

## PROPERTY AND PERSONALITY\*

IN HIS *Voyage of the Beagle* Darwin recorded his impressions of Tierra del Fuego and its natives. There he found a communistic society, untroubled by conceptions of private property. A piece of cloth given as a present was promptly torn into strips and distributed; there was no hoarding; this was the most primitive society in the great naturalist's experience. As there was no property, there was no theft—a conclusive proof that civilisation had not even begun. We may parallel this with stages in the evolution of a human being. The infant, tired of a toy, cheerfully throws it out of his perambulator; a few years later, when he stores his toys in a cupboard, and dutifully inserts coins in his money box, his parents conclude that he is growing up. The boy's possessions are contributing to this process; from the sense of ownership, or individuality. Then, when the boy receives monetary presents, he will be likely to keep them in separate pockets, intending to devote each to a distinct purpose; he would be confused if told to pool all his assets, and make his payments from the total fund. With human beings as with nations, the balance sheet is evidence of a very advanced stage of development, for the primitive mind tends to relate each item of income to a separate expenditure, and these items would appear to be lost if they were added up. Property provides, as it were, a modulus by which we can assess the evolution of the individual and the civilisation to which he belongs.

This linking of property with evolution is very ancient. It inspired a notable contrast in ancient Greece, when Aristotle defended the institution of private property as an aid to the

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moral development of his citizen, since it provides opportunities for exercising the qualities of liberality and restraint; while to Plato it appeared that virtue could be fostered only in an idealist state where everything was held in common. The world is still divided between these opposing views. But I am not concerned with this controversy. I am limiting my enquiry to one country, England, and almost entirely to the period between the Revolution of 1688 and the Reform Bill of 1832, a period in which freehold property provided both the basis of public life and the criterion of personal status; only gradually, and since the eighteenth century, has status ceased to be entirely dependent on property. Conclusions similar to those which I am going to suggest might be derived from other countries and other periods, notably from the colonial period in American history, in which I am inclined to think that the advance from property to status was more rapid than in contemporary England.

First of all, the word property. We generally derive it from the Latin *proprium*, one's own, something to which one has a right. From the start, the material object of possession is connected with an abstract right. The simplest example of this is the adjective *proper*, here we have detached the rightness from the possession; a less obvious example is the word *propriety*, now used exclusively to mean rightness of conduct. Formerly the word had nothing to do with conduct, but meant a right—the right to one's property. This is the earliest right to be protected by law. Then the word person. It is derived from the Latin *persona*, a mask worn by actors on the stage, as in the old Latin comedy, and was intended to designate the actors, the *dramatis personae* of the play. Whereas, in our modern drama, we tend to show the development of personality from the impact on it of circumstance, in the older drama personality is hardly distinguish-

able from character; it is static, and is usually drawn on simpler and more rigid lines. Next, the word personality. This has a long, complicated history, and it cannot be said that even the great Oxford Dictionary has been able to elucidate it. At times, it appears to be interchangeable with personalty, that is, property over which one has power of personal disposition, in contrast with real property over which, for long, one's power of disposition was limited. At other times, the word appears to mean little more than humanity, in distinction from the animal creation on the one hand and the divine essence on the other. But, and here I call the Oxford Dictionary to witness, the use of the word personality in our modern sense, that is, the consensus of distinctive, subjective qualities which distinguish each of us from everyone else, this usage does not appear until the early decades of the nineteenth century, that is, at the close of the period with which I am concerned.

In the past, character and disposition were thought of, not subjectively, but as linked with material things, such as the four humours and their proportion in the body; our complexion, in the broad sense of temperament, was something built in, as it were, to be altered only within a limited range. Characteristically, new habits, such as smoking, were considered according as they might alter this chemical balance which makes us what we are; naturally, there was disagreement on this score, some experts holding that smoking, especially when alternated with psalm singing, was a cure for melancholy, a view countered by no less a person than King James I, who argued that the contrary is true, because the smoke ascends to the brain, where it distils into liquids, thus increasing the watery content of the body, and so disposing to melancholy. In passing, it may be noted that the modern science of Biochemistry has restored interest in this old doc-

trine of humours, by revealing the function of the glandular secretions; and we now know that strong emotions, such as fear and hate, are accompanied by chemical reactions. For our purposes, the interest of the old doctrine of humours is that, as so often, matters which we regard as subjective were closely related to purely objective things. But, even more interesting than these changes of connotation, is a curious gap—the absence of our word *status*, in its ordinary, non-medical meaning, until about 1790, when, according to the Oxford Dictionary, it was used by Boswell in referring to the status of the negro slave. Even as late as the early decades of the nineteenth century the word was considered unusual when applied to the place held by an individual among his fellow men. Moreover, the word *status* was unknown to the old common law. After the Dissolution of the Monasteries by Henry VIII, a statute gave to the ejected monks and nuns the right to sue and to be sued, the only approach that I can find, in our Ancient Regime, to our modern conception of *status*.

