

After the freeholder:

Republican and liberal themes in the works of Samuel Laing

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Abstract

Samuel Laing was a key figure in propagating both an academically respectable defense of peasant proprietors and a critique of bureaucratic central government in Victorian Britain, his writings cited and argued with by John Stuart Mill, Herbert Spencer, Walter Bagehot, and John Austin (among others). This article corrects misapprehensions that Laing was a libertarian apologist for unfettered commercialism and complacent patriotism. It situates Laing in his argumentative contexts to show him as a critic of conventional political economy who called for a 'natural' society of self-governing freeholders, but gradually became ambivalently caught between a British commercial and aristocratic order and a continental model of greater property diffusion and strong central government. Laing's story sheds new light on the complex afterlives of republican and civic themes in nineteenth-century Britain, and their interaction with emergent concerns over the dangers to active citizenship of both wage labour in international markets and centralizing bureaucracies.

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I – Introduction

The travel writer and translator Samuel Laing the elder is not a well-known figure in the pantheon of Victorian intellectuals, yet his writings, acknowledged to have been widely read in their time, have served in various ways to inform interpretations of British culture in the first half of the nineteenth century. Laing stands condemned as a capitalist philistine, holding a distaste for the fine arts thanks to their lack of economic utility that makes him a real-life instantiation of the attitudes of Dickens' Gradgrind.² He has been recruited as exemplary of a group who defined civilization in 'liberal-capitalist' terms as revolving around mechanized factory production for export, thereby brushing off concerns over the superiority of certain European states to Britain in educational

¹ My thanks go to Peter Mandler for comments on an earlier draft of this article, to Ruth Abbott for drawing my attention to Wollstonecraft, and to Thomas Hopkins for engaging discussion of Sismondi (and much besides). Any errors of interpretation are, however, entirely my own. The research for this article was supported by funding from the European Research Council under the European Union's Seventh Framework Programme (FP7/2007-2013)/ ERC grant agreement no 295463.

² Bernard Porter, "'Monstrous vandalism': capitalism and philistinism in the works of Samuel Laing", *Albion*, 23 (Summer, 1991), 253–68.

standards and artistic production.³ He has been cited as asserting the superiority of English over German national characteristics, and as a voice contributing to the growing British sense after 1848 that European peoples could not hope for political liberty via constitutional change alone, for they lacked the learnt capacity for self-government.⁴ It has also been noted that this libertarian and "free trader" developed his own personal theory of the importance of inheritance laws to social development, which informed the contrast in his earliest works between virtuous Norwegian peasant proprietors and the vice-ridden aristocratic society he depicted in Sweden.⁵ It is contended here that the picture thus built of Laing and his concerns is not just patchy but in many vital respects misleading, and that a more accurate and complete account of Laing's writings provides a useful window on to the relationship between earlier republican thought and Victorian liberalism.⁶

Laing was far from being a straightforward apologist for commerce and manufacturing. His original ideal was a proprietary radicalism echoing earlier republican or civic humanist ideas of a political community of virtuous landholders, and involving a

³ Bernard Porter, "'Bureau and barrack": early Victorian attitudes towards the Continent', *Victorian Studies*, 27 (Summer, 1984), 407-433, 422.

⁴ Peter Mandler, *The English national character* (New Haven and London, 2006), pp. 47-9; Jonathan Parry, *The politics of patriotism* (Cambridge, 2006), pp. 61-4.

⁵ Bernard Porter, 'Virtue and vice in the North: the Scandinavian writings of Samuel Laing', *Scandinavian Journal of History*, 23 (1998), 153-72.

⁶ It is important to note, however, that these misconceptions have not tarred the presentation in Elizabeth Baigent, 'Laing, Samuel (1780-1868)', *Oxford Dictionary of National Biography*, (Oxford, 2004; online edn, May 2009), [<http://www.oxforddnb.com/view/article/15891>, accessed 22 March 2017].

profound ambivalence about commercial development, especially mechanized manufacturing and international trade. Laing's praise for Norway on the basis of the property diffusion created by its inheritance laws was not idiosyncratic, but a continuation of longstanding debates about the nature of post-feudal society. Laing contended that such a society should properly be one of freeholders whose proprietorship would equip them for self-government, rather than of wage labour under a mixed constitution. He restated a Scottish Enlightenment critique of primogeniture as contrary to natural law, and buttressed this with more novel arguments drawn from Jean-Charles Léonard Simonde de Sismondi that subdivision of land would contain, rather than encourage, population growth. In this way Laing sought to break the alliance of political economy with aristocratic government that had been effected in an era of backlash against the French Revolution in the writings of Dugald Stewart, John Ramsay McCulloch, Thomas Robert Malthus, and Thomas Chalmers. Laing sought to show that in an age of rising democratic sentiment, European societies including Britain were tending towards the creation of independent small proprietors capable of controlling their interactions with the market, resisting faction, patronage, luxury, and tyranny, and enjoying a social cohesion and level of well-being explicitly more important than any increase of national wealth.

Situating Laing in his argumentative contexts does not just allow us to get a more accurate picture of a corpus that quickly became a touchstone in Victorian debates over the land question. It also allows us to see more clearly the way that political economy after Adam Smith was mobilized for and against the idea of a landed aristocracy, a question that has often played second fiddle to that of how a liberal-commercial consensus was formed out of radical, Whig, and evangelical Christian elements. It reveals too the way that Norway acted as an ongoing point of reference for discussing property diffusion and its relationship to liberty from the writings of Mary

Wollstonecraft to the later nineteenth century. Above all, however, Laing's career and the way that his views altered over time strongly suggest routes forward for debates over the historical relationship between liberal and republican thought in the crucial period of the first half of the nineteenth century.

Laing's writings tapped into longstanding conceptions of the connection between real property ownership and valid membership of the political community, while playing on ideas of the relationship between property and power that had shaped constitutional discussion since the wars of the mid-seventeenth century.⁷ It has long been understood that the country party ideal of the independent patriotic freeholder did not sit easily with more moderate, scientific, or sceptical Whig ideas of a commercial civilization refining citizens' manners through exchange. These ideas are often taken to be leading towards high-Victorian liberalism while aspects of the republican legacy fed into socialist and romantic resistance to the dominance of commerce, and redefinitions of the nature of virtue.⁸ At the same time it has been recognized that Victorian radical-

⁷ See Richard Price, *British society 1680–1880*, (Cambridge, 1999), pp. 242–4; J. G. A.

Pocock, *The Machiavellian moment* (Princeton, 1975).

⁸ On the clash of commerce and civic humanism see Bianca Fontana, 'Whigs and Liberals', in Richard Bellamy (ed.), *Victorian liberalism* (London and New York, 1990), pp. 42–57, p. 45; J. G. A. Pocock, *Virtue, commerce, and history* (Cambridge, 1985), pp. 252–3, 'Cambridge paradigms and Scotch philosophers', in Istvan Hont and Michael Ignatieff (eds.), *Wealth and virtue* (Cambridge, 1983), pp. 235–52, pp. 242–3. On socialism see Gregory Claeys, *Citizens and saints* (Cambridge, 1989), 'The origins of the rights of labour: republicanism, commerce, and the construction of modern social theory in Britain, 1796–1805', *The journal of modern history*, 66 (Jun., 1994), 249–90. On Coleridge see John Morrow, *Coleridge's political thought* (Basingstoke and London, 1990), though a perspective

liberal ideas nevertheless paralleled in several ways those of earlier republican thought. The yeoman ideal persisted, and concerns with independence and civic activity merged into ideas of individuality and the importance of the cultivation of character, alongside hopes for political structures that diffused administration and decision-making. These afterlives have appeared so striking that republican and popular liberal values in the Victorian era have even been regarded as one and the same.⁹ Yet if Laing further indicates that stories of the eclipse of republican values by liberalism appear untenable, he also indicates that the collection of examples from thinkers and popular movements to show the tenacity of republican values has the potential to overplay both continuity and the conceptual coherence of mid-Victorian liberalism. Perhaps most obviously, such continuity must be tempered by awareness of the way that during this period the conceptual connections between power and real property were, in various ways, breaking down.

slightly less Pocockian is given in Pamela Edwards, *The statesman's science* (New York, 2004) and taken up in David Craig, *Robert Southey and romantic apostasy* (Woodbridge, 2007).

⁹ See Eugenio Biagini (ed.), *Citizenship and community* (Cambridge, 1996), *Liberty, retrenchment and reform* (Cambridge, 1992), pp. 50–60, 84–93, 184–91; John Burrow, *Whigs and liberals* (Oxford, 1988), chapter four; Stefan Collini, 'The idea of 'Character' in Victorian political thought', *Transactions of the Royal Historical Society*, 35 (1985), 29–50; The final claim is made in Eugenio Biagini, 'Neo-roman liberalism: "republican" values and British liberalism, ca. 1860–1875', *History of European Ideas*, 29 (2003), 55–72. Such continuity has also been uncovered in Duncan Bell, *The idea of Greater Britain* (Princeton, 2007), as 'civic imperialism'.

