

## **Phil 176/276G: Historical Philosophers—American Philosophy**

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### Handout #5: Huxley's Skepticism about Natural Rights

Thomas Huxley (1825-1895) was an early advocate of Darwin's theory of evolution via natural selection. This earned him the moniker "Darwin's bulldog." He was the most famous zoologist and comparative anatomist of his day. His lectures "Ethics and Evolution" apply Darwin's ideas to human history, analyzing colonialism in terms of group selection. Here he argues against the idea of natural equality from a Darwinian perspective.

For those interested in contemporary debates on natural equality, various norms or ideals of equality, and the relation between these two conceptions see: <https://plato.stanford.edu/entries/equality/>

Once American philosophers accepted Darwinism, they were forced by the arguments of Huxley and others to consider its consequences for America's founding ideology. James tried to argue that Darwinism was compatible with Christianity and the Creator assumed by both Locke and Jefferson when they argued for an equal creation and equal rights as God's design, though James' doctrine of the "will to believe" alienated fellow pragmatist C.S. Peirce. Dewey tried to achieve a different, relatively secular (and in that sense non-Lockean) foundation for democratic ideals.

### **1. Huxley's Target**

(1) Huxley takes aim at Rousseau's social contract theory, though he begins by telling us that Rousseau was just a good writer who took all his ideas from Hobbes and Locke.

"Hobbes, primarily, and Locke, secondarily (Rousseau was acquainted with the writings of both), supplied every notion of fundamental importance."

(2) Huxley says the French were vulnerable to Rousseau's mistaken rhetoric—i.e. talk of "the natural equality of men"—for two reasons: (a) a class of wealthy people who took no real role in government were fascinated by Rousseau's diagnosis on their ennui, (b) French society was corrupt, the

poor and laboring classes were genuinely suffering and “naturally hailed with rapture the appearance of the teacher who clothed passion in the garb of philosophy; and preached the sweeping away of injustice by the perpetration of further injustice, as if it were nothing but the conversion of sound theory into practice.”

(3) Along the way Huxley criticizes Rousseau for his a priori method: i.e. trying to figure out the origins of civil societies without looking into the historical or anthropological record. We already saw how Locke anticipated this kind of criticism of social contract theory and tried to explain the absence of evidence of social contracts in the histories of many (if not most) then contemporary societies. Rousseau adopts a different tactic by treating the social contract as wholly ideal.

(4) Huxley admits that the central causes of the French Revolution had little to do with Rousseau’s philosophy, just as we’ve considered the role of various non-philosophical factors in the events leading up to Jefferson’s penning the Declaration of Independence.

(5) Fear of Contemporary Communism (“Land Socialism”): But Huxley reports the resurgence of demands in 1890 for “Liberty, Equality and Fraternity” premised in the philosophy Rousseau articulated 100 years before.

“‘Liberty, Equal and Fraternity,’ is still the war-cry of those, and they are many, who think, with Rousseau, that human sufferings must needs be the consequence of the artificial arrangements of society and can all be alleviated or removed by political changes.”

He seems particularly concerned with a species of this view, which he calls “land socialism,” (see fn. 5) which is rather radically anti-Lockean in its rejection of natural property rights. The land socialists advocate “leveling”: e.g. holding resource-rich lands in common and progressively taxing the inherited and acquired wealth of rich citizens of each generation to restore the kind of rough economic equality that is arguably essential for equality in political power. In this vein, Huxley reports his experience adjudicating between the claims of commoners and owners when discharging his duties as a British official.

“Very curious cases of communal organisation and difficult questions involving the whole subject of the rights of property come before those whose duty it is to acquaint themselves with the condition of either sea or freshwater fisheries, or with the

administration of Fishery Laws. For a number of years it was my fate to discharge such duties to the best of my ability; and, in doing so, I was brought face to face with the problem of landownership and the difficulties which arise out of the conflicting claims of commoners and owners in severalty. And I had good reason to know that mistaken theories on these subjects are very liable to be translated into illegal actions.”

