

**HEREDITARY PROPERTY
JUSTIFIED. REPLY TO
BROWNSON'S ARTICLE ON THE
LABORING CLASSES, PP. 1-49**

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Hereditary Property Justified. Reply to Brownson's Article on the Laboring Classes, pp. 1-49 by Charles Grandison Thomas

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CHARLES GRANDISON THOMAS

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HEREDITARY PROPERTY JUSTIFIED.

An article has lately appeared in the Boston Quarterly Review, upon the condition of the "Laboring Classes," which, from the nature of its subject-matter, has attracted much attention. Some of its doctrines we propose to discuss in the following pages.

The interest of the common laborer, — in the popular meaning of the term, — must be intimately connected with the prosperity of every country, and constitute one of the primary objects of the peculiar care of government. And in these trying times, when the spirit of reform is sweeping over society, and past institutions are called to render up their last account and give place to a new era; when false distinctions are fast passing away; when every individual begins to be seen in his true position, his rights to be more thoroughly recognised, and his claims placed on his substantial merits; should we not expect that the laborer would find a fit representative, able to vindicate his title to his true share of the fruits of industry and social blessings? Have these expectations been realized in the Journal before us? This we propose to determine.

We will endeavor to meet the author on all the material points in his lengthened discussion, conceding the others. We may do this without any prejudice to the few questions of vital importance, which we shall raise, put in issue, and endeavor to determine. Before submitting unconditionally to the direction of any one, whatever his talents, age, or experience, it is fit to examine well the foundation of his opinions, try the strength of his positions, and endeavor to know, at all points, our leader, where he is, whence he departs, and whither he would conduct us. We have rights

of this sort, even in dealing with age and experience, and can assert them without the charge of impertinence.

If the present era is to be tasked with the emancipation of labor, the author is correct in his choice of a place which combines the most advantages for working out his predicted ameliorations; in designating for the purpose this country, the land of enterprise and free institutions, which, in principle and practice, acknowledges less allegiance to the wisdom and learning of the past, than almost any other country, and is now testing before the world, many, as yet, untried experiments in government, affecting the condition of every class of the community. Here, if anywhere, industry may be supposed to meet its reward, and be secured in its natural and rightfully acquired advantages.

This, to a great extent, is in fact admitted to be the case; and what is the result, notwithstanding all our boasted equality of civil position? Wherever we turn our eyes, we meet in every direction great inequality of private fortune; here a splendid palace with all the luxuries of life, there a wide waste of wretchedness and poverty. Shall we investigate this startling phenomenon of civil society? or merely join in the declamation of most who have treated the subject?

Is this disparity, as the author would have us think, all to be set down to the account of the errors of government, and the false systems of morals and religion, into which we have unfortunately fallen, and by which we have long been enslaved? Or is the true origin behind the mere technical forms of institutions? We are very willing to recognise the cause and the remedy, to which candid and philosophical investigation may direct us. And we can only say, if this severe charge is justly imputed to the civil and religious institutions, as at present organized and administered in this country, it is an argument which strikes essentially at their merits and claim on our veneration. But more of this in its proper place.

We trust that a thinking and practical man will find, that the root of much of this lamented inequality in our condition lies far deeper than the organization and the technical forms of society, or civil and religious institutions. If society is answerable for all this, to what a severe account must she be brought! The charge might be decisive against her right

to existence; for it is notorious that in every country where she performs her functions most faithfully, and government approaches nearest to a perfect system of remedies for social evils, there this disparity is most apparent; and in proportion as the bonds of society become weakened, and she forsakes her high trusts, bringing us with disorganization back towards our primitive state, we draw the nearer to equality of condition.

Is it generally considered how great a barrier to an equality of condition is set up in our original constitution, though fundamentally the same? Here is found, quite independent of all external facilities furnished by society, every variety of capacity and disposition to better our worldly condition, which, even had they equal scope for exercise and development, with theoretical and practical perfection in civil and religious institutions, would make inequality of condition commensurate with every step of our advancement in life. And who has any objection to a comparative inequality, provided the condition of each be positively bettered in proportion to his industry and desert? The very nature of society is, that the nearer it approaches to perfection in the same proportion, it succeeds in securing to each individual member free and equal scope, to turn his native or acquired capacity to the best possible account. So that if men be unequal in the beginning, that inequality must increase as they advance, though the condition of each may be positively bettered.