Laing's views altered over the course of his writings from the mid-1830s to the early 1850s, in ways that are revealing of novel challenges facing the idea of proprietorship as a foundation for political stability, liberty, and popular virtue. The rise of mechanized manufacturing and its tendency towards the concentration of capital implied that the barriers to the diffusion of property were not simply those of the distortions of positive law, and indicated that the natural operations of markets might themselves be generators of new forms of dependence, hierarchy, and instability.¹⁰ At the same time Laing's distaste for the centralizing bureaucracies and state employment that he saw growing in Prussia and elsewhere led him in a very different direction, towards greater appreciation of the kind of civil liberty and personal independence that Britain had in fact managed to secure in spite of its 'feudal' structure of land ownership. As Laing identified both modern manufacturing and state patronage as updated forms of feudalism, new questions emerged from his original vision of locally self-governing freeholders about how to secure material independence for citizens at the mercy of fragile and distant markets for subsistence, and of how to protect these same citizens from 'over-government' by central agencies. Other authors' engagements with Laing show how this fissiparous set of concerns was widely cited, but as part of conflicting agendas, suggesting a story of republican values persisting within liberalism, but becoming attached to positions that were cleaving apart.

¹⁰ A shift that has been outlined more clearly by historians of America and France than of Britain. See e.g. James L. Huston, 'The American revolutionaries, the political economy of aristocracy, and the American concept of the Distribution of wealth, 1765–1900', *The American Historical Review*, 98 (Oct., 1993), 1079–1105; Pierre Rosanvallon, *The society of equals*, trans. Arthur Goldhammer (Cambridge, Mass., and London, 2013), p 29.

A range of solutions to shoring up citizens' material independence in a world of technologically changing and internationally competitive market employment including free and standardized national education, trade unionism, and cooperative production would each come to prove divisive for liberal commentators. At the same time concerns over bureaucratic centralization and state power fed into a new libertarianism of which Spencer is the clearest example, that came to see independence more resolutely through the lens of a conceptual opposition between states and markets. To avoid a crude lumping of thinkers and to see the ways that the shifting circles of commitment making up the Venn diagram of Victorian liberalism did or did not overlap requires more detailed study of individuals and moments of argument between them. Recovering Laing's thought serves to show that whatever the practicability of making the freeholder the fundamental basis for political order in mid-nineteenth-century Britain, its appeal stemmed not least from offering a simple answer to the question of how to foster both a politically responsible populace and a stable economic base for democratic societies. In turn his splintered reception shows the difficulties that contemporaries faced in understanding what means and mechanisms might lessen the problems of a proletarian democracy, and the range of competing solutions that were in play. In an era of severe setbacks for both social democracy and a populace of savers, home-owners, and shareholders, such a story perhaps serves as a small reminder of how deep-seated are the hard choices that liberals seem likely to continue to face between the embrace of a capitalism that places workers in an internationally competitive structure of technological and contractual innovation, and the maintenance of a citizenry who feel empowered to regulate their collective political life.

II – The natural law of succession

Laing was born in 1780, his father a merchant from Orkney. His brother Malcolm was eighteen years his senior, and when Samuel was still a young boy Malcolm had already passed through the University of Edinburgh and been called to the bar, going on to become a historian and critic of Macpherson's Ossian poems. Malcolm was a fearsomely radical Whig, a correspondent of Fox who had been a member of Edinburgh's Speculative Society alongside James Mackintosh (with whom he was close) and Benjamin Constant.¹¹ Malcolm would at times return to Orkney, while Samuel went to Edinburgh himself to study in 1796–7. Samuel had imbibed Malcolm's radicalism in the early 1790s, but by 1816, after fighting through the peninsular war and having embarked on a life in commerce, he remembered his youth as a time of madness. There had been no alternative, Samuel now believed, between war with France and a revolution in Britain that would have risked the complete overturning of property.¹² This retreat was of course a familiar refrain, echoing Mackintosh's more famous recantation in the late 1790s from his earlier defense of the actions of the revolutionaries. Yet in the early 1830s, two things happened to disturb Samuel's new and more peaceful existence. The liberalization of trade under the Tories hit the kelp-farming industry which provided him with his livelihood, and he failed to be returned to parliament as an avid reformer in an acrimonious election that saw him openly accuse the constituency's aristocratic patrons of improper collusion with the Lord Advocate (and editor of the Whig *Edinburgh Review*)

¹¹ *History of the Speculative Society of Edinburgh* (Edinburgh, 1845), p. 24.

¹² Samuel Laing and R. P. Fereday, *The autobiography of Samuel Laing of Papdale*, (Kirkwall, 2000), pp. 34–5.

Francis Jeffrey.¹³ His personal ambitions thwarted by the failure of liberal Tories to protect Orkney's industrial ecology and the power of Whig aristocracy over the Orcadian gentry's affairs, Laing had set out for Norway with a determination to connect with the Northern Isles' Viking roots.

Norway was cheap, of historical interest for Orcadians, and appealing to a habitual traveller and linguist.¹⁴ It had also been noted before, in Mary Wollstonecraft's own highly popular account, as a society enjoying remarkable liberty thanks to the division of land into small farms.¹⁵ When his *Journal of a residence in Norway* was published in 1836, Laing was to reinforce Wollstonecraft's opinion at length. The *Journal* was a polemic operating on several fronts, but its primary target was the political economy of Chalmers, Malthus, and more broadly all those who sought to defend primogeniture, (including the *Edinburgh Review*). Laing portrayed Norway as a society shaped by the slow operation of its udal law of inheritance which subdivided property and supported the *bonder* class of small farmers. It was proof of a course of economic and social development which resulted from "the natural law of succession in equal shares", rather than "an artificial law of succession, such as the feudal law of primogeniture".¹⁶ The lack of easily-worked stone had saved the early Norwegian polity from internal conflict and

¹³ John Macaskill, 'The Highland kelp proprietors and their struggle over the salt and barilla duties, 1817–31', *Journal of Scottish Historical Studies*, 26 (July, 2006), 60–82; Laing and Fereday, *Autobiography*, pp. 216–28; Samuel Laing, *Address to the electors of Scotland* (Edinburgh, 1833).

¹⁴ Porter, 'Virtue and vice in the North', 155–6.

¹⁵ Mary Wollstonecraft, *Letters written during a sort residence in Sweden, Norway, and Denmark* (London, 1796), pp. 75–6.

¹⁶ Samuel Laing, *Journal of a residence in Norway* (London, 1836), pp. 480–1.

feudalism by preventing the creation of private castles and encouraging chieftains to retire to ships and to pillage from the sea rather than set up competing strongholds within the country.¹⁷ The Norse had not been barbaric, but in their abolition of private war and their establishment of general laws had been in advance of Christian nations during the early Middle Ages.¹⁸ The ultimate result was an economy which gave a large number of families security in land from market employment's unpredictable vicissitudes, whilst avoiding the corrosive influence of aristocratic mores. There was widespread taste and leisure, sobriety, an intelligent cultivation including communal irrigation, a universal politeness superior to Britain, and a competence among Norwegian women who were actively involved in estate management.¹⁹

The excellent Norwegian personality extended to their politics. The Norwegian constitution, framed in 1814 when Norway was messily ceded from Denmark to Sweden, leading to a union of crowns while Norway remained self-governing, provided a still-living instantiation of the craze for liberty that had found expression in the United States and had swept across European states and their possessions after 1789. The Norwegian parliament or *Storting* was elected for three months by men over 25 who were burgesses or owned town-houses above a certain value, or who owned tax-paying land or rented it for life. From within the *Storting* was elected a *Lagting*, an upper chamber consisting of a quarter of *Storting* representatives. If three sittings of the assembly in a row agreed on a measure, they could overrule the king, and this was precisely what had occurred to abolish the status of the small hereditary nobility in Norway, in a move that had caused

¹⁷ Ibid., pp. 32–3; Snorre Sturlason and Samuel Laing, *The Heimskringla*, ed. Rasmus B. Anderson (4 vols., London, 1889), I, 150–2.

¹⁸ Laing, *Norway*, pp. 210–11.

¹⁹ Ibid., pp. 10–11, 39–40, 109–10, 137–9, 164–6, 170–1.

much displeasure at the Swedish court.²⁰ The Norwegians enjoyed total freedom of the press and had no tax on advertisements. Their public officials were regarded as servants of the people, and there was an absence of party spirit that might corrupt public opinion and prevent conscientious duty.²¹

Sweden formed the contrast: "still under its ancien regime, while Norway is practically in advance of the age in the enjoyment of institutions favourable to political liberty."²² Manners and the upkeep of property were inferior, while the people were misled with a fondness for titles, and were incapable of comprehending the value of public opinion as a basis for political prestige.²³ The government attempted ineffectually to control the press, irritating the public, and placed a needy nobility in civil and military posts, while the trades were controlled by incorporations, and the middle class thus suffered from a lack of prospects.²⁴ In keeping with a society made up of clearly differentiated ranks, the legislative diet represented corporate bodies including the nobility, clergy, burgesses, and peasants, which acted to defend their own interests.²⁵ The Swedish constitution was thus full of checks, but poor at getting things done, and though the law was well-administered, bureaucracy hampered society's affairs.²⁶ Overall, while the Swedes might have been cultured, literate, and highly educated, their civic and moral qualities were low thanks to the maintenance of a political system that limited their civic

²⁰ Ibid., pp. 115–20; 128–30.

