

OUR CHIEF CRIME :
CAUSE AND CURE.

SECOND LECTURE,

ON

WHAT SHALL

WE DO WITH OUR CRIMINALS?

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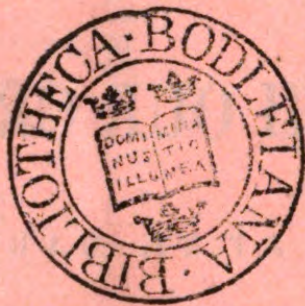
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OUR CHIEF CRIME.

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LADIES AND GENTLEMEN,—

IN my former lecture, I shewed that the bulk of the crimes which now torment society are crimes against property without violence. As a nation, we are conspicuous for pilfering—not for assassination; and it is only necessary and of importance only to investigate amongst us *the causes of dishonesty*.* In that lecture I laid the foundation of my argument, stating that the phenomena are wholly psychological, depending on the influence of mind over mind. Man is born in society, which laws do not create, and he is endowed with a means of silently and effectually acting on man, by which one is made the most useful possible to another—the sum of all social virtues. By the instinct of imitation and the laws of production, the conveniences and luxuries of the opulent in one generation become after a time the stringent necessities of the multitude. This fact is true of morality, as well as furniture, food, dress, and lodging; and, consequently, the upper classes are responsible for the condition of society of which they complain. Anxious to avoid injustice, I almost went

* From circumstances which occurred at the close of this lecture, it seems necessary to remind the reader that only crimes against property fall under my consideration, or are supposed to be worthy of much consideration from society. All other crimes are comparatively so few, or are so certainly decreasing, that they may now be left out of view. At least, I expressly leave them out of view.

out of my way to explain their influence in promoting courtesy and diminishing violence. To attract their attention to the subject, I sent them cards of invitation. I advertised the lecture as an explanation of their influence. I chose an hour which I supposed would be convenient for them, and fixed a high price for the admission of the general public, that they might not be incommoded. They did not respond to my invitation, and must not hereafter say, if I shew them to be the authors of our shameful practise of preying on one another, that I make a one-sided vulgar attack on them. Whether they complain or not, both the love of truth and the sense of justice require that the moral evil caused by them who are so prompt to correct and restrain, to coerce and imprison the multitude, should be fairly placed before the public. On this occasion I shall confine my observations on the influence of the upper classes, of laws, of government, and of endowments, to their effects in promoting crimes against property; their influence over our welfare generally, I leave to other hands or other times.

At present there prevails in society a very general and not very scrupulous desire for wealth. "Both in America and England," says an American author, "it is to a great degree an insanity." "The crime of England," says a writer in the *National Review*, "is in curious harmony with its master passion." Crimes against property, then, grow from a desire common to all, and not peculiar to the class which falls exclusively under the punishments of the law. Duly analysed, it is found to be little or nothing more than the desire for the respect of one another. Beyond that, wealth only gives "meat, clothes, and fire." The honest desire is to receive services and honours for services and honours rendered. It is an integral and necessary part of society, and without it men could not live in communion. It is the stimulus to almost every exertion—as laudable in the man who cleans a cesspool for hire, as in the merchant who brings the fruits of India to our door; and as laudable in him as in the Bishop who seeks wealth by endowment, as in the minister who decrees it to himself as salary; and as in the landlord, it whom it is gratified by the rent of an estate he never saw. It gives us the cleanliness without which we cannot live, the poem which is to endure

for ages, and the daily press, the words of which may be forgotten almost as soon as printed, but which diffuses everywhere the information everywhere gathered, supplying one knowledge which is one mind to all. We owe to it the stately bridge which securely spans our noble river, and we owe to it the Telegraph, which, disregarding time and distance, brings into communication all the scattered points of space on which the cities of the world are planted. But this desire is also the parent of numerous offences ; and not satisfied with the dictum that they are exclusively natural to one class, we want to ascertain precisely and certainly why it so often leads to evil, and whether it cannot be made, in harmony with the rest of creation, generally beneficial. Why should the desire of wealth, any more than our other instincts, appetites, and passions—the impelling powers to all our greatness, be the source of nine-tenths of the crimes solemnly punished by the laws ?

All that is wrong in the desire for wealth is ascribed to trade, by the classes whose importance the increasingly obvious utility of trade has cast into the shade, or whose pompous wisdom in circumlocution offices looks like folly by the side of its great achievements. But we are all traders—all exchange commodities or services—the minister serving the nation for the salary he receives ; and if trade make us criminal as it increases with division of labour, we must all become more criminal day by day.

Others, cradled in idleness, and ruffled by the wind of every fellow-mortal's exertions, ascribe the too great intensity of the desire to competition, which is the soul of excellence, and gives to every man his fair reward. Not, indeed, what he supposes himself to be worth, but what his services are worth to other men. Again, the admirers of antiquity say that offences against property are born in towns of modern civilization, while honesty and integrity are the offspring of scattered barbarity. But the characteristics of savages, whether discovered in modern times, or known in antiquity, are utter selfishness, and disregard of humanity, with more astuteness than honesty. Where there is no respect for life there can be none for property, and the general existence of slavery in the ancient world is an unanswerable proof that property was not respected. At Sparta, not theft, but being found out, was the crime. An unscrupulous man-slayer was then a demigod. The renowned

sea-kings of a later age would now be hanged as pirates. Even our great Bacon, our Russells, Sydneys, Marlboroughs, Sunderlands, Walpoles, were open to imputations of profligate dishonesty, such as are now almost unheard of amongst public men.

When we have cast out of our minds unfounded prejudices against the pursuit of wealth, and false assumptions as to the origin of the offences it induces, the inquiry returns on us with additional force and additional interest.

“ Why are there now so many crimes against *property* in England ?”