Now, a gap of such dimensions raises a number of important questions. What filled it? Did the church and the canon law, by their emphasis on Christian duty and the transitoriness of human life provide an other-worldly conception of *status*? I think that this is possible; certainly the church modified the old materialist and semi-pagan conception of crime by introducing the element of moral guilt. But I am inclined to think that the greater part of the gap was filled by property, particularly landed property, and by the rights, usually exclusive and personal, which derived from property. As contrasted with Roman Law, the feudal law of western Europe was distinguished by a clear contrast between realty and personalty, of which the former was much the more important, because it provided the basis of the state. Land had

a pre-eminence not accorded to personal property; it was the source of food and the unit for the provision of armed defenders. True, there were merchants and towns and accumulated treasure, but these were still only on the margin of feudal society, and existed, as it were, on sufferance. But at this point another distinction must be made. In medieval England there were no landowners, in our sense of the word, except possibly the king; the members of what we call the landed classes were really tenants of an overlord, holding ultimately of the king. Most of them held by knight service having to provide a number of fully-armed knights in proportion to the extent of their holding; and in this way, feudal society was a hierarchy, each unit bound to the other by duties and rights; personal obligation was inseparably tied to landed possession or occupation. Service, not ownership, was at its basis; its motto might have been: 'In this service is perfect freedom.'

In this delicately-poised structure, where everyone had a clearly defined place, and therefore some kind of status, things did not get busy until the tenant died. Thereupon the king or overlord stepped in. Was the widow marriageable? If so, a suitable marriage could be arranged for a normal fee, and an unsuitable one for an abnormal fee. Was the heir under age? Then a guardian would have to be appointed for his custody and for the management of his lands, with annual fees for that. Both widow and heir were regarded, not as persons, but almost as articles of property, which might be sold or bartered for profit; a courtier might solicit the king for profitable widows and wards, as if they were mineral rights to be exploited. The system worked only if the king or suzerain had some gentlemanly instincts; he might be a villain, but usually he was a straightforward, outdoors villain. It was king John, the first indoor villain among English kings,

who upset the system by abusing his rights over the defenceless wards and widows; and it was in this roundabout way that Magna Carta came to be the foundation of our liberties in England and the United States.

As early as the Hundred Years War the military element in this system had become obsolete, as kings hired mercenaries; but lands continued to be held by knight service. So far from abolishing the system, Henry VIII capitalised it, by erecting the Court of Wards which imposed a system of personal surveillance and monetary exactions falling on the large class which still held of the crown. Then, in the seventeenth century, with the forfeitures entailed by the Civil Wars, many Puritans obtained large blocks of land cheaply, and meanwhile the Court of Wards had fallen into desuetude. It was abolished by statute in 1660, together with all the chivalrous tenures of the crown. In effect, therefore, tenants had now become owners; they had emancipated themselves, without cost, from both the old burden of military service, with the personal disabilities falling on their widows and children, and from the more recent exactions imposed by Henry VIII's Court of Wards. Here is the beginning of the modern English freeholder, of the landed class as we know it today. Copyhold tenure, the descendant of the old villeinage, was left untouched, and survived until 1925, when it was converted into freehold. At the threshold of our period, therefore, the freeholder and copyholder were the standard, accredited units on the land; by contrast, the landless man, the wage labourer, the cottager, the openfielder, as they had no land, had no status. They could be exploited or evicted. By the end of the seventeenth century, when the population of England was just over five millions, the landless, rightless element numbered nearly three millions. A century later, when the population had doubled, there was more pressure

on the privileged centre from the increasingly large outer ring of the unenfranchised—the unskilled workers, the paid labourers, the cottagers, the ordinary soldiers and sailors, the unemployed, a vast part of the population, conveniently described as the “poor.”