²¹ Ibid., 133–4; 185–6.

²² Ibid., p. 123.

²³ Samuel Laing, *A tour in Sweden in 1838* (London, 1839), pp. 32, 64–5.

²⁴ Ibid., pp. 102–3, 284.

²⁵ Ibid., p. 293.

²⁶ Ibid., pp. 291, 296–7.

involvement and civil rights, in a pattern intimately linked with the lack of diffused landed property.

The framework informing Laing's contrast between Norway and Sweden has been noted as something of an oddity, but his central concern with inheritance laws had longstanding roots.²⁷ These had formed an important aspect of the agrarian laws inspired by classical and Biblical sources put forward by republican thinkers at the time of the British Civil Wars.²⁸ Their significance continued after the constitutional settlement of 1688, as eighteenth-century country party authors sought to preserve balance within the existing constitution and resist the encroachments of those attached to the patronage of the court. In mid-eighteenth century Scotland, Lord Kames had united country party constitutional arguments with natural law in opposition to "feudal" institutions.²⁹ Kames particularly disliked entail, which was rife in Scotland, and had tried unsuccessfully to secure its reform.³⁰ It attempted to "tamper with the laws of nature" and "mend the laws of God". Property was a divinely ordained part of human nature, yet the use of money had created an endless hoarding appetite of "artificial wants" that went beyond rationality, and led men to desire the preservation of their estates after death, in defiance

²⁷ cf. Porter, 'Virtue and vice in the North'.

²⁸ See Eric Nelson, *The Greek tradition in republican thought* (Cambridge, 2004), *The Hebrew republic* (Cambridge, Mass. and London, 2010), chapter two; Pocock, *Virtue, commerce, and history*, *The Machiavellian moment*.

²⁹ See James Moore, 'Natural rights in the Scottish Enlightenment', in Mark Goldie and Robert Wokler (eds.), *The Cambridge history of eighteenth-century political thought* (Cambridge, 2006), pp. 291–316, pp. 304–307.

³⁰ Alexander Fraser Tytler, *Memoirs of the life and writings of the honourable Henry Home of Kames*, (2 vols., Edinburgh, 1807), I, 226.

of divine will. The children of small landholders were more industrious and inclined to education, thus providing more useful citizens than families exposed to "luxury and voluptuousness", while entail also sapped cultivators' motivation and credit. In politics too, overly concentrated property risked "feudal oligarchy".³¹ In one sense Kames' project to rationally reform the law for commercial society coexisted uneasily with a concern that luxury depleted patriotism.³² Yet in the case of entail there was no such conflict: a post-feudal society of more divided land was both a jurisprudential aid to commerce, and a moral antidote to luxury's enervation.

Kames' concerns were echoed by Adam Smith, whose *Lectures on jurisprudence* ramped up the rhetoric, with both primogeniture and entail famously condemned by nature, reason, and justice.³³ The issue undergirded book three of the *Wealth of nations*, in which Smith explained the way in which the erosion of feudal power in Western Europe had occurred.³⁴ The "natural law of succession" was division amongst all the children,

³¹ Henry Home, Lord Kames, *Sketches of the history of man* (4 vols., Dublin, 1774–5), IV, 210–17.

³² David Lieberman, 'The legal needs of a commercial society', in Hont and Ignatieff (eds.), *Wealth and virtue*, pp. 203–34.

³³ Adam Smith, *Lectures on jurisprudence*, eds. R. L. Meek, D. D. Raphael, and P. G. Stein (Oxford, 1978), p. 49.

³⁴ Book three has been widely discussed and the account here does not add to the combined analyses of Knud Haakonssen, *The science of a legislator* (Cambridge, 1981), chapter seven; Istvan Hont, *Politics in commercial society*, eds. Béla Kapossy and Michael Sonenscher (Cambridge, Mass. and London, 2015), *Jealousy of trade* (Cambridge, Mass. and London, 2010), chapter five, 'Adam Smith's history of law and government as political theory', in Richard Bourke and Raymond Geuss

which prevailed when land was used only for enjoyment and subsistence, and had done so under the Romans.³⁵ With the barbarian invasions that brought about the fall of the Western Roman Empire, land became the province of petty princes who used it as a basis of power and protection, kept in large parcels to prevent its ruination as small proprietors were marauded. Primogeniture had been joined by entail, both now otiose and harmful feudal remnants in an age of ample legal security for property. The extension of security of tenure and freedom from arbitrary taxes to a yeomanry who could obtain property and thus had the motivation to improve the land had taken much time and even now tenant farmers with long leases improved cultivation more slowly than motivated proprietors, for they were still liable to pay out part of their gains in a demotivating rent to the great lords.³⁶ Thus the "natural inclinations of man" to cultivate the land, providing security from fragile foreign markets and a feeling of independence, had been thwarted by "human institutions" which monopolized agriculture, resulting in an "unnatural and retrograde order" of development.³⁷ Primogeniture continued to restrain this slow progress, which proceeded more rapidly in North America where small proprietors of land had cheaper opportunities of purchase and greater profitability.³⁸ The

(eds.), *Political judgement* (Cambridge, 2009), pp. 131–71; Donald Winch, *Adam Smith's politics* (Cambridge, 1978), chapter four.

³⁵ Adam Smith, *An inquiry into the nature causes of the wealth of nations*, ed. Edwin Cannan (2 vols., Chicago, 1976), I, 408.

³⁶ *Ibid.*, book three, chapter two.

³⁷ *Ibid.*, book three, chapter one, quotes from 402.

³⁸ *Ibid.*, 441–2.

wealth of agriculture was more secure than that of commerce, so often dependent on foreign trade, which was easily destroyed by the effects of war.³⁹

Yet at the same time Smith's primary argument was that the complex emergence of modern liberty had rendered such issues relatively unimportant. The rebirth of international networks of commerce from urban centres, which created steady government within their walls and gained privileges from monarchs to counterbalance the great lords, had already effected an emancipation from feudalism.⁴⁰ As landholders had begun to spend their wealth on manufactures instead of the maintenance of retainers, they had been forced into granting independence to their former retainers, and had lost the power of interfering with regular government. Thus the classic statement: "Having sold their birth-right, not like Esau for a mess of pottage in time of hunger and necessity, but in the wantonness of plenty, for trinkets and baubles, fitter to be the playthings of children than the serious pursuits of men, they became as insignificant as any substantial burgher or tradesman in the city."⁴¹ Further, Smith was not above making the argument that the requirement for the rich to find labourers to work their land and provide them with their "baubles and trinkets" ultimately led to a similar division of property as if it had been subdivided at the outset.⁴² This was a vision of wage labour, not broad proprietorship, as post-feudal liberty.

³⁹ Ibid., 445.

⁴⁰ Ibid., book three, chapter three.

⁴¹ Ibid., 432–9, quote from 439.

⁴² Adam Smith, *The theory of moral sentiments*, ed. D. D. Raphael and A. L. Macfie (Oxford, 1976), part four, chapter one, section ten. See citation in Hont, *Politics in commercial society*, pp. 92–4.

The ambiguity in Smith's work between primogeniture's rotten moral foundations and its decreasing practical harm in commercial societies did not settle any questions, but rather fuelled a fracturing in which his authority could support arguments for or against the maintenance of aristocratic estates. Smith can be seen as in agreement with Richard Price and Thomas Paine in their opposition to primogeniture, and was cited as an authority for Cobden's campaign for 'free trade in land' from the 1840s.⁴³ Yet Smith's anti-mercantilist natural system of liberty also laid the foundations for an aristocratic-commercial opposition to the natural law of succession. In his *De l'esprit des lois* Montesquieu had suggested that in monarchies primogeniture and entail were to be favoured so as to ensure a hereditary nobility that could disseminate a necessary sense of honour and bind the people and their ruler.⁴⁴ Montesquieu's argument for primogeniture was now to be reflected not only in the hugely influential writings of Burke, but also in the lectures of Dugald Stewart at Edinburgh in the 1790s on politics and political economy.⁴⁵

⁴³ Donald Winch, *Riches and poverty* (Cambridge, 1996), pp. 151–2; Anthony Howe, 'The 'Manchester school' and the landlords: the failure of land reform in early Victorian Britain', in Matthew Cragoe and Paul Readman (eds.), *The land question in Britain* (Basingstoke, 2010), pp. 74–91.

⁴⁴ Montesquieu, *The spirit of the laws*, eds. and trans. Anne M. Cohler, Basia Carolyn Miller, Harold Samuel Stone (Cambridge, 1989), book five, chapters five to nine. See also Annalien de Dijn, *French political thought from Montesquieu to Tocqueville* (Cambridge, 2008).

⁴⁵ Richard Bourke, *Empire and revolution* (Princeton, 2015), pp. 19–20; Winch, *Riches and poverty*, pp. 180–2. For Stewart's use of the relevant theme in Montesquieu see Dugald Stewart, *The collected works of Dugald Stewart*, ed. William Hamilton, (11 vols., 1854–1860), IX, 359–61.