To answer this question satisfactorily I must go back to first principles, and give a brief description of the manner in which rights are actually determined. Life is a thing, *per se*, *at once recognised*, though not easily defined. It is the gift of the Creator, and the unquestioned source of all rights. Where there is no life there is no property. When we are told not to kill, or not to maim, we know at once what is meant. But property is not strictly and distinctly defined like life ; and even possession, though nine points of the law, does not constitute property. We never ask “ Whose life, or whose body is this ?” “ Whose hat, or coat, or house, or money, or land, is this ?” we frequently ask ; and the answer may be a subject of doubt or contention. Thus, although property is next in sanctity to life, and the great precept “ Thou shalt not kill,” is immediately followed by the precept almost as great, “ Thou shalt not steal,” yet the thing—property—liable to be stolen, is subject to doubt, and some latitude of interpretation. Property has its origin in the labour necessary at all times to sustain life ; it is something exclusively appropriated, possessed, and enjoyed by *one* ; it implies *others*, whose possession is barred out. We have the power to kill each other ; but a mutual respect for life guarantees it to all. So we have a respect, more or less, for the inevitable consequences of life, for the labour necessary to secure subsistence, and for the possessions which result from labour. In the same manner as we guarantee life, from mutually respecting it, so we mutually guarantee the property which is its necessary consequence, when this is justly appropriated, and possessed.

Life might be enjoyed in perfect isolation, but property im-

plies society, and is a social right. As the individual is not born mature, but grows, and has different rights, and different duties, as boy or man, girl or woman, so society is not created mature, but grows as population multiplies, and as it grows, it modifies *social* rights. In Mexico, a farm, to no person's injury, extends over many square leagues; in England, the largest farm is necessarily limited to a few hundred acres. Where population is very dense, the land is conveniently occupied in lots of less than an acre each.

The occupation of land is the basis on which all other rights of property are erected; and from the time when Lot went his way to the one hand, and Abraham to the other—one of the earliest appropriations of the untenanted earth we read of—to the occupation of every foot of land in this crowded city, the change is wonderfully great.

We may, however, now almost behold in the United States all the vast differences between the patriarchal ages and this crowded city, condensed into the life of one generation, and into the space between Minnesota and New York. In the former, under a little arrangement of the government—though this is not strictly necessary, for squatting takes place of itself—one man goes to the right, and another to the left, and each one of a great multitude from all parts of the earth occupies a spot, which all the others quietly leave in his occupation. They do more; they guarantee the possession to each other, and wrong is not done, because every one knows that it would be resented by all. In New York the rights of property—including bank-notes and railway shares, things bought and sold—are quite as various as they are in London, and being possessed by all, are, as the rule, guaranteed by all. The many different rights of property which intervene between the mere occupation of land in Minnesota, and the possession of railway shares in New York, are successively developed or created by the mutual and reciprocal action of farmers, manufacturers, merchants, shop-keepers, landowners, engineers, capitalists, and labourers. They are not created even if protected by any action of either the federal government or the government of each state, but by the mutual action of the people, independent of the government. A similar though not equally rapid development of the right of property to that which we almost

see in the States, has accompanied the growth of society at all times and in all places. As you must be well aware, a similar development has been continually going on amongst ourselves, and some of its results are at this moment very apparent and very important.

There is, at present, a general and urgent demand for an alteration in the laws concerning landed property. The demand is not confined to visionaries, looking to spade husbandry for social improvement ; it is made by active practical men, and finds numerous abettors in Parliament. A great number of such persons are actually in possession of personal property, acquired by professional, mercantile, and other industry, their right to own which is admitted and guaranteed by all. They have the admitted right also to employ it as they please, and engage in any honest enterprise they like. But the laws which tie up the land in a few hands hinder the full and efficient exercise of this right. Land cannot be easily acquired in small portions suitable to our crowded condition. Hence the demand for alterations in the law, which seems just to the bulk of the community. The laws concerning land must be altered to make them conform to existing rights of property. No person says that the new rights must give way to the old law ; on the contrary, everybody says the law must be altered. Such rights have always been growing up and modifying property in land, or transferring it to different hands. Almost all the land of England has, accordingly, been bought and sold, or mortgaged and redeemed, over and over again, so that the present right of property in land, like the property of each one in the coat he wears, is the result of bargain and sale, or mutual exchange.

At present all wealth and all property is the produce of combined exertions. No man now completes any one commodity by his own unaided labour. By common consent, and mutual exchange, all wealth as it is produced and consumed, or its value, is continually divided and distributed, and pretty fairly and pretty equally distributed, amongst all the persons by whose combined labour it is produced. A moment's reflection on the manner in which the value of any one commodity, say a hogshead of sugar, or web of cotton cloth, or of all commodities, is distributed amongst the labour-

ers, weavers, spinners, shipowners, merchants, &c., &c., living in different places, by whose combined labour it is produced, must satisfy every one that this is not effected by any Act of Parliament, and that no wisdom in any or all Parliaments could accomplish it so fairly and well as it actually is accomplished.

All society teems with illustrations of this principle ; but I must not detain you by going into numerous details. There is not a new enterprise set on foot, nor an old one continued, of which the whole produce is not pretty fairly divided amongst all engaged in it by mutual exchange.* There is not a cargo of goods imported, nor a quarter of corn brought to market, nor a book published, but it is the result of the labour of many persons, often living in different countries, and amongst all these persons its value, or what it sells for in the market, is divided and distributed pretty fairly and equally by mutual exchange. All the parties concerned settle their respective shares by agreement with one another. All the wealth of the world is continually consumed and reproduced ; of food and clothing this is too palpable to require an illustration. But it is true of all wealth, of bridges the most durable, of our instru-

* To make this principle apparent by an example. About a year ago, a new morning paper, to be sold for a penny, was first issued. The gentlemen who began the enterprize had a full right so to employ their property, and the general public, rather eager than otherwise to see such a paper, were fully ready to guarantee their work and its results. They would have resented and resisted any and every attempt to interfere for the purpose of impeding the success. The undertakers hired a house in the Strand, for which they agreed to pay a certain rent, and so their's and the landlord's mutual action settled and determined their right to use the house, and his right to receive for the use a certain amount of property. They engaged editors, reporters, contributors, and printers, with all of whom mutual bargains were made as to how much each one should receive. After much preparatory labour they brought out their paper, and procured hundreds of boys to offer it for sale, and cry it and carry it through every part of the town. Their right to begin the enterprize is quite clear, and so is their right to receive a penny for every paper they sell. Betwixt the sale of the paper in the streets, and the remuneration of every person concerned, preparing or hawking it about to the profit of the undertakers, the whole business is settled, and the share or property of each one resulting from the undertaking is determined by their mutual agreement or bargain. Every one concerned being a willing party to the transaction, by his very act he gives a guarantee to every other that the bargain shall be observed. In the great majority of cases, the exceptions not being one in

ments, and of statues, and jewellery, the most durable of our ornaments, all of which require care and trouble. This is tantamount to continual reproduction. All wealth, as it is produced, is distributed amongst all the parties engaged in producing it—like the last cargo of gutta percha—by mutual exchange, constituting the property of each, and guaranteeing its possession.