Question: Does the idea of the natural equality of men lead, as Rousseau claims, to the idea that property right is non-natural? Or is it consistent with gross economic equalities (indeed justified gross economic inequalities) in the state of nature as Locke maintained? Contemplating these questions should lead you to wonder whether Locke and Rousseau have different things in mind when speaking of rough equality in the state of nature. The basic question here is whether the emergence of civil societies in Locke’s sense (i.e. those with “neutral” 3<sup>rd</sup> parties who have a relative monopoly on the use of political violence in the form of police, judges, prisons, and a military) *magnify* or instead *mitigate* various inequalities in wealth and wellbeing.

## **2. Huxley’s Argument**

Rousseau argues that people were happy and healthy in the state of nature and that the civil protection of property—the setting up of property rights that were not held in the state of nature—led to the main troubles faced by his (i.e.) Rousseau’s French audience in the 1750s and 60s.

Huxley’s first criticism: there was never a state of nature as Rousseau describes it.

Rousseau: That’s true, but the state of nature is still something “of which it is nevertheless necessary to have accurate notions in order to judge our present condition rightly.”

Huxley’s interpretation: “What I conceive him to mean is that it is possible to form an ideal conception of what ought to be the condition of mankind; and that, having done so, we are bound to judge the existing state of things by that ideal.”

Huxley’s response: It’s fine to have political ideals, but it is better to do without ideals altogether, “than to adopt the first phantasm, bred of fallacious reasonings and born of the unscientific imagination, which presents itself.”

**This raises one of the most difficult questions in moral/political epistemology.** Moral/political ideals are not descriptions of the world or explanations of what we can observe. Nor are they predictions of what will happen. So we cannot decide among them with experiments and observations of the sort familiar to scientists. How then do we select amongst possible moral/political ideals?

Though he does not attempt to answer this question, **Huxley assumes that scientific or descriptive issues are at least relevant to our selection among political ideals.** Indeed, he alleges that Rousseau's belief in an ideal of equality is indebted to Buffon's theory of the biological nature of humans.

Rousseau is not intelligible without Buffon, with whose earlier works he was evidently acquainted, and whose influence in the following passage is obvious:–

“It is easy to see that we must seek the primary cause of the differences by which men are distinguished in these successive changes of the human constitution; since it is universally admitted that they are, naturally, as equal among themselves as were the animals of each species before various physical causes had produced, in some of them, the varieties which we observe. In fact, it is not conceivable that these first changes, by whatever means they were brought about, altered, at once and in the same way, all the individuals of a species; but some having become improved or deteriorated, and having acquired different qualities, good or bad, which were not inherent in their nature, the others remained longer in their original state; and such was the first source of inequality among men, which is more easy to prove thus, in a general way, than to assign exactly to its true causes.” (“Discours,” Preface.)

### The Distinction Between Natural and Political Equality

Huxley: Rousseau distinguishes, at the outset of the Discourses on Inequality two kinds of inequality: “the one which I term *natural*, or *physical*, because it is established by Nature, and which consists in the differences of age, health, bodily strength, and intellectual or spiritual qualities; the other, which may be called *moral*, or *political*, because it depends on a sort of convention, and is established, or at least authorised, by the consent of mankind. This last inequality consists in the different privileges which some enjoy, to the prejudice of others, as being richer, more honoured, more powerful than they, or by making themselves obeyed by others.”

**Huxley's question on the relation between natural and political equality:**  
*To what extent were the original political inequalities the causal effect of natural inequalities? To what extent were those with greater political power better endowed in terms of health, strength, intellect and character than those*

with less political power? To what extent were those with greater economic power better endowed in terms of health, strength, intellect and character than those with less political power?