And this is not mere theory, but verified in fact; for it is universally admitted, that the common laborer is now better clothed, better fed, and enjoys more of the conveniences and luxuries of life, than a prince of the primitive ages in some countries.

Why, at all, and independent of external facilities, a certain inequality must inevitably exist, is a question not falling within the scope of philosophical inquiry, which, strictly speaking, can never account for an ultimate fact. In this, as in numerous other instances, it becomes us to rest quietly in the supposition of our inability to penetrate the hidden purpose, rather than make the vain attempt to criticise creation by our ideas of fitness.

Thus, without meaning to charge too much upon the infirmities of human nature, it is not difficult to trace in our

original constitution the real cause, original intention, and the justice of a degree of inequality in apportioning the fruits of industry and means of social enjoyment,— and this consistently with perfect equality of rights, and scope to make one's industry productive, though these rights, in their exercise, result in diversities of emolument from the proceeds.

What is the true rule in apportioning the fruits of toil? Is it based on an undefined levelling principle, which divides the community into opposing factions, who do not understand their real points of difference? Need the author be informed, that this rule is not to be determined or modified essentially by the arbitrary will of legislators? It is antecedent to all government, paramount to all civil authority. It is the rule which God has established, by fixing in the mind of every man an eternal and unalterable connexion between industry and the exclusive enjoyment of its rightfully acquired fruits,— without any regard to the comparative amount of possessions that might thus accrue to each individual. Every deviation from this principle is a direct departure from the legitimate object of all government; and, indeed, in this country, so far from securing equality of rights, it would involve gross injustice, and only tend to secure equality of things to which those equal rights attach. Would any one thus pervert the principle of equality, which lies at the basis of our government, and on the right practice of which, we found our best hopes of social happiness?

Government has no power in this matter; it is quite limited in the legitimate sphere of its operations, and out of this we ask nothing from it. We do not admit the right insisted on by the author, to use it as an instrument wherewith to break the human race into the practice of his theoretical reforms. Government can provide for but comparatively few of the wants of human nature, and to attempt more would defeat its own ends. It furnishes, at best, but imperfect redress for many injuries to our person and property. In its true place it is our servant, not our master.

But the author would, even at the expense of some consistency with the general spirit of his writings, have us to think, from this article on the laboring classes, that it is omnipotent; can regulate the transfer of private property at pleasure; determine the nature and extent of our do-

minion over it; nay, that individual and personal rights should be completely drowned in the overwhelming power of state, which should extort from parental care the guardianship of children, determine the mode of their education, and wring from the hand of industry the necessary means of carrying into effect these strange prerogatives. We acknowledge no such rights in government, excellently as it is organized and administered in this country.

Could it perform its mission better, we would not object to an essential change in the nature of government. Instead of being a mere instrument of preventing wrong and dispensing justice, let it become a parent, a philanthropist; let it attempt to recognise and enforce all obligations binding in morals, and required merely upon reasons of generosity, charity, and benevolence. Who, that is at all acquainted with the first principles of jurisprudence, need be informed, that government, by endeavoring to extend its remedial justice beyond cases of manifest and specified injury, with a view to enforce all these obligations, would become a thing perfectly impracticable; as it would be difficult to say when a person by its laws was punishable, or rather to say, that he ever was not punishable. I may offend in morals and religion in not postponing farther investigation into this subject, till I have hastened into the streets, hunted up an opportunity of performing some philanthropic, charitable, or benevolent act; but will the author pretend to say, that human government can punish such an offence? No. Civil government supposes, in the case of each individual, a perfectly separate and independent dominion over his own affairs, with which it does not and cannot interfere. To parental affection are intrusted the care and protection of children; the principle of self-interest imposes obligations to accumulate wealth, and the means of bettering one's condition.