Property thus distributed, as all property now is, determines a man's position in society; and thus mutual exchange, in the end, really determines all our social rights, and guarantees them. Some persons say that government protects the people's rights, and particularly the rights of property as they are developed; I for one do not believe this; I believe, on the contrary, that government systematically hinders the development of rights—as by maintaining a monopoly of the soil—and systematically violates them; and I believe that they are protected and guaranteed, sometimes even against the government, by the mutual and reciprocal action of all the parties to the bargains, by which we are all continually supplied with food and clothing, and with every thing we use and consume. I am perfectly sure, and I have no doubt you are,

1,000, such mutual agreements are fairly observed. In this description, which may be taken as an epitome of the vast business of society, the rights or shares of every individual, at every stage of the process, is settled by their mutual higgling. The government or the legislature has nothing whatever to do in determining either the amount of rent paid to the landlord, the profit gained by the undertakers, the salaries of the persons employed, or the gains of the newsmen. The share of each, however, is his means of subsistence, and his essential right of property. Not long ago, the government did interfere with such enterprizes by a stamp duty, and it still impedes their success and the diffusion of intelligence by a paper duty. It does not yet interfere at any stage of the process to guide or direct, or to establish any rights; it only interferes to curtail rights, or prevent them growing up; it only interferes to hinder the accomplishment of a great and necessary work. In the particular case, the whole enterprize was begun in the desire of the owners of the *Star* to gain wealth, or to make themselves useful to their fellows, combined with the necessity we are all under to labour; and these are found sufficient to determine the rights of every person connected with the undertaking. This is equally true of every other enterprize. Though the right of property is not, then, clearly defined, like the right of life, from the beginning, and is subject to modifications as society increases, it is the inevitable result of the laws of life, in society, which determine all its consequences, at every moment of time, and in every place.

after noticing what is now going on as to property in land, and the necessity for an alteration in the laws, that government or legislation does not create, except where taxation is concerned, any of the rights to property on which all honest men live, and by which society flourishes. It may appear singular, but it is true, that the great majority of social rights, including the right to property, are actually settled and determined by bargaining and debating or what is called, with some contempt, by those who honour the wisdom of Parliament more than the wisdom of Providence, the higgling of the market.*

Our upper classes being unacquainted with this natural method of determining the rights of individuals, as they were ignorant of the natural laws of production when they enacted corn laws, assumed delightfully to themselves the power of determining rights, including the right of property, which to them appeared not to be defined at all. The rest of society readily acquiesced in the assumption. Thus, the *social* right of property, the *inevitable result of life in society*, inferior in importance and sanctity only to the right of life, and indispensable to the sustenance of all, came to be classed with a court ceremonial, and to be regarded by chancellors of the exchequer as something they could deal with at their pleasure, like a doorkeeper's place at the Treasury. || I hold it to be an

* This statement as to property must be taken in conjunction with certain organic laws of great antiquity, such as those which still maintain the early forcible appropriation of the soil, and still in some countries appropriate tithes, or a commutation of tithes, to the priesthood. But these organic laws or institutions afford the strongest proof of the efficiency of the distribution by higgling. By the rights of property, which it gradually created, the services of serfs on the forcibly appropriated soil were long ago commuted for a money rent, and in 1836, the ancient right of tithes was necessarily commuted by Parliament, because it had become totally incompatible with the rights of property, which had grown up from mutual exchange. Not only does this mode of setting rights of property actually determine them at every place and every time; it leads quietly and effectually, as in this case, to make old injustice odious, and sweep it away. The higgling, therefore, like the laws of nature, or the direct consequences of those laws, is not only infinitely powerful in the long run, compared to human legislation; it is, in contrast to it, or the very reverse of it, infinitely beneficial.

|| From this assumption of legislatures, has grown all the other false theories afloat in the world about property. One man gets renowned for declaring it to be a robbery—" *La propriete c'est le vol;*" and those who do not acquiesce in the assumption and usurpation, are classed by journalists,

actual fact, visible in almost every transaction, plain and palpable in all the great transactions of trade, certain and all-powerful where those transactions are considered through long periods, or extending over two or more states—I hold it to be a certain actual fact, not a theory, that all the rights of individuals, including the great right to property, are settled and determined by mutual exchange, and the mutual action of individuals. Far from these rights being settled and determined by the laws of Parliament, it is continually necessary that these laws should be made to conform to *rights*. We cannot shut our eyes to this fact, and by acting on false theories which disregard it, and refusing to be guided by it, we are continually falling into misfortune, misery and guilt.*

more conspicuous for a skilful use of epithets than a nice discrimination of facts, with M. Prudhomme. Others fancy, seeing the many evils which result from the assumption, that they can devise a better system, and we have *Phlanasteres*, co-operating clubs, and schemes for rewarding each man—“*selon ses œuvres*,” as if the distribution of wealth, and, of course, all property, were not as effectually provided for by the natural laws of production—most falsely and unwisely by the successors of Adam Smith, who did not understand the master’s great work, called “Political Economy”—as production itself is provided for by those laws, or by labour in conjunction with the seasons.