It is important to distinguish this genitive question from a contemporary inquiry into the differences between the individuals who compose different economic classes. *To what extent are those with greater political/economic power healthier, stronger, more intelligent and morally upright in character than those with less political power?*

Questions: How relevant is the genitive question to attempts to critique existing institutions as unjust because of the gross political/economic inequalities they protect and foster? Can we tell a Lockean story of how inequalities that arose “naturally” from differences in strength, intelligence and character were transmitted through “naturally just” mechanisms of inheritance to generate the current set of inequalities we observe? Isn't this a wildly implausible story given the role played by theft and conquest, slavery and subordination in human history as we know it? *Does acceptance of the theory of natural rights and the social contract therefore lead one to a rejection of property rights?*

Huxley says that Rousseau ducks the question by saying it is a matter “fit only for slaves to discuss in the presence of their masters.” In other words, Rousseau thinks a justification of current inequalities as natural effects of natural inequalities is something that would only be accepted by the economically and politically powerful or those attempting to impress them.

Question: Is Rousseau right about this?

### **3. Huxley's Representation of Rousseau's Argument**

1. All men are born free, politically equal, and good, and in the "state of nature" remain so; consequently it is their natural right to be free, equal, and (presumably, their duty to be) good.
2. All men being equal by natural right, none can have any right to encroach on another's equal right. Hence no man can appropriate any part of the common means of subsistence—that is to say, the land or anything which the land produces—without the unanimous consent of all other men. Under any other circumstances, property is usurpation, or, in plain terms, robbery.
3. Political rights, therefore, are based upon contract; the so-called right of

conquest is no right, and property which has been acquired by force may rightly be taken away by force.

Huxley's Response: "I am bound to confess, at the outset, that, while quite open to conviction, I incline to think that the obvious practical consequences of these propositions are not likely to conduce to the welfare of society, and that they are certain to prove as injurious to the poor as to the rich. Due allowance must be made for the possible influence of such prejudice as may flow from this opinion upon my further conviction that, regarded from a purely theoretical and scientific point of view, they are so plainly and demonstrably false that, except for the gravity of their practical consequences, they would be ridiculous."

So Huxley (a) rejects any historical, biological or (more broadly) descriptive argument for equal economic rights and privileges, and (b) argues for the maintenance of the then current system of private property on consequentialist grounds. He goes on to admit that ownership is most often achieved through force, war and conquest. And though he tries to argue that we should recognize conquest as a legitimate means of acquiring property (at least when seized in a just because "defensive" war), he ultimately appeals to the negative consequences of challenging the system of ownership that has resulted from all of this violence. He seems content to argue against Rousseau's imputation of property right by rejecting as implausible the premises of Rousseau's reasoning.

Huxley's rejection of premise 1: "What is the meaning of the famous phrase that "all men are born free and equal," which gallicised Americans, who were as much philosophes" as their inherited common sense and their practical acquaintance with men and with affairs would let them be, put forth as the foundation of the 'Declaration of Independence'? I have seen a considerable number of new-born infants. Without wishing to speak of them with the least disrespect—a thing no man can do, without, as the proverb says, "fouling his own nest."—I fail to understand how they can be affirmed to have any political qualities at all. How can it be said that these poor little mortals who have not even the capacity to kick to any definite end, nor indeed to do anything but vaguely squirm and squall, are equal politically, except as all zeros may be said to be equal?"

Huxley's belief in innate inequalities and the role they play in generating inequalities in power:

“If it means that, in their potentiality of becoming factors in any social organisation—citizens in Rousseau's sense—all men are born equal, it is probably the most astounding falsity that ever was put forth by a political speculator; and that, as all students of political speculation will agree, is saying a good deal for it. In fact, nothing is more remarkable than the wide inequality which children, even of the same family, exhibit, as soon as the mental and moral qualities begin to manifest themselves; which is earlier than most people fancy. Every family spontaneously becomes a polity. Among the children, there are some who continue to be "more honoured and more powerful than the rest, and to make themselves obeyed" (sometimes, indeed, by their elders) in virtue of nothing but their moral and mental qualities. Here, "political inequality" visibly dogs the heels of "natural" inequality. The group of children becomes a political body, a *civitas*, with its rights of property, and its practical distinctions of rank and power. And all this comes about neither by force nor by fraud, but as the necessary consequence of the innate inequalities of capability.... the inequality of political faculty shows itself to be a necessary consequence of the inequality of natural faculty. It is probably true that the earliest men were nomads. But among a body of naked wandering savages, though there may be no verbally recognised distinctions of rank or office, superior strength and cunning confer authority of a more valid kind than that secured by Acts of Parliament; there may be no property in things, but the witless man will be poverty-stricken in ideas, the clever man will be a capitalist in that same commodity, which in the long run buys all other commodities; one will miss opportunities, the other will make them; and, proclaim human equality as loudly as you like, witless will serve his brother. So long as men are men and society is society, human equality will be a dream; and the assumption that it does exist is as untrue in fact as it sets the mark of impracticability on every theory of what ought to be, which starts from it.”