Stewart cited Smith at length, and acknowledged the economic ill-effects of primogeniture and entail, yet he also made clear that "Some deviations from a perfectly free commerce of land may...be expedient to secure the independence of hereditary legislators, and to accomplish whatever other purposes of their order may accord with the essential spirit of the constitution", in a passage indicating clearly the need for primogeniture's preservation. "Wealth and population" had a "due subordination" to the "political arrangements on which the order of society depends", and the "perfection of our government" required among other things "a due respect to landed property, and to ancient establishments".⁴⁶ Stewart and his pupils have been presented as building on Hume and Smith to separate internal policies for increasing wealth from the study of forms of government, downplaying the latter's importance relative to the former, and paving the way for a Whig understanding of wise adaptation of the constitution to the commercially rising middle classes.⁴⁷ Yet it has been less well-acknowledged that this involved sacrificing economic arguments to constitutional conservatism, explicitly favouring primogeniture's benefits in maintaining a mixed constitution over its commercial drawbacks.

Stewart was joined by Malthus, who mulled the abolition of primogeniture as a means of rebalancing population towards agriculture and away from a manufacturing sector that was volatile and unhealthy, but who ultimately came to its defense, furthering arguments for the economic as well as the political expediency of bolstering large estates through positive law. Small properties limited scope for improvement, and gave an easy

⁴⁶ Ibid., 203, 449–50.

⁴⁷ Stefan Collini, Donald Winch, and John Burrow, *That noble science of politics* (Cambridge, 1983), pp. 27–36; Biancamaria Fontana, *Rethinking the politics of commercial society* (Cambridge, 1985), especially pp. 155–7.

ride to younger sons, damaging their enterprising ambition. As in Stewart and Burke, large estates supported the aristocratic element of mixed government, while they also had a role to play in keeping up an unproductive expenditure that could maintain displaced workers (like the unemployed servicemen of 1815), and dissipate excess capital that had no socially beneficial way of being invested.⁴⁸ Malthus also argued that though workers might voluntarily limit family size and raise living standards in order to aim at respectability, such an effect would be created by civil liberties that depended on the constitution, which owed its excellence to a landed aristocracy. To abolish primogeniture would potentially destroy this engine of moral progress, and create a vacuum between the crown and the people, leading towards instability and military despotism.⁴⁹ The population question as presented by Malthus was to be linked even more directly to the distribution of land by others (including Malthus' successor at Haileybury, Richard Jones), with McCulloch prominently arguing in the *Edinburgh Review* that the subdivision of land led inexorably towards poorer agriculture and increases of population through lowered hopes of personal betterment, and that primogeniture in cases of intestacy was thus beneficial.⁵⁰

Malthus' focus on population, his account of the possibility of over-accumulation, and his support for primogeniture were all taken up by Chalmers, who incorporated them into a theodicy which showed the mechanical operation of the rod of loving divine punishment in the laws of political economy, and meshed with the outlook

⁴⁸ Winch, *Riches and poverty*, pp. 265–9, 356–64.

⁴⁹ T. R. Malthus, *Principles of political economy* (Boston, Mass., 1821 [published in England 1820]), pp. 194–8, 335–9.

⁵⁰ John Ramsay McCulloch, 'Disposal of property by will', *Edinburgh Review*, 40 (Jul., 1824), 350–75, 363–9.

of liberal Tories. Over-population and gluts were not in themselves problematic: the system needed to be left to its catastrophic devices to help turn men's minds away from fleeting earthly gain.⁵¹ Yet as well as being theological, this idea was profoundly political in ways not as well-noted. Alongside recommending free trade, Chalmers suggested that since all taxes ultimately diminished rent but not profits or wages, they should be directly placed on net rent, removing the popular clamour for reduction of taxes, raising the visible importance of the aristocracy to its true level, and letting the damaging effects of over-speculation and over-population teach the people that only morality rather than reform of the state could solve their problems, thereby knocking the life out of democratic demagoguery.⁵² Chalmers also spilled much ink on emphasizing that moral reformation would be aided by the educative power of an established church (and that Smith's distinction between productive and unproductive occupations that had turned economists against the clergy was "nugatory in principle; and withal, mischievous in application").⁵³ His defense of primogeniture was a natural extension of his views. There was no hope of ameliorating the people's condition by altered distribution of land: great estates furnished the tax to fuel the state, surplus rental income afforded "law, protection, and philosophy, and the ministry of religion, and art, and all that goes to decorate and to dignify human life", and (redolent of Montesquieu and Burke), aristocracy elevated the tone of society's manners and diffused a spirit of chivalry and

⁵¹ See Boyd Hilton, *The age of atonement* (Oxford, 1986).

⁵² Thomas Chalmers, *On political economy in connexion with the moral state and moral prospects of society* (2nd edn., Glasgow, 1832). For Chalmers' tortuous exposition of this Physiocrat-indebted point regarding taxation see chapter nine. For the general aims see p. 300, and chapter sixteen.

⁵³ *Ibid.*, chapter eleven, quote from p. 344.

morality, maintaining a unified gradation of ranks towards the monarch.⁵⁴ Moreover, even though Chalmers acknowledged that "a mighty force of sentiment and natural affection" was arrayed against primogeniture, the system should be upheld by giving younger sons employment as public functionaries in the church, army, or colleges.⁵⁵

Chalmers and Laing were both in certain respects descendants of Smith, yet were diametrically opposed. Laing's account of Norway's internal peace and the udal law makes sense as an offshoot of Smith's account, describing a world where the natural order persisted and its fruits could be seen. Laing agreed with Smith that a spirit of both independence and improvement was fostered by small landholdings, and favoured in both British and German contexts the cultivation of manufactures through the building of steady demand at home rather than jumping to export for foreign markets with their attendant insecurities of war.⁵⁶ He made great use of the Smithian theme of unproductive expenditure to condemn the frittering away on services of national income that could otherwise be reproductively invested.⁵⁷ Laing also believed in rational assent to Christianity and voluntary organization of churches.⁵⁸ Here Norway's state Lutheranism diverged from his preferences, but he claimed that the clergy's lack of representation as an order in Norwegian politics helped to limit dissent, while Sweden's strong church establishment evidently did not help popular morality (an argument backed up too with

⁵⁴ Ibid., pp. 352–71, quote from p. 364.

⁵⁵ Ibid., pp. 372–7.

⁵⁶ Laing, *Notes of a traveller* (2nd edn., London, 1842), pp. 162–3, 287.

⁵⁷ Ibid., pp. 376, 392.

⁵⁸ See Samuel Laing, *Notes on the rise, progress, and prospects of the schism from the Church of Rome*, (London, 1845), pp. 116–20; Sturlason and Laing, *Heimskringla*, I, 89–99.

reference to improving morals in America and France).⁵⁹ Pious conservatives were engaged in contradiction, holding back moral progress by denying people's independence of thought and self-provision of religious instruction.⁶⁰ Thus "The cause of reform in church and state is the cause of morality all the world over."⁶¹ More offensive still about Chalmers was his linking of primogeniture with the creation of luxuries that helped to foster a moral atmosphere. Laing's prominent questioning of the value of the fine arts to the progress of civilization was not part of a dispute between capitalism and art, but one about the distribution of property in which Laing stood on the side of socioeconomic flattening, arguing that civilization did not stem from patronage, while his opponent was a key advocate of free trade, about which Laing was far more ambivalent. The accusation of blunt capitalist philistinism is even more out of place than this indicates since Laing overtly and consistently aimed at the general well-being of the population over the maximizing of national wealth.⁶² Laing regarded his works as contributing to the study of a "social economy" that incorporated political economy, but also factored in social and political institutions and a nation's overall happiness.⁶³

Both Malthus and Chalmers had made reference to Norway. Malthus had voyaged there in 1799, observing that the preventive check of delayed marriage was strong among Norwegians.⁶⁴ He argued that this was largely due to the small amount of agricultural land in Norway and its absence of manufactures, meaning that house

⁵⁹ Laing, *Norway*, p. 186, *Sweden*, pp. 425–6, *Notes of a traveller*, p. 56.

⁶⁰ Laing, *Sweden*, p. 276.

⁶¹ *Ibid.*, p. 430.

⁶² Laing, *Journal of a residence in Norway*, pp. 36–7, 299.

⁶³ Laing, *Notes of a traveller*, p. 60.

⁶⁴ See Michael Drake, 'Malthus on Norway', *Population Studies*, 20 (Nov., 1966), 175–96.

servants had a clear view that they could not support a family until being raised by their farmer employers to a particular status that included a house of their own.⁶⁵ Chalmers posited more simply that Norway represented the possibility of creating a moral peasantry.⁶⁶ Against both these figures Laing sought to show that it was only from the holding of property that morality grew up, rather than its inculcation by a constitution or priesthood. The morality, manners, and standard of living of the Norwegian bonder were proof that "the influence of property upon the human mind" which encouraged a propensity to save and to keep up acquired tastes and habits, created "the real checks which nature has intended for restraining the propensity to propagation by improvident marriages". Thus "the diffusion of property through society is the only radical cure for that king's-evil of all feudally constructed societies,—pauperism and over-multiplication."⁶⁷ Agricultural proprietors could more easily plan families because they could immediately see what the land could produce, without factoring in rent, while agriculture on a large scale might be carried on like a manufacturing enterprise and thus glut the market, creating problems for redundant labourers as easily as manufacturing itself.⁶⁸ That "Dr. Chalmers and other eminent political economists" had proposed "bolstering up this unnatural structure of society", through a "fictitious moral restraint upon marriage", was "as contrary to political as it is to moral principle."⁶⁹ Chalmers' recommendation of correcting for a lack of natural morality by employing younger sons

⁶⁵ T. R. Malthus, *An essay on the principle of population* (6th edn., 2 vols., London, 1826), I, 263–7.