* Government, undoubtedly, creates a right of property, in the proceeds of taxation. Thus Lord Brougham’s pension is a right of property created or given by the government to Lord Brougham, who is a great advocate of the principle. The government creates the right; but it is at the same time a violation of the right of property in every one of the people who does not willingly contribute to the once boasting patriot’s income. Taxation generally is, in the main, as in this and numerous similar cases, and very often a most unjust violation of the property of the industrious people, which the government exists only to protect. At the same time the government acts by the general consent, which, in the end, is nothing different from the mutual guarantee of rights referred to in the text. This is rather tacit than expressed, and, like the respect for what the government ordains, grows from instinct into a habit, rather than from reasoning or reflecting on the subject. Theoretically, government has long since ceased to be either respectable or respected; but by our mutual action, we still guarantee its existence, and the exercise of its powers, just as we guarantee each other’s rights. It is, however, obvious that such a vague, ill-defined, and at every moment, almost chance-begotten thing as an Imperial usurpation, or a Palmerston triumph, constituting a government, cannot be the means of determining, except in a few cases, the rights, the relations, and the duties of human beings to one another, or the relations of life in society. These are obviously the consequences of the laws of life, and no notion more generally degrading, and, at the same time,

To take life, to wound, or to maim the instrument of life, is now among civilised men almost universal condemned. When life is taken, as at the gallows, or the body maimed by whips and fetters, or imprisoned, the offence against humanity and justice is excused, as necessary for the good of the sufferers, or others. Both to acknowledge a wrong, and to take pride in doing it, as in such instances, is inconsistency, which is very general in politics and legislation. Statesmen are a rule to themselves, and policy is always different from morality and justice. It is something exclusively human, and taking no counsel from them, is exclusively sinful. Legislators exist to do what seems good in their own eyes, though it carry them so far as a violation of the great moral principles which we all hold in reverence. As they take life for an imagined expediency, they suppose they may do what they like with property, which is so much less strictly defined than life. Accordingly, our law-making classes, who are quite as selfish as costermongers, have made laws concerning property exclusively for their own advantage. Whoever heard of men making laws against themselves? They cannot give themselves longer life by law, but they can appropriate property by law, and secure, as they suppose, greater means of subsistence and enjoyment. They not only claim the power of disposing of the produce of industry, and the means of life by law, but they monopolise the power, and jealously exclude the multitude from any participation in it. The great mass of society, by reason merely of each individual in the mass, not being in possession of a certain amount of legal property, though he possess (in exquisite skill and untiring industry the source of all property) is denied all share in the representation. Our whole *political* system, in utter defiance of the rights of manhood, and the rights of womanhood, is still based on the old principle of serfdom. Our representation is of a certain amount of property,

more generally at variance with the known historical origin of government, than that such an institution can create the rights and duties of men and women, of parents and children, of farmers and manufacturers, of buyers and sellers, ever entered the head of man. It is the offspring of the most unmitigated selfishness and ignorance in the classes that claim possession or usurp the powers of government. For the people generally to admit this is to substitute fellow-mortals for the great Creator of all, and commit the sin forbidden by the second commandment.

and, in principle, is still the embodiment and consecration of old rapacity. To all the great natural utilities of wealth, this adds the factitious charm of political power. Ambition strengthens avarice. The natural desire of wealth is intensified, by political contrivances, into a guilty passion. The first link in the chain, then, which connects the legislative classes closely with prisoners at the bar of the Old Bailey, is their own undue desire of wealth, manifested by their false assumption as to the right of property, by their jealous exclusion of the multitude from all legislative power, and by the severe laws they have made and maintain to guard their own possessions. Of the policy of such institutions I say nothing ; but one inevitable consequence of them is to intensify in all the desire of wealth, and connect the upper classes morally and mentally with the criminals they punish for wrongful appropriation.

Amongst our motives, few are more powerful than those which induce the preservation of the individual, and the continuation of the species. The actions which flow from them have a corresponding influence over the conduct of all. A small diminution in the usual supply of corn, it is well-known, produces in those who ascertain it, a strong desire to obtain corn. They buy it. Their eagerness to buy spreads like a contagion to others, and the price is raised in proportion, much above any actual deficiency. Now, wealth is the means of self-preservation, and of raising up a family, and there never is enough for all. The eagerness with which the upper classes pursue it has an irresistible influence over the multitude. Their example is contagious, and makes others eager and unjust like themselves. They place wealth on the topmost pinnacle of adoration, and, worse than Geslar, punish men for worshipping the idol they have erected.

While they have thus politically and morally intensified the desire of wealth, they have narrowed the field of possible gratification. For their own supposed advantage, or some public utility which they do not comprehend, they still hem in enterprise by numerous restrictions. Not the remote dead—the living are the real authors of every existing restriction. It is maintained by their will and their power, and the present generation must not shelter itself from responsibility under the

tombs of its ancestors. By some men now in existence, the old monopoly of the soil—after the old feudal fashion, though long condemned by the public—is obstinately maintained. To be all agriculturists or landowners is quite impracticable ; even an extreme attachment to the soil, as a means of subsistence, is now known, from the example of France and Ireland, to be hostile to social progress. Having an ignorant attachment to the soil, similar to that of the French and Irish peasantry, which seems common to all ignorant and barbarous, or semi-barbarous people, our upper classes still maintain with the false maxim, that all the land belongs to the crown—a close monopoly of the soil in their own hands. We feel it in every part of the empire, and facts continually testify against it. Narrow streets, restricted and inconvenient thoroughfares, pent-up alleys, crowded dwellings, every one of which becomes a focus of disease, are some of its consequences. A few yards of space, needful for health and decency, even ground for a pauper's grave, must be purchased at a great price from the inheritors of old monopoly. Industry, for which no palace it can erect is too magnificent, has only a sty for its dwelling. Fabulous sums must be given for the space required for a needful railway. All the land which nature freely bestows for the use of the 20,000,000 people who now inhabit England, and who, to be prosperous, must for ever increase, is monopolized by about 35,000 landowners, the true heirs and continuators of old oppression. They constitute about one six-hundreth part of the population. They have not been able to arrest progress ; and the growth of population, with the increase of other property, has made their monopoly glaring and intolerable. As every inquirer is aware, it is now a great obstacle to the creation of wealth, a great impediment to useful industry, and prevents the gratification of the desire of wealth which legislation intensifies.*

In our own times, this monopoly has been greatly and injuriously extended. Claiming the colonies as the property of

