use of force, was an advocate of government. In Herbert's eyes, Tucker and Spooner simply advocated "scattered" or "fragmented" government. Crucially absent at this point in the dispute was any well-developed conception of a competitive market among rights-protecting enterprises. Such a conception would have explained why and how the business of rights protection would best be "fragmented." And often the Herbert-Tucker debate on anarchism slipped, without either party fully realizing it, over into a debate about the basis for legitimate property rights. Here errors flowing from Tucker's acceptance of a labor theory of value were matched by Herbert's too ready acceptance of the legitimacy of current land holdings.

In the final year of his life, Herbert composed two of his greatest essays, "Mr. Spencer and the Great Machine" and "A Plea for Voluntaryism." Both of these essays are studies of power, "that evil, bitter, mocking thing . . . the curse and sorrow of the world" and of its degenerating effects on the individual and

society. Echoing Spencer's distinction between the industrial and military modes of co-ordination, Herbert elaborated on the radical difference between "the way of peace and co-operation" and "the way of force and strife." He focused on the inherent dynamic of political power, the ways in which the great game of power politics captures its participants no matter what their initial intentions. He argued that no man's integrity or moral or intellectual selfhood can withstand his embrace of the soul-consuming machine. Even the individual who appears to win in his battle for power, he argued, is the worse for it. For, "From the moment you possess power, you are but its slave, fast bound by its many tyrant necessities." And the growth of the great machine means an end to progress. For progress is the work of diverse individuals, of "a great number of small changes and adaptations, and experiments . . . each carried out by those who have strong beliefs and clear perceptions of their own." And this true experimentation disappears under "universal systems." Against such systems Herbert championed always and above all else the self-governed and unique individual.

We have as individuals to be above every system in which we take our place, not beneath it, not under its feet, and at its mercy; to use it, and not be used by it: and that can only be when we cease to be bubbles, cease to leave the direction of ourselves to the crowd—whatever crowd it is—social, religious, or political—in which we so often allow our better selves to be submerged.

Eric Mack, professor of philosophy at Tulane University, has written extensively on philosophical themes related to libertarianism. He recently edited a collection of ten Auberon Herbert essays entitled *The Right and Wrong of Compulsion by the State and Other Essays*, published by Liberty Press.

COMING NEXT MONTH

Tom Hazlett on Jerry Brown
Ralph Raico on Irving Howe's
Leon Trotsky
Jack Shafer on the
Market for Spies



IN PRAISE OF DECADENCE

JEFF RIGGENBACH

The year is new; the decade is nearly spent. And commentators of every political and cultural persuasion are scrambling to characterize, even to pigeonhole the '70s. Ben Wattenberg of the conservative American Enterprise Institute has rushed to inform the readers of the *Washington Post*, the *Los Angeles Times*, and his own bi-monthly magazine, *Public Opinion*, that the '70s is best characterized as a "great backlash against the sensibility of the 1960s", as a "move to the right" by Americans opposed to the "eroding moral standards", the monetary inflation, and the international slip in status the United States has learned to live with in the past decade.

For Wattenberg, all these evils may be laid at the feet of "the sensibility of the 1960s", though he is careful never to be too intelligible about what exactly that sensibility was or exactly how it has led us to eroded moral standards, eroded money, and eroded world status. Perhaps his is a studied unintelligibility: perhaps Watten-

berg, like Oscar Wilde's Lord Darlington, is afraid that "now-a-days to be intelligible is to be found out."

For, to take up Wattenberg's catalogue of evils in the reverse of the order in which he presented it, the international status of the United States has *not* deteriorated in the past decade—at least, as that status is reflected in our prestige abroad. From the years of the Vietnam war, when the U.S. government was despised all over the globe, there has been nothing but dramatic *improvement* in U.S. status abroad. And while inflation is undeniably real and rapacious, it is extraordinarily difficult to see in what way it proceeds from "the sensibility of the 1960s". It proceeds, in fact, from one thing and one thing only: from U.S. government tampering with the money supply. And whatever the new leftists and counterculturists of the 1960s may have advocated in their not infrequent moments of political madness, they never advocated tampering with the money supply. It wasn't their kind of issue. Nor is it associated with them.

Their kind of issue has been typified, and not without justice, as the "personal freedom" issue: the freedom to smoke marijuana, to obtain an abortion, to refuse the slavery of military "service", to rear children without the interference of either the medical establishment or the public schools. For Wattenberg, presumably, the choice to do any or all of these things is evidence of "eroding moral standards"—but that is not how the majority of Americans sees the issue. Marijuana draws closer by the day to the legal-but-regulated status now enjoyed by the favored drugs of Wattenberg's generation, alcohol and tobacco. "Abortion-on-demand" has lost both its legal and its social stigma. The draft is gone, and efforts to resurrect it have, so far, failed. Home birth and midwifery have become almost *de rigueur* among middle class suburbanites, as have private schools. Far from joining a "backlash" against the "eroding moral standards" of the '60s, Americans are enthusiastically embracing those eroded standards: smoking pot, aborting their unwanted