

**ESSAYS ON PROPERTY AND
LABOUR AS CONNECTED
WITH NATURAL LAW AND THE
CONSTITUTION OF SOCIETY**

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Essays on property and labour as connected with natural law and the constitution of society by
Francis Lieber

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ON

PROPERTY AND LABOUR

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BY FRANCIS LIEBER.

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INTRODUCTION.

BY REV. A. POTTER, D.D.

HAVING been requested by the author and his publishers to introduce this volume with a few prefatory remarks, I take pleasure in complying with the request, but without any hope that I shall be able to add either to the interest or the utility of *Essays* proceeding from one so well known and so justly distinguished as Mr. Lieber.

Studious men, who are accustomed to investigate the nature and foundation of our rights, are well aware that the theory of property, as unfolded by some of the greatest writers of modern times, is incomplete. By some, as Hobbes, for instance, property is represented as a gift or grant from the government, and as held, therefore, subject, of right and without reserve, to its disposal. Grotius and Puffendorf supposed that they

had discovered the origin of the right to property in a prior occupancy ; while Locke, Barbeyrac, and Stewart ascribe it to labour. Paley, who, with his usual sagacity and practical wisdom, was able to detect the insufficiency of each of these theories to account for all the facts, undertook to gather from them the materials for a new and more comprehensive system. His success was not complete. Some of his doctrines are unsatisfactory, and his views—especially in regard to property in land, and the right of transmitting estates by will—are liable to serious abuse.

In treating of the origin of property, writers have not always distinguished between its actual and its jural origin ; between the manner in which it was acquired in fact, and the manner in which it might be acquired rightfully. They have laid great stress, too, upon imaginary compacts in the infancy of society, or upon the formal action of governments. The foundation which has been laid for property in the very nature of man and of human society—its intimate connex-

ion with the progress of civilization, and with the development, not only of industry, but of some of our noblest and most refined sentiments, all this has been in a great measure overlooked. Instead of interrogating consciousness, and finding there in our primitive feelings and wants its true origin, philosophers have endeavoured to deduce this right from some single axiom of natural law, overlooking the diversity and complication of circumstances with which it entwines itself, and which become, in the course of time, part of its very substance. They have supposed it necessary, too, to go back to a period when everything was held in common, and when this institution was formally voted into existence, by the joint suffrages of all, or by the authoritative decree of the few ; not remembering that these are periods, of which there is no trace in the early history of our race, nor any example in its present state. To expose these errors, and to demonstrate the connexion of property with the earliest and most lasting necessities of our being—to show that, in-

stead of being the creature of law or government, it must have had being long before formal governments existed, and that it constituted, in truth, one principal reason for their establishment—this is an important service to philosophy, and has been rendered, by the writer of this volume, in a forcible and impressive manner.

It is not to be expected that minds trained in different schools, and accustomed to survey subjects from different points of view, will always reach the same conclusions. But it is believed that few persons, in the habit of reflecting on this branch of Natural Law, will rise from the perusal of these Essays without a high respect for the author's powers, or without feeling that they have gained new light on a difficult and much-contested subject. The discussion is enriched with many pertinent and striking illustrations, derived from travellers and historians, and is pervaded by that suggestive spirit which belongs only to works of the higher class in philosophy, and which has a peculiar charm for the thoughtful reader.

It is not, however, for such readers only that these Essays will have interest. We live in an age, when all questions respecting natural rights are opened for renewed examination, and in a country, where free scope is given for the boldest discussion by all the people. We live, too, when abuses of every kind are the subjects of searching scrutiny, and when, in their impatience of such abuses, men are ready for almost any change which the rash or interested may propose. At such a time, it is to be expected that the inequalities which prevail in the distribution of property will excite fresh attention, and that men will charge, now on the institution itself, and now on the laws which regulate it, evils which ought, in justice, to be ascribed to their own improvidence. On the other hand, it must be remembered that there are evils inherent in, or incidental to, everything human, and that, in the case of property, these evils have unquestionably been aggravated by bad legislation. To correct such legislation becomes, of course, a high duty, and he who resists all change is as