This privileged minority, the landed freeholders, represented what we might call a hangover from the gradual dissolution of the feudal structure. Their counterparts were to be found in the incorporated towns, where there had long existed a privileged class of artisans who, after seven years servitude as apprentices, acquired the “freedom” of their craft or borough—a freedom which meant that they could have the law on any unqualified intruder who tried to set up shop in their midst. As on the land, freedom was associated with emancipation—in the one case, from the service of tenure, in the other case from the service of apprenticeship; and emancipation brought with it freedom in the sense of privilege or monopoly. So too in the learned professions. The church, the law and medicine were composed of practitioners who, having fulfilled the requirements for qualification, enjoyed a status to which definite privileges were attached. Accordingly, after about 1660, English society was grouped round a hard core, consisting of king and peerage, landed freeholders, copyholders and leaseholders, authenticated members of the learned professions, workers who had acquired the freedom of their craft, all of them deriving status from property, or from exclusive rights associated with property. All of these may be regarded as full citizens. They monopolised the franchise; from them were recruited the politicians and statesmen; they served on juries; if they were Anglicans, they might hold public office; they were exempt from compulsory military or naval service. They were not necessarily the wealthiest elements in the community, as

some merchants were much better off than landowners; the distinction between them was much more ancient and subtle than any economic difference. The landed freeholder was not class-conscious, for the reason that his was the only class. Nor was he merely selfish, for he paid the bulk of the direct taxation, which fell almost exclusively on land. As the eighteenth century advanced, the landed class became more obviously a minority, but a minority which set a high standard in parliamentary oratory, in patronage of art and letters and music, in the achievements of architecture, in all the refinements and amenities of life, the things which make this period so delightful for posterity to contemplate. It was in 1765 that Sir William Blackstone began his codification of the laws of this minority civilisation. Here is the summing up of his philosophy of history:—

Had not a separate property in lands as well as movables been vested in some individuals, the world would have continued a forest, and men would have been animals of prey; which, according to some philosophers is the genuine state of nature. Whereas now (so graciously has Providence interwoven our duty and happiness together) the result of this very necessity has been the ennobling of the human species, by giving it opportunities of improving its rational faculties, as well as of exerting its natural. Necessity begat property; and, in order to ensure that property, recourse was had to civil society, which brought along with it a long train of inseparable concomitants; states, governments, laws, punishments and the public exercise of religious duties. Thus, connected together, it was found that a part only of society was sufficient to provide, by its manual labour, for the necessary subsistence of all; and leisure was given to others to cultivate the human mind, to invent useful arts, and to lay the foundations of science.

Few statements could better illustrate the complacency so characteristic of eighteenth-century mentality. Moreover Blackstone's analysis is as notable for what it omits as for what it says. It omits the fact that the labouring classes were



in a great majority; that they were denied most of the rights of citizenship; and that, in war time, they had to provide, compulsorily, the naval and military service.

Before the great legal changes of the nineteenth and twentieth centuries, landed property in England exemplified some of the characteristics of a small, stable, patriarchal society. On the principle that the land must go to the heir, the freeholder's land could not be touched by creditors of the deceased; the creditors must recoup themselves from the personality. The wives and widows of the landowning class were protected, as no other elements in society were protected, from the danger of falling into penury by institutions such as the dower whereby, on marriage, the husband created a landed endowment, usually for the joint lives of husband and wife, with remainder to the widow. Even the humble copyholder might secure a similar protection for his widow, for she might enjoy the copyhold during her widowhood as a right of "frankbench." These rights of widows could be enjoyed only so long as they remained unmarried and chaste. In private law, therefore, land was the medium by which one provided for one's widow and descendants; though in England the principle of primogeniture encouraged the younger sons to embark on a profession or engage in overseas trade. Indirectly, it was the long war against Louis XIV which created an alternative to land as a means of safeguarding one's dependents and successors. That war necessitated the raising of large sums by national loans, some of them for as long as 99 years; the investor in such loans could therefore provide for his dependents a security which formerly was available only for the landed classes.

How were the lower classes affected by this system? By the end of the eighteenth century there were about 200 felonies, all punishable by death and confiscation of goods.

Most of these felonies arose from violation of property rights, including the theft of five shillings. To-day we find it difficult to understand how such brutal penalties were imposed for almost trivial offences; but some responsible contemporaries expressed the view that this savage protection of property was proof, not of brutality, but of the high level of English civilisation. Protection of property always comes before protection of the person, if only because inanimate things cannot defend themselves; often the person was protected solely because of his property. Take, for example, the abduction of a woman. If she had no landed property, the abductor could go ahead, as there was no law to stop him; but if she had landed property of a certain minimum value, then her abduction was felony, punishable by death. Take the case of a servant or apprentice who is so grievously assaulted by an intruder that he is unable to work for some time. In this case it is the master who has the action—a property action—against the assailant, not for personal injuries, but for the material loss consequent on the servant's enforced absence from work. Take an escaped negro slave. His owner might wage an action of trover or trespass against the person harbouring him. Of all this, the woman provided the clearest illustration. As a child, she was subordinate to her father. On marriage, she was given away by one man to another man. As a married woman, she retained certain restricted rights over her real estate, but her personal property, including money, jewels and even the clothes she wore, she surrendered to her husband. In giving up her personalty she gave up her personality. But the odds were not all against her. Often she made up for her rightlessness with her tongue, to such an extent indeed, that, in the past, silent women were at a premium; and you will recall King Lear's words of Cordelia: 'her voice was ever soft, an excellent thing in