* Perhaps the reader may have heard of the case of Greenock, and the feudal possessor of the ground there—Sir M. Shaw Stewart, who exposed and exposes the inhabitants of that growing town to the greatest inconvenience, by not allowing his land to be *fued* for the purposes of the population. Probably every reader is acquainted with cases in which this monopoly has stood in the way of needful improvements and the public advantage.

the crown, the ruling classes have monopolised the soil there, and have enacted aristocratical restrictions on its occupation, and on industry, similar to those they cherish here. They prescribe the conditions on which the soil shall be occupied, and they have made it almost as difficult for their ancient serfs to get an honest livelihood in the colonies as at home. Industry must there, as here, pay tribute to them. It must provide them with numerous places, of which they settle the duties and the rewards. The great moral plague of Europe, extorted and ill-requited toil, has been carried, by transportation in its worst form, to the antipodes: Criminals are there made to take the place, and virtually continue the condition of the serfs of old; and labour, by which we all live, is degraded and made hateful, by being imposed as a punishment. There is now no escape from the greedy dominion of our upper classes. Everywhere the same system impedes the multitude in easily procuring an abundance of the necessaries of life. The next link, therefore, which connects the upper classes with the criminals they punish—making them all truly brethren in crime—is their system of monopoly and restriction, which has long prevented, and still prevents the due gratification of the desire they intensify.

In no part of the empire has the land been more strictly monopolised, more carefully locked up against the uses of trade, and more frequently confiscated by law, than in Ireland. Nowhere have crimes against property, especially agrarian crimes, been so numerous. The system was there so bad, that nature could tolerate it no longer, and in 1846, taught us, by a desolating famine, that we had grievously outraged her laws. In 1849, the commitments in Ireland amounted to no less than 41,989, or one-third more than in England with a population three times as large. An Encumbered Estates Act released the land from legal fetters, it came into the market, was freely bought and sold, and improvement began as by magic. Employment and wealth increased, pauperism diminished, and the commitments had sunk, in 1855, to 9,012. In six years, when the people had a natural and comparatively easy means of finding subsistence, the crimes had become only one-fourth as numerous as in 1849.

A similar lesson is taught by our own criminal records; commitments here have marched, *pari passu*, with the increase of

taxation and the difficulty of procuring a subsistence. Between 1805 and 1815, the number increased from 4,605 to 7,818, about 70 per cent, while the population increased 15 per cent. The increase of criminals was $4\frac{1}{2}$ times as great as the increase of the people. In that period taxation increased enormously, and the Government expenditure was almost doubled. The advantages of the wonderful improvements then made in machinery, which contributed to the national greatness, were nearly all appropriated by the Government and the ruling classes, and sometimes tended to aggravate the sufferings and increase the difficulties of the multitude. Looking back at such circumstances, we cannot be surprised at the machine breaking, and Luddite outrages, which prevailed between 1810 and 1814, but *we* know that the law-making classes were more to blame than the multitude.* Their exactions, not the use of machinery,

* As the proof was under my hand, I met with the following passage in the excellent "Life of George Stephenson," by Samuel Smiles, just published. "Stephenson does not seem to have been very hopeful as to his prospects of life about that time (1807-8). Indeed, the condition of the working-classes generally was then very discouraging. England was engaged in a great war, which pressed heavily upon the industry, and severely tried the resources of the country. Heavy taxes were imposed on all the articles of consumption that would bear them. Incomes of fifty pounds, or upwards, were taxed at ten per cent. There was a constant demand for men to fill the army, navy, and militia. Never before had England heard such drumming and firing for recruits. In 1805, the gross forces of the kingdom amounted to nearly 700,000 men, and early in 1808, Lord Castlereagh carried a measure for the establishment of a local militia of 200,000 men. These measures produced great and general distress amongst the labouring-classes. There were serious riots in Manchester, Newcastle, and elsewhere, through scarcity of work, and lowness of wages. Every seventh person in England was a pauper. Those labourers who succeeded in finding employment, were regularly mulcted of a large portion of their earnings, to maintain the unemployed." But while such was the condition of the multitude, the horde of placemen, the number of employed and unemployed officers of the army and navy, and the amount of their emoluments, were all wonderfully increased. The landowners, and the clergy, too, were not a little enriched. The war was carried on with superabundant waste, to provide for heaps of unemployed generals and admirals and useless officials, much more than the actual expense of the war. While the people were dreadfully oppressed, the soldiers of Wellington were neglected. Whoever remembers those times, and saw the extortion going on, must be thoroughly sensible that not the real fighters of the nation, but the wonderful mass of sutlers that lived on the camp, were the chief sources of the enormous and wasteful expenditure. The boasted patriotism of the upper classes was then shown, in compelling the poor to submit to enormous privations, while they enriched themselves by the war.

which carried with it only advantages, made it difficult for the people to procure subsistence; and their waste and extravagance threw discredit on some of the noblest fruits of skill.

Now, mark what happened when the peace came, in 1815.

Between that year and 1819, the number of commitments increased from 7,818 to 14,234; or, in four years, 82 per cent. The population increased only 6 per cent.; the increase of crimes was nearly fourteen times as great as the increase of population. Peace, the great political change in 1815, was denounced as the cause of these crimes, and men were taught to wish for war abroad, to lessen war at home. But, what the upper classes then did, supplies a more feasible explanation of the increase of criminality than the peace.

They abolished the taxation which fell chiefly on themselves; they soon afterwards increased the indirect taxation, which fell on the multitude; and, to enrich themselves, they enacted the abominable corn law. It immediately checked trade, impeded the cultivation of the soil, and enhanced to the multitude all the difficulties of procuring subsistence. The increase of crimes between 1815 and 1819, was the consequence mainly of the corn law, and exorbitant indirect taxation, accompanied by commercial restrictions; and so blessed peace had to bear the blame of the avarice of the upper classes.