⁶⁶ Chalmers, *On political economy*, p. 422.

⁶⁷ Laing, *Norway*, p. 481

⁶⁸ *Ibid.*, pp. 148–9.

⁶⁹ *Ibid.*, p. 481.

as functionaries was similarly reprehensible.⁷⁰ Moreover, a lack of primogeniture had not in fact caused the endless subdivision of properties. An entirely natural combination of deaths, inter-marriages between landholding families, and the selling of land between co-heirs to keep properties at an adequate size would neutralize the fears of Malthus and Chalmers. "An estate would no more be divided by heirs, than a ship is broken up and divided by heirs, unless it were the interest of the heirs to do so; and if so, society would be a gainer by it."⁷¹ When it came to Ireland, poor agriculture was not caused by divided inheritance, but by the lack of property rights on the part of the tenantry.⁷²

Despite having been under Danish rule for several centuries, controlled by a regime perhaps the most purely autocratic in Europe, Norway had also nevertheless rapidly put in place a constitution that was the envy of surrounding nations; the diffusion of property had secured civil liberties and smoothed the potentially treacherous path of political change.⁷³ The Norwegian constitution did not attest to the wisdom of its framers, but was rather "the superstructure of a building of which the foundations had been laid, and the lower walls constructed, eight centuries before by the ancestors of the present generation."⁷⁴ There was a significant lesson to be drawn from this movement from "pure uncontrolled despotism to a government in which the legislative power is lodged entirely in the hands of the people". It showed that forms of government were of relative unimportance in shaping the conditions for liberty, and that political systems "operate according to the state of property and enlightenment of a people". Thus

⁷⁰ Laing, *Notes of a traveller*, pp. 37–9.

⁷¹ Laing, *Norway*, pp. 18–22, quote from p. 22.

⁷² *Ibid.*, pp. 19–20, 481–2.

⁷³ *Ibid.*, p. iii–iv.

⁷⁴ *Ibid.*, pp. 479–80.

a nation may practically be in the enjoyment of civil rights, free institutions, property, security, and all the blessings of liberty in all that affects the well being of the many, under an absolute monarch, and may practically be destitute of all these advantages of liberty, as for instance in Ireland, although living under a form of government in which the people elect their own legislature.⁷⁵

Norway's success undermined Malthus' claims that constitutions created independence and self-respect. Though apparently similar to Dugald Stewart's conceptual separation of forms of government from internal policies of enlightenment and commercial development, Laing's was a subtle reversal, the internal policy not the promotion of exchange under mixed government, but a subdivision of property eroding aristocracy.

Laing was particularly unimpressed by arguments about the need for a second chamber with a distinct existence and by the whole concept of the representation of different orders as promulgated by figures like the reformed Mackintosh, as out of keeping with the idea of a unified wise and virtuous public opinion.⁷⁶ The issue came to the fore as part of a dispute between Laing and the Swedish ambassador to the British

⁷⁵ Ibid., p. 227.

⁷⁶ See James Mackintosh, *A discourse on the study of the law of nature and nations* (2nd edn., London, 1799), pp. 47–9.

court, Count Björnstjerna.⁷⁷ Björnstjerna had argued that a representative democracy with only one chamber would be locked in conflict with a monarch leading to either absolutism or anarchy. Laing retorted that while "This Swedish statesman tells the world that the Norwegian constitution is bad, because Aristotle and Cicero, Bacon and Machiavelli, Montesquieu and Madison, Jeremy Bentham and Sismondi, Tocqueville, and Guizot, and himself, are all master-minds" who had declared against single chambers, nevertheless the Norwegian constitution showed by its own operation that it functioned, convening independently of royal assent, and containing the check that the same triennial assembly could not both propose and enact legislation.⁷⁸

It was an important part of Laing's argument to show that this more democratic government could be reached peacefully, and at the outset of the *Journal* he had drawn the attention of the "political philosopher" to the way that Norway's legal and social arrangements had allowed it a recent "transition from despotism to democracy" that "was unmarked by any convulsion, or revolutionary movement".⁷⁹ A key point here was that with the abolition of primogeniture in the United States, the instituting of compulsory divisions of inheritance in France under the *code civil*, and the sweeping away of the vestiges of serfdom in Prussia under the reforms of Stein and Hardenberg, Laing thought that the law and the public opinion that shaped the law were now in the process of gradually creating the Norwegian outcome everywhere. Norway showed "on a small

⁷⁷ The opening salvo came in Björnstjerna's *On the moral state and political union of Sweden and Norway* (London, 1840). Laing's response was published in the *Monthly Chronicle* and thereafter attached to the second edition of *Notes of a traveller*.

⁷⁸ Laing, *Notes of a traveller*, pp. viii–ix.

⁷⁹ Laing, *Norway*, pp. iii–iv.

scale, what America and France will be a thousand years hence."⁸⁰ In Britain, it was "impossible" that the "constitution of civil society can long exist without some great convulsion, unless mankind be retrograding to the state in which the feudal law of primogeniture originated. If society and the ideas of mankind are advancing in a different direction, it would be wise if legislation were to precede, rather than be forced to follow."⁸¹ In Laing's account, democracy appeared as the outcome of respect for property rights, rather than conjuring images of revolutionaries undermining the structure of civilization that had created such a backlash in the 1790s by alarmed Whigs like Arthur Young.⁸² Laing could also re-emphasize the maxim that "property is power": that "Property and power necessarily go together."⁸³ The strong conceptual connection between the distribution of property and the working of constitutions might have been losing ground (to utilitarianism, entangled ideas of both ancient and universal political rights, and other tendencies), but in 1836 Laing was far from unusual in cleaving to it. A year earlier Alexis de Tocqueville had pointed out that inheritance laws "belong, it is true, to the civil order; but they ought to be placed at the head of all political institutions, for they have an incredible influence on the social state of peoples, of which political laws are only the expression...The legislator regulates the estates of citizens once, and he rests for centuries...the machine acts by its own force".⁸⁴ In the British parliament Robert

⁸⁰ Ibid., p. 2.

⁸¹ Ibid., p. 38.

⁸² Ibid., pp. 121–3; Arthur Young, *The example of France, a warning to Britain* (1793).

⁸³ Laing, *Norway*, pp. 227, 203–4.

⁸⁴ Alexis de Tocqueville, *Democracy in America*, eds. Harvey C. Mansfield and Debra Winthrop, trans. Harvey C. Mansfield and Debra Winthrop (Chicago, 2000), pp. 46–53, quote from p. 47.

Inglis claimed in debate over primogeniture that "the real question is, whether the House of Lords is to be overthrown or destroyed", in essential agreement with Paine's statement that "Establish family justice, and aristocracy falls".⁸⁵

There are extremely strong indications that Laing's polemic benefited from reading Sismondi, who as Mackintosh's brother-in-law shared Laing's extended social circle. Sismondi was also a republican engaged with problems thrown up by book three of the *Wealth of nations*.⁸⁶ His *Nouveaux principes d'économie politique* would have furnished Laing with his crucial and consistent argument that peasant proprietors limited family size and that spiraling population growth was due to proletarianization and dependence on uncertain demand which made accurate estimates of one's future status impossible.⁸⁷ Sismondi had explicitly stated that Britain should use its remaining common lands to recreate a yeomanry.⁸⁸ He would also have provided arguments for peasant proprietors' relative morality and peacefulness in moments of dramatic political transition, while like

⁸⁵ Courtney Stanhope Kenny, *The history of the law of primogeniture in England* (London, 1878), p. 60; Thomas Paine, *Rights of Man* (Mineola, New York, 1999), p. 42.

⁸⁶ Roberto Romani, 'The republican foundations of Sismondi's *Nouveaux principes d'économie politique*', *History of European Ideas* 31 (2005), 17–33. A far more detailed account of Sismondi's development and thought that corrects aspects of Romani's slightly simplistic dichotomy of 'political economy' and 'republicanism' can be found in Thomas Hopkins, 'Say and Sismondi on the Political Economy of Post-Revolutionary Europe c. 1800–1842 (PhD, University of Cambridge, 2010), pp. 81–204.

⁸⁷ J.-C.-L. Simonde de Sismondi, *New principles of political economy*, trans. Richard Hyse (New Brunswick and London, 1991), pp. 518–21.

⁸⁸ *Ibid.*, p. 586.