A Pessimistic Question: Is Huxley's belief that innate inequalities account for inequality in political/economic inequality any more plausible than Rousseau's idea that we can use government action to establish a (large) society of moral/political equals? Aren't *meritocracy* as Huxley imagines it and truly egalitarian democracy (as Rousseau imagines it) equally inaccessible? Which ideal is more far-fetched? Which is more attractive to you?

Perhaps Huxley acknowledges the unfeasible nature of meritocratic ideals when he rejects the use of a priori ideals of justice (and political action aimed at realizing these ideals) in favor of a study of political history and the application of its lessons by careful students of history who are best suited to serve in government and industry.

“It is to them [social contract theorists] that we owe the idea of living "according to nature"; which begot the idea of the "state of nature"; which begot the notion that the "state of nature" was a reality, and that, once upon a time, "all men were free and equal"—which again begot the theory, that society ought to be reformed in such a manner as to bring back these halcyon days of freedom and equality; which begot *laissez faire* and

universal suffrage; which begot the theory so dear to young men of more ambition than industry, that, while every other trade, business, or profession requires theoretical training and practical skill, and would go to the dogs if those who carry them on were appointed by the majority of votes of people who know nothing about it and very little about them—the management of the affairs of society will be perfectly successful, if only the people who may be trusted to know nothing, will vote into office the people who may be trusted to do nothing.

If this is the political ideal of the modern followers of Rousseau, I, for my part, object to strive after it, or to do anything but oppose, to the best of my ability, those who would fain drive us that way. Freedom, used foolishly, and equality, asserted in words, but every moment denied by the facts of nature, are things of which, as it seems to me, we have rather too much already. If I mistake not, one thing we need to learn is the necessity of limiting individual freedom for the general good; and another, that, although decision by a majority of votes may be as good a rough-and-ready way as can be devised to get political questions settled, yet that, theoretically, the despotism of a majority is as little justifiable and as dangerous as that of one man; and yet another, that voting power, as a means of giving effect to opinion, is more likely to prove a curse than a blessing to the voters, unless that opinion is the result of a sound judgment operating upon sound knowledge. Some experience of sea-life leads me to think that I should be very sorry to find myself on board a ship in which the voices of the cook and the loblolly boys counted for as much as those of the officers, upon a question of steering, or reefing topsails; or where the "great heart" of the crew was called upon to settle the ship's course. And there is no sea more dangerous than the ocean of practical politics—none in which there is more need of good pilotage and of a single, unflinching purpose when the waves rise high.

Questions: Is Huxley right that there is such a thing as “managerial expertise” that can only be gleaned by careful studies of case histories in government and business? Is this kind of learning necessary for qualified service in government or business? Is it an argument against the democratic ideal of rule by the people? Since determinations of political or managerial expertise are always contentious, one might argue that democracy is the lesser evil: the alternative being a false meritocracy: e.g. a hereditary nobility grounded in the false belief that noble blood reliably correlates with managerial expertise or a capitalist oligarchy grounded in the false belief that fortunes inherited and expanded over generations are enjoyed by citizens with higher levels of managerial expertise. But is the best defense we can give of democracy? Or is Huxley wrong in describing managerial skill as a real thing distributed unequally among any given population?