The fact is made quite plain by a considerable decline in commitments between 1819 and 1824, after the nation had suffered and lived through the worst consequences of the legislative rapacity of 1815, and become somewhat prosperous. It is made still plainer by what happened in 1842, and subsequently. Till then, commitments and pauperism had, as the rule, gone on increasing. In 1842, Sir Robert Peel, under the pressure of a stern necessity, reversed the policy of 1815. He diminished indirect taxation, he removed commercial restrictions, and he imposed an income-tax on the upper classes. What was the consequence? The commitments, which reached, in 1842, 31,309, sank immediately and successively to 24,303 in 1845, or diminished one-sixth. Though there has been some little augmentation and vacillation since, the commitments have not again reached the large number of 1842, while the population has increased nearly

15 per cent. You all know that, since 1842, the commercial restrictions then abolished, having been necessarily followed by the abolition of the Corn Laws, and the Navigation Laws, the people have been comparatively well off; and, there has been, with more prosperity, less drunkenness, less pauperism, and a great diminution of crime. It is now certain, therefore, that the increase of crimes against property which took place immediately after the peace, was the consequence of the conduct of the legislating classes at that period; and it is a fair deduction, from this and from their general influence, that crimes against property, at other periods, are chiefly due to them.

The habits of nations, it must be remembered, are neither formed nor changed in a day. From 1815, downwards, the upper classes embodied and maintained in our legislation their own excessive and selfish greediness, and the nation now suffers from moral habits formed by the scampish legislation of the first forty years of the century. The example of the upper classes, *when they pass laws*, is all powerful for evil as for good, and with or without their cognition, it becomes the source of actions like their own. The words written in the statute-book may be, as they often are, a mere dead letter, only disfigurements of the parchment; but the example set by placing them there, is the living spirit which affects all. Conduct is dictated by mixed or balanced motives, such as want on one hand, and aversion to labour on the other; and, as the upper classes by their example, and by the difficulties they laid in the way of procuring subsistence, gave predominancy to the latter, they made the people depredators.

In the debates last year, concerning transportation—the costly source of revolting crimes—Sir George Gray stated, clearly and strongly, “that to place otherwise *incorrigible criminals* in a position to earn their own livelihood on easy terms, was the sure and only way to amend them.” If rogues can be reformed by being placed in circumstances which enable them easily to get an honest livelihood, surely the same circumstances will ensure the continuance of honesty amongst men who have never been dishonest. But the ruling classes send convicts to the antipodes, where it is supposed they can earn a livelihood easily, to be reformed, and they make it impossible for an

honest man to earn a livelihood easily at home. Never believe that free men will not work, rather than beg or steal, if work be not deprived of its fair reward. Never believe, again, with the progress since 1842 before you, resulting from the partial removal of restrictions, that subsistence is not naturally obtained with more ease in an old community, where appliances for the creation of wealth are numerous, than in a new country, which has yet to be cleared and made habitable. Always believe, therefore, and din it into the ears of rulers, that an easy means of getting a livelihood is as necessary to virtue as to existence. To prevent industry from obtaining bread, makes numerous criminals.

All the difficulties of procuring a subsistence, great at all times, but much greater in the infancy than in the maturity of society, are much enhanced by the selfish conduct of the upper classes. Nothing the people eat, drink, or wear, is exempt from taxation and monopoly. It all contributes revenue to the state, and rent to the landowner. "Our taxes," said the Honourable Member for Sheffield at Liverpool, on January 24th, "are ostensibly levied for the purpose of *protecting the people* in their persons, property, and reputation, and all that is levied upon the country more than is requisite for that end is so much *stolen from the people*. Anybody who shall look at the institutions of this country, and see how much of those institutions goes to the great end of which I speak, must know how much the people *are robbed*." The authority then that exists only to protect property actually despoils it. Go through the annual estimates, and you will find at every page proofs that the money of the people is taken from them by the Government on unworthy, or false pretexts, to carry out some whims, or bestow it on some favourites of its own. Remember, too, that not a tax can be levied without imposing restrictions on industry, and impeding the production of wealth. Neither your patience nor my strength allow of an enumeration of particulars; I shall, therefore, take as an illustration the case which is, of all others, the most favourable for the Government.

The encouragement of art and science may be desirable, but it is a sacred duty of the Government to protect property. It has no right to be generous at the expense of being just. When it takes a single sixpence from

the people by taxation, and it has no other money to give pensions to learned men who have written unread books, or to painters of pictures which nobody has cared to see or to buy, or to promote investigations, called scientific by Royal societies and others, that are of interest to nobody but the investigators, it is generous to individuals at the expense of justice to the public. All arts, all sciences, all industries, are equally necessary ; one sustains another, and the Government cannot reward nor encourage one, by appropriating to it the proceeds of taxation, without inflicting a corresponding injury on some other. When it gratifies its own love of approbation by patronising arts, because they are patronised abroad, it really deranges production, and does the same kind of injury to the general welfare, though not equal in degree, as it did by enacting corn laws. It taxes the useful arts to promote the fine arts ; and, as these depend on each other, it infallibly deranges and injures both. It taxes the whole people to establish galleries for a few. Worse than the man whose son asked for bread, and he gave him a stone ; it takes bread from the whole people, to supply a class with statuary. I know that this generally meets the public approbation, but I beg to tell the approving public, that in taking from a single unwilling taxpayer a single sixpence for any purpose not within the strict duty of Government, it sets an example of despoiling property, and becomes, like a chancellor of the exchequer, an active agent in promoting crime.

Government, too, is removed from all competition, though not from censure. Ministers, who constitute it, are taken exclusively from one class ; and to one class exclusively, though a large one, they are responsible. They prescribe their own duties, and how they shall be paid for performing them. The bargain is all on one side. They fix their own salaries at a far higher figure than they could get by fair competition, and as they act unfairly and greedily, we need not be surprised that the poor and the destitute pilfer. The power of the sovereign is actually merged in the two Houses of Parliament, but the expense of the court is kept up to supply offices and emolument to the aristocracy. On a flimsy pretext, which has the effect of bringing some discredit on royalty, the people are continually fleeced.

The Lord Chancellor cannot decree equity, worthless as his equity may be, for less than 6,000*l.* a-year; ministers cannot perform their clerk-like functions, admirals cannot go to sea, nor generals into the field, but they must have the revenue of ten or twenty ordinary men. Amongst them a self-denying ordinance has no existence. Acting on the same principle as judges and generals, the clergy of the Established Church cannot preach the religion of poverty and humility, unless they be endowed with large and certain revenues, always paid in coin of full weight. They must have fixed incomes, varying from 15,000*l.* to 150*l.* a-year, to enable them to perform their easy seventh-day labours.