woman.' Moreover she might contract debts for which her husband alone was responsible. If he was unable to pay, he went to the debtors' prison, not as a punishment, but on the principle that his body provided security for the debt—one more illustration of the subordination of the person to property.

In the theory of the state, as in the principles of private law, property had the same dominance. Locke maintained that the main function of the state was to protect rights of property, in which, however, he included life and liberty. Hume maintained that as justice consists in rendering unto every man his due, this quality is conceivable only where there is property. As property was inseparable from justice, so it was inseparable from liberty. This may seem paradoxical to us. An illustration was provided in 1712 when a statute imposed a freehold qualification of the value of at least £300 per annum on all burgesses in the Commons. Now this was a perversion of the old constitution of parliament. Historically, the knights of the shire had represented land, while the burgesses, originally townsmen, were supposed to represent trade. By this statute, the burgesses are added to the landed representation; in effect, also, this measure excluded a number of rich merchants from the Commons. We today would regard this as a narrowing and even weakening of the legislative body. But contemporaries took the opposite view, for the preamble to this statute stated that, by this landed requirement, the liberty of parliament would be more adequately secured. Liberty against what? Against the prerogative which, in continental countries, could ride roughshod over representative institutions because there the third estate was a true estate, consisting only of townsmen and burgesses, who were powerless because they did not have the backing of land. The same situation—the

social and political monopoly of the landed freeholder—can often be paralleled in the history of the thirteen American colonies.

It is obvious that such a deeply-rooted system was not likely to disappear overnight. When was it first challenged? I think that the first challenge came in 1753 in the fierce debates, in both Houses, over Lord Hardwicke's Marriage Bill. To-day we regard that Bill as reasonable and salutary because it tightened up the law of marriage, mainly by requiring the publication of banns and the performance of the ceremony in a place of public worship. This was intended to obviate the irregular and secret marriages by which women of a certain class lured wealthy young heirs into matrimony. But the opponents of the measure contended that the Act was designed solely in the interests of the propertied classes, and was unfair to the poor, because of the fees which had now to be paid. For perhaps the first time in the Ancien Régime there were brought into sharp contrast these two conceptions of marriage—the one based on natural inclination, intended to meet a human need; the other based on prudence or calculation, intended to retain large possessions in the same social class. Hence, advocacy of the repeal of the Marriage Act urged, later in the century by C. J. Fox, was regarded as a popular, even radical reform. In this way, public attention was focused, for the first time, on what now seems to us a monopolist, exclusive element in the constitution of the older English society, but it was long before freehold lost its prerogative.

What factors favoured this long, silent revolution whereby the basic structure of English society was slowly transformed? There were many. Great wars, as usual, made their contribution, notably the War of the American Revolution, followed so quickly by the Jacobinism of the French Revo-

lution. The Industrial Revolution greatly increased the pressure from the unenfranchised, outer ring. The Dissenters, from Defoe at the beginning the century to Priestley and Price at the end, waged war on the rampart of privilege. The movement for prison reform, led by Howard, prepared the way for other humanitarian measures, such as the abolition of the Slave Trade, the abolition of slavery in the colonies, and the drastic reform of the penal code. The Reform Bill of 1832 was only the first step in the process of parliamentary enfranchisement; at long last, in 1848, with the abolition of the Corn Laws, the prerogative of the landed freeholder was seriously undermined. All these movements, spread over a long period, had this in common that they were directed to the emancipation of the common man, unendowed with property.