Laing Sismondi believed that government should avoid religion and education.⁸⁹ Sismondi's overall outlook that the problems facing contemporary European societies involved weighing up the moral and material benefits of broad property distribution with the benefits brought by the progress of exchange and the division of labour, with national wealth not necessarily in step with national happiness, can be glimpsed throughout Laing's works. The key difference was that for Sismondi there was no single solution to this balancing act, there was simply the need for government (of a pluralistic mixed sort), to cautiously regulate individual actions that might, by creating imbalances in the delicate reciprocal relations of population, consumption, and investment, harm the general good.⁹⁰ Laing's aim was almost the reverse: to find a natural unity in civil society as a potentially stable antidote to political uncertainties and the progress of democratic sentiment. This was perhaps inevitably to run into the kinds of problems that Sismondi had already addressed concerning the growth of the factory system, with more added when it appeared that peasant proprietors were not necessarily the sources of civic virtue that Laing had hoped.

III – Functionarism and natural aristocracy

⁸⁹ Ibid., pp. 143–7, 186–7, 123.

⁹⁰ Sismondi, *New principles*, pp. 53, 305–6, 311–12, 569–71; for Sismondi's preference for a form of aristocracy see [J.-C.-L. Simonde de Sismondi], *Political economy, and the philosophy of government; a series of essays selected from the works of M. de Sismondi* (London, 1847), pp. 302–13, 368–402.

After his works on Norway and Sweden, Laing's horizons broadened to other states, and in the process began to betray a concern that post-revolutionary societies contained threats to the formation of independent citizens that were not dependent on the balance of property ownership. Both centralized government and the factory system were christened as successors to feudalism, and in the process Laing's ideas about how to achieve political change became more complex and conflicted. As he turned to France and Prussia in his *Notes of a traveller* his earlier themes recurred: he wrote at length explaining that French prosperity was based on the new subdivision of property.⁹¹ Yet where the writings on Norway and Sweden had formed a simple contrast of freeholding and aristocratic societies, Laing now embarked on the attempt to show how individual states were being shaped by a contest between the beneficial power of property and the obstructive "kingly power". The autocracies, headed by Austria, were a clear-cut form at the other end of the spectrum to Norway, yet in France and the German lands there was a new situation, whereby monarchy and a regime of limited civil liberties were no longer supported by aristocratic principles, but by a regime of state functionaries.⁹² As well as dismantling the supports of aristocratic society, the French Revolution had created an administration geared to military power and keen efficiency in law, police, and public business under a spirit of system that ground down civil liberty and public spirit.⁹³ The state had "stepped into the shoes of the feudal baron on the abolition of the feudal system."⁹⁴

⁹¹ Laing, *Notes of a traveller*, pp. 35–56.

⁹² *Ibid.*, pp. 79–82.

⁹³ *Ibid.*, pp. 62–3.

⁹⁴ *Ibid.*, p. 78.

Even more worrying for Laing than developments in France, which seemed likely to be broken up with time as the effects of altered inheritance continued to play out, was the nature of the Prussian state as it attempted to forge a true unity across its territories. Prussia combined compulsory military service, an education system that made functionaries of professors (who formed stultifying intellectual schools instead of sharpening minds), the joining of Lutherans and Calvinists in a Prussian church, and a customs union attempting to mold German economic development to Prussian ends.⁹⁵ Across all these fronts, Prussia was violating principles of religious and educational voluntarism, localism, productive spending in a Smithian mode, and the natural harmonious growth of production and consumption, agriculture and manufacturing. Overall, Prussia was a land of contradictions, between censorship and high levels of education, strong religion and interference with its observances, upright morals and the intermeddling of the state, and where wealth and happiness competed with ruinous demands on time and labour from government restrictions and the military.⁹⁶ Laing mused that in the long-term Europe might reach a rational form of government as a continent-wide federalism replaced competing, artificially constructed monarchies, yet the actual direction of developments in Prussia and elsewhere was not hopeful.⁹⁷ It remained to be seen whether the functionary regime was a last adaptation of artificial feudality, or represented a more significant brake on the progress of liberty.

This was a concern linked not just to individual character but to the effects of changing social structure on political cohesion as the danger arose of an entirely new class of state employees. Laing was partaking in the formation of an emergent

⁹⁵ Ibid., pp. 87–91.

⁹⁶ Ibid., p. 216.

⁹⁷ Ibid., pp. 26–7.

realignment of concerns that was leading to a new language in British politics of "interference" in civil society by a "central" government.⁹⁸ The concern was sharpened by noises coming from the British parliament. Laing saw local administration as connecting the elements of society in a single functioning community, and the movement begun by the Whigs in the 1830s towards more central administration as having undermined national cohesion in Britain, at the expense of the gentry. Although the old poor law might have been faulty, and there might be problems with grand juries and unpaid county magistrates, without these three "the whole body of English gentry might fly up to the moon some evening...and not be missed by the other classes."⁹⁹ The sundering of communal ties of local government endangered the state by creating greater class separation, as well as paid administration encouraging unproductive expenditure of capital.

In making such points, Laing was no longer writing about societies produced by the long course of centuries under natural or feudal systems. The contemporary struggle of forces was not just a clash of two powers of property and monarchy, but involved two distinct causal ideas about the foundations of political freedom. Property ownership aided the growth of habitual powers of self-government which sustained liberty, but

⁹⁸ The theme has been well-treated in Joanna Innes, 'Central government 'interference': changing conceptions, practices, and concerns, c.1700–1850', in Jose Harris (ed.), *Civil society in British history* (Oxford, 2003), pp. 39–60. On the importance of ideas of local and central government see K. Theodore Hoppen, *The mid-Victorian generation* (Oxford, 1998), pp. 104–5; for a detailed account of localism as politics see Benjamin Weinstein, *Liberalism and local government in early Victorian London* (Woodbridge and Rochester, New York, 2011).

⁹⁹ *Laing, Sweden*, p. 363.

these habits could also be disrupted by the legislative attitudes of states. Laing now made clear that the absence of state intervention itself helped to create a spirit of personal autonomy—an idea potentially separable from concerns over material independence.¹⁰⁰ The libertarian edge of Laing's republican ideas was thus capable of taking on a life of its own, separate from ideas of property distribution. In this way, despite worrying signs, Britain could appear more as a healthy exception to emergent European problems, rather than the continent's aristocratic throwback. If England was lacking in natural liberty, it was alive with a spirit of independence thanks to a comparative lack of functionaries and interference in daily life (best exemplified in the passport system Laing despised in France). The young in Britain did not as yet consider it reasonable to spend their youth trying by any means to wriggle their way into state appointments when they could be learning to be productive.¹⁰¹

Yet at the same time a different critique fell more heavily on Britain than its neighbours—if the latter sinned by denying proprietors their freedoms, the British were moving from a regime of proletarian field labour to another, yet more hazardous, in the factory system. Laing was not opposed to manufacturing *per se*.¹⁰² In cities like Stockholm and Edinburgh its absence clearly damaged the living standards of the poor.¹⁰³ Yet in keeping with his general claims regarding independence and proprietorship Laing viewed the happiness of the people as best served not by maximizing productivity, but "the wide distribution of employment over the face of a country by small but numerous masses of

¹⁰⁰ Laing, *Notes of a traveller*, p. 78.

¹⁰¹ *Ibid.*, pp. 71–6.

¹⁰² *Ibid.*, pp. 147–8.

¹⁰³ Laing, *Sweden*, p. 76.

capital".¹⁰⁴ Mechanized manufacturing naturally tended towards the concentration of capital through the cheapness of larger scale production. As a consequence, the operative had no chance of raising his condition to one of independence.¹⁰⁵ Moreover, unlike for Sismondi, who had seen manufacturing as a problem requiring management through the wisdom of legislation, this problem presented itself to Laing as a flaw in the "natural" order meant to create harmony independently of positive law: "A vassalage in manufacture and trade is succeeding the vassalage in land, and the serf of the loom is in a lower and more helpless condition than the serf of the glebe; because his condition appears to be not merely the effect of an artificial and faulty social economy, like the feudal, which may be remedied, but to be the unavoidable effect of natural causes."¹⁰⁶

The implications of this line of thinking were enormous. The unchecked development of this natural "feudalisation" would lead to "a structure of society" arising "in which lords and labourers will be the only classes or gradations in the commercial and manufacturing, as in the landed system." In glass, iron, soap, and cotton, exclusive family properties appeared to be destroying competition. Considering solutions, it seemed unlikely to Laing that joint-stock companies of small capitalists could compete with great capitals in the hands of those "wielding great means with the energy, activity, and frugality of an individual."¹⁰⁷ This last was a point indebted to Smith, who had directly compared the ineffectiveness of joint-stock company directors with that of a rich man's stewards: like feudal tenants both lacked true motivating interests in the success of

¹⁰⁴ Laing, *Norway*, p. 299.

¹⁰⁵ Laing, *Notes of a traveller*, p. 361.

¹⁰⁶ *Ibid.*, p. 362.

¹⁰⁷ *Ibid.*, and quotes from p. 374.

their respective enterprises.¹⁰⁸ The benefits of individual proprietorship thus came into intractable conflict with the well-being of the populace.