Precisely because they are endowed, and have fixed incomes from the land, the clergy of the Established Church, with very rare exceptions, were the defenders of the corn laws from 1815 to 1846. The Bishops voted for them in the House of Peers; rectors and vicars harangued for them, canvassed for them, rode for them, and threatened for them, in almost every parish of England. Endowment is only another name for securing one class of men a handsome provision at the expense of industry, while industry is by law unjustly prevented from deciding whether these men deserve it or not. It not merely appropriates the property of others—it denies them all right to object to the appropriation. Endowment by the State is a violation of the right of property in the people, and is the parent of violations of property by them.

The seasons are different, and Nature does not reward industry with precisely the same quantities of corn and cattle year by year. The income of society, and of all the industrious classes, is necessarily precarious. From this necessity the endowed and salaried classes insist on being relieved. They will have certain incomes, and large incomes, whatever may be the produce of industry. They decree them to themselves, and they set all the powers of the law, and all the instruments of taxation at work to secure them. A man is exchequered for not paying the demands of the government; not to pay rent is a crime almost equivalent to treason; and while other men must recover their dues by a slow process at law, the landowner distrains on his tenant, and helps himself. All these regulations may be desirable and politic, but they inevitably

help to fill the hearts of the people with dishonest greediness. The fashions of the Court and the West-end descend to the middle classes ; and the multitude, like their betters, want large and certain incomes with the least possible labour.

The farmer ploughs his field, casts his seed into the furrow, and trusts to nature for his harvest and his reward. The endowed clergy and salaried ministers will trust to nothing but laws made by themselves, and forcibly carried into effect. If childlike faith in Nature and in God, which the clergy teach ; if respect for justice, which government exists to enforce, be rooted out of men's hearts, and evil spirits fill their places, to what is it due, but to the conduct of our leaders, clerical, as well as secular, who constantly employ forcible and unworthy means to secure their own selfish advantages.

Man is a complex being, and we are apt to imagine that all which he is capable of suffering, learning, or knowing, is for ever present to his mind. One dear delightful object, however, will close the senses to every other. So when a master passion pervades a nation, all the individuals breathing the same atmosphere of desire are conscious of nothing but it. Punishments may be decreed and inflicted ; they will not be heeded. The whole man is absorbed in the one passion. It may be brief and flitting, like the gleam of an aurora, or it may be "the ruling passion strong in death," but, while it lasts, it occupies his whole soul. Such is the love of gain, strengthened by the professors of religion, and enforced by the conduct of all the high authorities of the State. Steadily, unswervingly does it press onward, conquering difficulties and defying dangers. It will risk life, and brave shame, to clutch the glittering prize. It tracks its prey through long distances, and ferrets it out from well locked boxes, under the care of confidential guards. It has all the tenacity of a bloodhound, and the skill of a detective. Paid agents can only follow its trail at a distance. Its inventions are always new, and burst on the astonished guardians, who are set to watch its steps and defeat its attacks, in some great success: Do but kindle such a passion, and blow it by the breath of authority into a consuming fire, and, like a conflagration of prairie and forest surrounding the first clearance of civilization, it leaves no chance nor hope of escape. The honesty of all has fallen a prey to the devouring dishonesty of the upper classes.

What have they, within the last few days, preached in Parliament? According to them, while the industrious peasantry of Scotland are, by their own showing, worse fed and worse lodged than pauper lunatics, or even than Mr. Mechi's swine, actually degraded and diseased, body and mind, for want of sustenance, they have declared that a royal maiden cannot be respectably married unless she be endowed permanently with the income, besides her outfit, of at least eight hundred Scotch peasants. Can they suppose that such a contrast between the dower of a maid and the reward of an industrious man will not sink deep into the minds of the people! It is sadly unwise to bring a young woman before the nation as devouring the substance of so many families. It tramples on the sacred right of property in the worst manner, and must be the parent of numerous similar crimes. While it is pretended to take care of the people by laws, the law-makers chiefly take care of themselves. The pretext is false. Had they exhibited as much respect as they have contempt for the rights of industry—had they left it in the enjoyment of its produce, their example is so efficacious that theft would probably now have been as unknown as cannibalism, or women walking naked in the streets. Were they now to be strictly just, or commonly disinterested, their example would be speedily and generally followed, and the honesty they try in vain to inculcate, by gaols and transportation, would soon become, greatly to the increase of all useful wealth and energy, the national habit. At present, however, and the fact seems to be made more apparent, session after session, by numberless schemes, for increasing the public expenditure, and the public taxation—the main business of government, if not its sole object, is how to get all the money possible from the people. Whatever may have been, either practically or theoretically, the purpose of instituting Government—and in some minds it is invested with dignity, benevolence, and a Godlike regard to human weakness—in modern times it has dwindled—and this is its universal characteristic—to be little better than a vulgar swindle. There may still be a pharasaical conviction amongst politicians that they are the friends of humanity, but experience does not endorse their belief. They are the certain sources of almost infinite evil, and that any good results from their interminable meddling with society, has yet to be proved.