It requires something more than the mere assumption of the time-honored name, *Democracy*, to give currency or any shadow of value to such doctrines in the author's political creed.

We admit, to the fullest extent, the obligation of government to secure, as far as possible, that degree of equality, which would prevail, if each citizen were allowed free and equal scope for the exercise and development of whatever power he possesses to better his condition.

We trust, that our country will vie with any other in the degree of approximation to this point, though some of its measures in this respect may not be able to stand the test of severe criticism. But, for justice' sake, be it said, that its policy has always been, to endeavor to realize its objects, by carrying out, rather than forsaking first principles. If it has extended unequally its protection to the different branches of industry, or furnished inadequate redress in any instance, it has been from infirmities incident to all human governments, rather than from wilful abuse of civil authority.

We are not aware of any partial or exclusive legislation, giving an unjust preference to any class, or favoring unequally any branch of industry, farther than is necessary for purposes of national security, or of unquestionable public utility. Whenever the pressure of any law has been found to bear very unequally upon different classes of the community, the remedy has usually been found in a repeal or amendment; and thus individual industry has been relieved from unjust restraint. We do not, however, pretend to justify, here, to the fullest extent, existing inequalities of private fortune, nor to say, that they may not have been in a degree favored by the errors of government, nor that undue advantages have not been taken of its just provisions. But we entirely reject the author's method of curing the evil, by a rapacious distribution of the rightfully acquired fruits of industry, — which, were it practicable, would lay a great restraint on the production of wealth, subjecting a portion of what was produced to purposes of gross injustice, in wanton violation of the sacred right of property.

Government may remove all restraint from individual industry, and leave entire freedom in the field of enterprise; but it cannot go beyond this, and quicken industry, nor increase individual capacity to render it productive. It has, as we conceive, no power, in contemplation of any notion of equality, to enforce an arbitrary rule of apportionment, or materially control the express or implied just intentions of the rightful owner relative to the distribution of his property, or recognise any other rule than that of securing to each individual the fruits of industry according to his just acquisitions, and service in production.

Is this rule of apportionment to each, according to his productive service and rightful acquisition, to be realized

by the means prescribed by the author ; — to wit, by restraining production in making each individual toil for wealth to be appropriated not for his own use, but to the service of the state ; — by substituting, for his present exclusive enjoyment of the fruits of his industry to his own use, and the use of his children after him, merely the permission to the latter to come in under a dividend, and take their equal share with the stranger ; — by substituting philanthropy for the free operation of the principle of self-interest ; — by taking away the power of alienation by devise, instead of subjecting it and the owner's entire dominion over his property merely to such restraints, as may be imposed by principles of natural justice, and paramount obligations to other individuals and to society ?

Subject to such restraint, the weight of authority and the practice of all ages go to prove, that property should, by right, be at the free disposal of the owner, in whose hands it is liable to the discharge of all civil obligations, and just demands, as well as bound to furnish compensation for all injuries, which its accumulation, possession, or distribution may occasion to any other person, or to society ; and it continues subject to these liabilities, into the hands of whomsoever it happens to fall, either by devise, or any other mode of conveyance.

I would ask the author, then, how the acquisition, possession, and disposition of a fortune, however great, by one individual, whose right of property is thus modified and restrained, can possibly prejudice another, however poor ; or even to show, that it would not, generally, be a positive advantage to the latter. And if the owner injures no one, positively or negatively, and so incurs no liability to compensate for any injury, whence the power of government to control the intentions or modify, at all, the owner's disposition of it ? Can society ask more than justice ? Above all, can it say, that a moment before death, one's dominion over his property is not as complete as at any other time, and that then, though at every other period in life he might convey it, he shall not have the power of transferring, either by parol or parchment, to his children, or to A., B., and C. ? Does he thereby injure others ? Not at all ; for he leaves them precisely as he found them. If not to give is to injure, then who is not guilty ? And if he does thereby injure