Laing was broadly optimistic that manufacturing greatness like that of Britain would prove more lasting than the evanescent commercial greatness of the Dutch Republic, yet there were signs that such optimism might be misplaced.¹⁰⁹ He also conjured a dystopian vision of England's future inspired by the faded surroundings of the Italian city-state of Genoa. The outlay of the Genoese on sumptuous architecture showed how "the misapplication of capital, or rather of human industry...is the cause of instability of greatness in empires, as in individuals". Their palaces were a mark of their decline, and England too, with its manufacturers' naturally increasing family wealth, might come to spend the resources that could be used for fertile investments to create a decayed realm of patronage and splendour alongside rags and hunger.¹¹⁰ With Sismondi's analysis of the potential mismatches between supply, demand, and population at hand, Laing could see in the rise of large-scale manufacturing the danger of Britain's fall from international preeminence, not through luxury overcoming martial virtue as certain earlier republicans had suggested, so much as through accumulated profit destroying the foundations of sustainable productive activity for the whole population, though in this way still undermining the foundations of popular self-rule and social stability.

Laing's writings thus came to a dilemma caused by increasing unease as to whether Norway really did represent the long-term future of European societies: the British path of development appeared to fail in the provision of material independence and encourage population growth, while the emergent forms of government on the

¹⁰⁸ Smith, *Wealth of nations*, II, 264–5.

¹⁰⁹ Laing, *Notes of a traveller*, p. 9.

¹¹⁰ *Ibid.*, pp. 373–6, quote from p. 376.

Continent appeared to hamper civil liberties and habits of personal autonomy. Neither seemed assured of providing lasting stability or prosperity. Initially Laing continued to hold to the idea that Britain's best course would be to follow Europe's movement towards a post-aristocratic order, in tandem with a more general movement of history. He hitched his pleas for changes to inheritance laws in Britain to repeal of the Corn Laws, suggesting that both would aid the deflation of artificially high land prices, and would help to cause "an inevitable change in the state of landed property" in Britain to create a combination of small proprietors and metayers. The latter would then have the security *against* foreign commerce of paying landlords in a proportion of produce rather than cash linked to fluctuating prices that encouraged speculative farming for global markets and decreased chances of sound family planning.¹¹¹ As well as taking up Sismondi's analysis of the perils of dependence on international trade, this was one answer to the problem the Swiss author had outlined that English agriculture could not easily compete with metayer and serf cultivation that did not rely on market prices to remunerate workers.¹¹² Overall, Laing was still attempting to envision Britain returning to a path of natural development, and the decoupling of the peasantry from international commerce, with the aim of maximizing happiness and well-being rather than national prosperity.¹¹³

In 1850 Laing was less sure of the right course. The crucial turning point had been the revolutionary disturbances of 1848, which appeared to show the inherent instability of continental regimes and the relative success of Britain in avoiding its own

¹¹¹ Laing, *Notes of a traveller*, pp. 228–308, 42–6, quote from p. 308.

¹¹² Sismondi, *New principles*, pp. 199–205.

¹¹³ See too Samuel Laing, *Observations on the social and political state of the European people in 1848 and 1849* (London, 1850), p. 36.

proletarian problem, as well as displaying the strength of socialist ideas with which Laing had little sympathy. Laing was now deeply conflicted, and was prepared to expand his sense of the importance of the gentry into more general statements about the importance of an intermediate order between the governing and the governed with moral influence over both, that echoed the ideas of Malthus about the role of an aristocracy in mixed government.¹¹⁴ Laing suggested that without such a third element in society, there would be an oscillation between tyranny and anarchy, directly using the language that Björnstjerner had used against him some ten years earlier. All Germany had was its functionary class, and all France had to mediate between people and state was Paris. In Britain, wrote Laing, this third class was formed by capitalists and landowners, but Europe lacked an equivalent, and was being led to ideas of a total equality of the mob that endangered liberty.¹¹⁵ Laing also now suggested that the social states of Norway, Flanders, and Switzerland were stationary rather than progressive, and as such were more suited to the fourteenth century than the nineteenth—the lack of concentrated capital limited demand and though it created a "happy social state", it was "a philosophy of barbarism, not of civilisation".¹¹⁶ Problems were also visible in France, where the new inheritance laws had led to heirs taking on debt to buy out their siblings, which was becoming unmanageable.¹¹⁷ Though Cobden and others might have thought that diffusing property would usher in peace, the French peasant proprietors' sons were eager to join the army.¹¹⁸ On the eve of another Bonaparte's rise to power Laing began to

¹¹⁴ Ibid., p. 100.

¹¹⁵ Ibid., pp. 102–3.

¹¹⁶ Ibid., pp. 93–4.

¹¹⁷ Ibid., p. 98

¹¹⁸ Ibid., p. 104.

sound remarkably like Malthus on military despotism, even if his diagnosis was very different. The revolutions had been directly caused by a social structure which created unemployment, and a lingering historical taste in luxuries whose production failed to knit together customer and worker in the same way as higher volume and more frequently purchased goods.¹¹⁹ Discontent in Germany and the failure to frame a liberal political settlement had also been caused by the simultaneous cultural power and political impotence of the teaching class created by national education systems.¹²⁰ Laing issued a confession: "observers of the spirit of the age, who augured, from the general diffusion of landed property through the social body, a happy, enviable, and hitherto unknown state of society, and hailed the approach of the *Saturnia Regna* in the new social state into which Europe has entered, must confess their disappointment at its results."¹²¹

Laing was not, however, making a total *volte face* in favour of Britain's exceptionalism; the underlying point was that the question of how precisely to foster a spirit of self-government was becoming vastly more difficult wherever Laing looked. He saw "The social body on the Continent" as "in a transition state" between "old institutions" which had "withered away", and new ones that had "not yet taken root and unfolded themselves".¹²² Moreover the "Old abuses cannot be removed without a shock to the social system, without a reaction which may involve a generation in the misery of civil war and anarchy" although, as with the Reformation, which Laing thought "trifling"

¹¹⁹ Ibid., pp. 151, 122–4.

¹²⁰ Samuel Laing, *Observations on the social and political state of Denmark* (London, 1852), pp. 80–7.

¹²¹ Laing, *Observations on the European people*, p. 528.

¹²² Ibid., p. 110.

by comparison with the nineteenth century, he believed that "the ultimate results may be good".¹²³

Precisely what the new institutions might be was unclear, but there were possibilities. Free trade in corn had allowed Britain to feed more mouths and avert an agrarian war, yet the same solution in Europe would risk further social disruption and distress. Free trade was not a universal solution. Rather, in a state like Denmark, protectionism could be an entirely sensible option to ensure employment to the children of peasant proprietors while avoiding runaway population growth like that caused by factory labour.¹²⁴ Policy required regional sensitivity. Laing also developed further the notion he had previously entertained that guild restrictions on trades were not necessarily a poor idea, and rested on notions of occupations as a form of property found in almost all times and places apart from modern Britain, paralleling Sismondi's questions of how the labourer might find property in his work. Laing could now speak positively of the future potential of trade unions, which he had previously seen as brakes on productivity. For both Britain (where population growth was still a concern) and Europe, the rise of operatives as an apparently permanent interest group created fundamentally new questions about how citizens might be shielded from markets.¹²⁵ Yet nowhere was there a clear route towards the stable combination of widespread proprietorship, domestically-led demand, and local administration.

Laing's legacy was as ambiguous as this suggests, fostering support for peasant proprietors, posing the question of how to retain independence in the face of large-scale

¹²³ Ibid., p. 111.

¹²⁴ Laing, *Denmark*, pp. 41, 299–313, 383–9.

¹²⁵ Ibid., pp. 301–5; Laing, *Observations on the European people*, pp. 152–172; Laing, *Sweden*, pp. 78–91; Sismondi, *New principles*, p. 324.

production, and providing fodder for those who wished above all to safeguard citizens' initiative by limiting the sphere of state action. Each of these was about maintaining a virtuous and active populace, yet this did not mean that they all pointed in the same ideological directions. If opposition to primogeniture had been widespread in France during this period, Laing had clearly been important in putting it back on the map in Britain.¹²⁶ His early writings contributed to the mid-Victorian movement that saw support for small landholdings and spade husbandry gain academic respectability over the course of the century, Cobbett's idealization of the yeoman and Feargus O'Connor's land plan giving way to the writings of J.S. Mill, William Thomas Thornton, J. E. Thorold Rogers and others, the speeches of Cobden and Bright, and Gladstone's own praise for a variety of sizes of farms.¹²⁷ Laing's arguments on population helped to convince Mill of the viability of peasant proprietors, his writings preceded Cobden's land campaigning (Cobden calling Laing his "beau ideal of a traveller for describing a modern

¹²⁶ A compilation of French condemnations of primogeniture and entail published for British readers in 1844 made use of Hippolyte Passy, Gustave de Beaumont, Sismondi, Eugène Buret, Guizot, Constant, Charles Dupin, and Say. *The aristocracy of Britain and the laws of entail and primogeniture judged by recent French writers* (London, Edinburgh, Glasgow, and Cupar, 1844).