The upper classes pride themselves on breaking no laws. Why should they break them, when they get what they desire by making the laws. They are under no temptation to pilfer tills, or pickpockets, to steal from bleach-greens, or rob hen-roosts ; they do not poach, they are licensed ; but these are the offences which they punish, and which increase in spite of punishments. Why should they commit burglaries, or go out on the highways ?—why should they gild shop fronts, and fill them with plate-glass, to make a false show, and delude customers, or concoct schemes of fraud, which are only sometimes found out, or adulterate food or drink, to gather, by painful toil, or public contempt, a few shillings per day—why should they shoot a solicitor, or poison a wife, to gain a few hundred pounds illegally, when they can and do legally secure to themselves, by working the oracle at St. Stephen's, the possession of incomes far larger than can be accumulated by years of perilous dishonesty? The laws they make for the poor are not intended for themselves. "The recent exposure," said the *Times* of July 21st, by Mr. Laing, of city frauds—using language that might subject me to reproof—"the case of the Tipperary Bank, and numerous other cases, all shew that commercial morality has sunk to the level of a loose and inconsistent law, made *for the punishment of the crimes of the poor*, and too coarse and simple to reach the more *refined and subtle villanies of the rich*." The laws, according to the *Times*, are made to punish the crimes of the poor, and are not intended to apply to "the subtle villanies" of those who make the laws. The conspiracies of the Messrs. Sadleir, and the "city frauds," are neither the most subtle nor the most flagrant "villanies of the rich," but they are out of the line, and fall "under the loose and inconsistent law" made only "to punish the crimes of the poor." The general dishonesty which the upper classes unintentionally encourage is sometimes too strong for them. The whirl they set agoing, and keep agoing, carries some of them off their feet, and the Sadleirs, and the Pauls, like the poor for whom the punishments are intended, get drowned in the pool of illegal plunder.

Besides the influence of the rapacity of the upper classes in causing thefts amongst the lower classes, they convert by law an immense number of ordinary and trifling actions, such as

throwing stones, or gathering a few apples, and other boyish tricks, into serious offences. Everything that an intolerant and influential man dislikes is converted by law into a crime, and the agent is handed over to the summary jurisdiction of the magistrate. They pretend to correct a folly, and commit a wrong. A youth is sent to an academy for teaching crime, where, with a felon's badge, as Mr. Mayhew has said, "he graduates for Millbank, transportation, or the gallows." To submit all the peccadilloes of youth and ignorance to the solemn investigation of a jury was intolerable, and so as the law spread its net wider, and swept into them everything that every proud, rapacious, and overbearing man was offended at, it became necessary to set aside this ancient guarantee of freedom, and now more than 100,000 persons, chiefly the young, are annually punished summarily, at the discretion of police magistrates and country justices. So vast a number at least, of the rising population, are annually contaminated, and actually degraded, by the direct action of the law. Police-courts and gaols take the place of cheerful industry, and the land is filled with instruments of punishment or of torture. Prison life is made familiar to the people. They joke about it, often avow, or even glory in their offences, and accept punishment as their necessary lot, or even crave it as a boon. Crime, and punishment—those awful things, for if they be not awful, there is nothing which deserves the name—are thus made, to all classes, an everyday affair, like putting on clothes. What should be, even according to the theory of those who think legal punishments efficacious, only the drastic physic for a sharp fever, is made by minute legislation the daily food of the community. The constitution gets accustomed to it, and *crime*, the action which the Creator forbids, instead of being regarded with horror, sinks to the level of an ordinary transaction. Such terrible haste to punish trivialities in the poor, contrasts most unfavourably with the neglect of the public to enforce responsibility on the upper classes. By them fleets may be misemployed, armies ingloriously destroyed, the nation be allowed to drift into a war, commerce be interrupted, destitution made the inevitable lot of the multitude; and for them there is neither gaols, nor banishment, nor even withering contempt, nor burning scorn. They continue to be honoured. Their great sins are tolerated. The meanest actions of the multitude are magnified into dire offences. Though the

whole nation is naturally one—inseparably united by common interest and a common parent, by laws it is legally split into two great classes ; pharisees, who make class-laws, and the multitude, who have always to suffer from class-legislation.

We have got rid of the scandal of decreeing death for more than one hundred actions of our every-day lives, but we have substituted minute and petty tortures for the ruthless severity of our Draconian code. We have ceased to slay, but, as a compensation, we maim the more. So the legislature, by its direct action, turns innocence into guilt, creates legal crimes, and creates legal criminals. The consequence is, that at present one person, out of about thirty-five responsible members of the community, taken from one class, is, on the average, annually imprisoned, tortured, or punished, exhibiting in our gaols and their accompaniments, whatever men may fancy of their benefits, an immense mass of squalid and hopeless misery, unequalled at any period in the dungeons of the Inquisition, or of any despotic sovereign of the world. The great mass of the offences which the law punishes, to use the language of Lord Plunkett, is “the spawn of our own wrong.” “The law itself, as the *Edinburgh Review* said, when it was vigorous and honest—“the law itself is the parent crime.”

I must not be content merely to denounce. I must show how we can improve. I am not for making new laws. Let the old ones perish. The course of my argument leads directly to the conclusion, that the way to the extinction of crime lies through the pleasant paths of prosperity and plenty. We want more freedom, and less taxation. I go cordially with the FINANCE REFORMERS of Liverpool, and believe that they are the best *moral* reformers. Let us begin by immediately weeding from the Chancellor of the Exchequer’s budget, every item of expenditure not required for the purposes of the Government, and by abolishing every tax not necessary to defray the bare expenditure. To this extent, we shall at once set a good example, and cease, to use Mr. Roebuck’s language, from “robbing the people.” We do not require more magistrates, more police, more chaplains, all of whom have a professional interest in misinterpreting nature, and fostering error ; we do not want new punishments, new schemes of transportation, new reformatories, new and splendid gaols, all of which must be paid for by industry, and lessen its rewards.

We have, already, too much of them. The people want more food, more clothing, more comforts, more luxuries, more enjoyment, more holidays, more books, more leisure, more intellectual, and fewer animal pursuits. The mind, which occupies no space, should be filled with gladness and honour; not the body mortified and punished. All these wants can only be satisfied by more freedom, and less taxation. The principles announced in 1842, and partially acted on since with such eminent advantage, must be carried into every part of society. The unrestricted competition, which nature establishes, must be the rule for all our transactions; and by the higgling of the market, which is mutual and free action, the salaries of officials, and the payments of the priesthood must be regulated, as well as the profit of the shopkeeper, and the wages of the labourer. Society cannot continue united under the sway of two conflicting principles.

NOTICE.—Some strong opinions in this lecture seem to require justification. It is in the contemplation of the author to supply it, by showing, that all legislation, which of course includes Government, is founded on false assumptions. He is preparing for the press a work, to be called "THE ABSURDITY OF LEGISLATION DEMONSTRATED." For a long life the subject has occupied his thoughts and his pen, and he proposes to explain his views in a connected didactic form.