¹²⁷ See Cragoe and Readman (eds.), *The land question*, passim; F. M. L. Thompson, 'Changing perceptions of land tenures in Britain, 1750–1914', in Donald Winch and Patrick K. O'Brien (eds.), *The political economy of British historical experience 1688–1914* (Oxford, 2002), pp. 119–38, pp. 128–32. For Thorold Rogers' awareness of Laing's pioneering status see James E. Thorold Rogers, *The industrial and commercial history of England*, ed. Arthur G. L. Rogers (New York and London, 1892), p. 265. On Gladstone see Charles William Stubbs, *The land and the labourers* (London, 1884), p. ii.

social phase of society"), while Thornton saw "the well-known traveller" as the founder of the movement in favour of peasant proprietors in Britain.¹²⁸ In particular, Laing's use by Mill and Thornton aided their concerted arguments of the late 1840s against the backdrop of the Irish famine, which focused attention and led to support for peasant proprietorship in Ireland from a range of journals, acting as a key tipping point in discussion.¹²⁹ Laing's views on Norway remained sufficiently authoritative to be worth refuting in the 1880s.¹³⁰ Yet Laing's later works made him a troublesome ally for land reformers. In the third edition of his *Principles of political economy* of 1852 Mill had to add a lengthy argumentative footnote suggesting that Laing's earlier opinions on Norwegian prosperity was more reliable than his later assessment of the state of the French peasants.¹³¹

¹²⁸ David Martin, *John Stuart Mill and the land question* (Leeds, 1981), pp. 19–20; John Stuart Mill, *The collected works of John Stuart Mill*, ed. John M. Robson (33 vols., Toronto and London, 1963–1991), II, 283–5; Richard Cobden, *The letters of Richard Cobden*, eds. Anthony Howe and Simon Morgan (4 vols., Oxford, 2007–2015), IV, 351; William Thomas Thornton, *A plea for peasant proprietors* (London, 1848), pp. vi–vii.

¹²⁹ Jonathan Duncan, 'Tenure of land in Ireland', *Dublin Review*, 24 (Jun., 1848), 349–80; William Henry Smith, 'Political economy, by J. S. Mill', *Blackwood's*, 64 (Oct., 1848) 407–28; 'A plea for peasant proprietors', *Athenaeum* 1091 (Sep. 23, 1848), 949–50. See also Peter Gray, 'The peculiarities of Irish land tenure, 1800–1914', in Winch and O'Brien (eds.), *British historical experience*, pp. 139–62, pp. 145–9.

¹³⁰ Thomas Michell, 'Yeomen farmers in Norway', *Quarterly Review*, 162 (Apr., 1886), 384–413.

¹³¹ Mill, *Collected works*, II, 294.

Laing's question of how independence could be made compatible with manufacturing also lurked in the background of Mill's support for producer cooperatives, allowing for independence in the context of large-scale production.¹³² In a further mark of the ambiguities that emerged in Laing's work and the way it was co-opted, he was also cited on the feudal conditions of English factories by the American protectionist Henry Carey, who wanted to see an end to British dominance of international trade and a reuniting of producers and consumers in domestic markets.¹³³ In turn, William Stanley Jevons recalled Laing primarily for his assertion that every country had its own political economy, situating him in a tradition of historical and inductive economic reasoning that was being reasserted in the 1870s, a reassertion that would in turn open the way for British arguments for tariff reform.¹³⁴

Laing's works were yet more important in fostering discussion over potential problems with bureaucracy and central administration. As early as 1844 Mill had suggested to Sarah Austin that he would like to hear her husband's view of Laing's writings.¹³⁵ When John Austin published on "centralization" in 1847, Laing was the British author reviewed alongside three French names, and bore the brunt of Austin's utilitarian ire over confusions between ideas of over-government and central government.¹³⁶ Austin had little patience with Laing's ideas of the political significance of social structure and the development of character. He translated Laing's statement that a

¹³² *Ibid.*, III, 767–8.

¹³³ H. C. Carey, *Principles of social science* (3 vols., Philadelphia, 1858–9), III, 342–6.

¹³⁴ William Stanley Jevons, 'The future of political economy', *Fortnightly Review*, 20 (Nov., 1876), 617–31, 621.

¹³⁵ Mill, *Collected works*, XIII, 622.

¹³⁶ John Austin, 'Centralization', *Edinburgh Review*, 85 (Jan., 1847), 221–58, 237.

country with formal political liberty could lack civil liberties into banality: of course popular government could be restraining to its population. Austin pithily summarized against Laing the utilitarian idea that liberty and restraint were merely tools of attaining the general good, and that "It is only by abridging their natural liberty, that the state can secure to its subjects the enjoyment of their legal rights—including their right to the remnant of natural liberty which it tacitly permits them to retain."¹³⁷ Yet few mid-Victorian liberals were so dismissive about the ramifications of professional bureaucracies, and Austin did not prevent Laing being taken seriously.

Laing's account of 'functionarism' was taken up by an ascendant set of authors, all connected with *The Economist*, who were deeply concerned with fostering a popular character that could support free government, while jettisoning support for peasant proprietors (and, incidentally, each expressing scepticism over Mill's producer cooperatives). William Rathbone Greg used Laing's later writings to denounce the militarism and stationariness created by the subdivision of property, also arguing against the idea that small-scale agriculture provided real productivity gains over large farms. Having dispensed with this issue he could go on to reproduce at length Laing's arguments against bureaucratic administration, state education, and any involuntary military service, writing that "it is perfectly evident that republicanism and functionarism are incompatible existences...The one assumes that the people can govern themselves, the other that they cannot; the one supposes the people to be wiser than their rulers, the other supposes the rulers to be wiser than the people".¹³⁸ Not least among Greg's targets was Joseph Kay, a widely read author on the social question with the ear of prominent

¹³⁷ Ibid., 242–3.

¹³⁸ William R. Greg, *Essays on political and social science* (2 vols., London, 1853), I, 113–206, quote from 196.

Whigs who had argued in Laing's wake that Britain could learn from Prussia in terms of diffusing property to promote a conservative peasantry, but also in instituting national education.¹³⁹ While the apparent conservatism of the French peasant proprietor was critiqued in Marx's *Eighteenth Brumaire*, certain British thinkers concerned about the coming of democracy were prepared to continue the line of Sismondi and the early Laing that smallholders' scepticism of revolution was a positive boon. By contrast Greg (who was a fixture of the *Edinburgh*) argued that real conservatism and stability emanated from an aristocracy.¹⁴⁰

Greg's brother-in-law Walter Bagehot cited Laing at length in his *English constitution* as showing that bureaucracies were by their nature not geared to efficiency, but their own perpetuation, and tended to shut down questioning of established practices. For Bagehot the best administration of government departments would mirror that of the most highly valued joint-stock companies, coming from versatile men without any specific training or body of knowledge but who could fulfil "animating" and "critical" functions.¹⁴¹ Less Whig and more radical, Herbert Spencer also reviewed Laing sympathetically to discuss the dangers of "over-legislation" and the vital causal significance of the state's interaction with its citizens in forming character, agreeing that "In the order of nature, a capacity for self-help must in every case have been brought into existence by the practice of self-help". Laing's writings proved the "progressiveness of a self-dependent race, and the torpidity of paternally-governed ones".¹⁴² In each of

¹³⁹ Joseph Kay, *The social condition and education of the people in England and Europe* (2 vols., London, 1850).

¹⁴⁰ Greg, *Essays on political and social science*, I, 158–61.

¹⁴¹ Walter Bagehot, *The English constitution*, ed. Miles Taylor (Oxford, 2001), pp. 140–4.

¹⁴² Herbert Spencer, 'Over-legislation', *Westminster Review*, 60 (Jul., 1853), 51–84, 82.

these cases there was a principled standpoint which could serve to critique trends in the British state, yet there was also a presentation of continental regimes as the undesirable foil for the analysis. This moment has been described as one in which ideas of liberty as created by constitutions gave way to ideas about the political importance of popular character.¹⁴³ Yet if this was the case for certain thinkers, in the case of Laing the movement was rather from an idea of character as formed by proprietorship towards one in which character was formed more by the action of the state, in fact making the long-term effects of the arrangement of government appear more significant, and this was echoed by those who cited him.

Overall, Laing had put a powerful and simple case for what a stable transition towards a virtuous democratic society would look like. This case avoided questions that animated many of Laing's contemporaries as to how a national church, national education, or aristocratic influence might secure social cohesion. Yet Laing's alternative of creating a civic population through the diffusion of property was hard to hold on to. As Laing's hopes that individuals might regain a measure of self-sufficiency in a post-feudal age receded, his concerns merged into the separable questions of how the disempowering conditions of wage labourers might be mitigated, and how to temper the power of overbearing state apparatuses. It is only through awareness of the variety of debates that were thereby thrown open that we can understand the way that nineteenth-century thought continued and adapted the themes of civic activity bequeathed by an earlier period, while also posing questions that were to be taken up by social democrats and market libertarians.

There is also a sense in which the writings of Samuel Laing allow us to see more clearly some of the problems facing the wide range of nineteenth-century thinkers who

¹⁴³ Parry, *The politics of patriotism*, pp. 61-4.

addressed the question of what self-government in large states might require or mean amid the huge upswing of technologically-driven international trade in the nineteenth century that helped to create certain key constraints of contemporary politics. In what ways might a democracy of individuals living hand to mouth and without the time, inclination, or conception of their own stable interests to join a long-term collective project of self-government be offset or avoided? How could one imagine a route towards a historical future that did not involve a political system at constant risk of bitter division into factions with competing material interests shaped by events going on beyond the bounds of national control? Much of this discussion, which is in key respects still our own, remains to be fully parsed by historians of political thought.