This newly discovered humanity found expression in many forms. The Dissenters, from their position on the margin of society, could see things in a perspective unattainable by those in the privileged, central enclosure; they were behind practically all the progressive and humanitarian movements. The Methodists introduced an introspective and even spiritual element into the lives of the underdogs, by insisting that God cared for them, not collectively and abstractly, but personally and individually; indeed, Wesley's popular hymn 'Jesus, lover of my soul' provided the antithesis to the older conception of the Diety, whose function was held to be that of preserving in the existing order and keeping the poor in their place. Moreover, in the century and a half after 1688 men were becoming less theological, but not less religious; and the absence of plague after 1665 served to diminish the force of the old argument that disease and famine, like tyrannical government, are sent by God to punish us for atheism and debauchery. Parallel with this recession of dog-

matism, there was a new type of philosophy, developed mainly by Locke and Hume which, by focusing attention on the problem of the links between sensation and experience on the one hand and intellectual processes on the other, brought into greater prominence the subjective element in man. Another influence was that of women. Though still denied legal rights, they experienced a social emancipation which brought them to a nearer equality with man, particularly educated men. Generally, they helped to diminish the pedantry, the acerbity, the coarseness of the old man-made society; often their commonsense realism provided a corrective to the egotism of the male. Finally, in this enumeration of less obvious movements in English life, I would include smoking, which steadily increased in the seventeenth and eighteenth centuries. Call it a drug or a poison if you like; but it did help to mitigate the uncompromising angularity of the older world and to foster, as by a sedative, the spirit of concession and compromise. It is possible that, if Charles I or even Archbishop Laud had been in the habit of smoking a pipe, there would have been no Civil War. A civilisation without nicotine may be highly virtuous and exemplary, permitting no compromise with sin or error; it will abound in saints and rigorists, but also in martyrs and massacres.

My own impression is that today human personality is richer and deeper than it ever was before. My evidence may not be very convincing, but here it is. First of all, modern portraits often reveal more complicated and developed personalities than are shown by those of the past, in which a certain rigidity, or angularity or even tenseness can often be detected. Also, there is, I think, general agreement that, at least among the English-speaking people, there is now a higher standard of honour and of humour. As regards honour, formerly men stood on their oath, with the result

that oath breaking became a habit; today we all stand on our honour, and that cannot be violated with impunity. Then as regards the sense of humour. Originally, humour meant one of the four humours, and had nothing to do with our sense of the incongruous or irrational, based on an appreciation of balance and perspective. Our sense of humour today is incompatible with the coarse practical joke, but it is not incompatible with tears, which may provide a catharsis, as we contemplate, with amused sadness, the follies of human life, including our own. In this sense humour means a sense of proportion and a spirit of toleration. The dangerous nations are those which have no sense of humour.

I am suggesting that personality has gradually evolved from property through the intermediate stage of status. That our conception of personality today is much richer and more complicated than in the past is evidenced in the great increase in the number of words used for the analysis and description of the many shades of character and temperament. Here I am not thinking of new or coined words, such as one finds in modern psychology; I have in mind old, respectable words, originally used of inanimate or barely animate objects, and now used also in a referred and subjective sense. A simple example is the word 'starchy' to describe a straight-laced inflexible person. This word was made possible by the introduction of starch into England from Holland in the later sixteenth century. Astronomy provides some such words, as martial, saturnine and loony; medicine supplies others, as phlegmatic, lymphatic, sanguine and sardonic—the last, a useful word, derived from the *risus sardonicus*, or involuntary and ghastly grin produced by the facial muscles in some cases of poisoning as, in ancient times, by a herb found in Sardinia. The words cynical and stoical recall Greek philosophy. The word tolerant is useful for my purpose.

Originally, it meant tolerant of something material, such as a poison or hard work or exposure; not till the nineteenth century did it come to mean tolerant of other people's opinions. We know that the words honour and humour have many old significations, but it is not till the nineteenth century that we find the expressions 'a sense of humour' and 'a sense of honour.' Always, in the vocabulary which I have in mind, there has been an advance from the objective to the subjective, in order to meet the demands in our vastly more complicated diagnosis of personality. So great are these demands that we are even obliged to appropriate words from other countries, notably Scotland, where harsh conditions and an unusually perceptive peasantry helped to enrich the vocabulary with words denoting the various shades of caution, and sarcasm—not an unkindly sarcasm, but the expression of a somewhat diffident and critical attitude, contrasted with that prevailing in more prosperous England, where rank and wealth have always been regarded with greater awe. Examples are the words canny, cosy, feckless and pawky. Of these, the last exemplifies a typically Scottish attitude; but I can best illustrate it by an example not from Scotland, but from Texas. In Austin, as you know, the University of Texas is very large, and accordingly deaths among its senior members are regrettably but inevitably frequent. So the flag on the campus flag staff is often at half mast. Recently, two senior and very distinguished professors happened to meet under the flag staff. Number One, pointing to the flag at half mast, remarked: 'A lot of deaths recently.' 'Yes,' replied number two, 'but they are always the wrong ones.' That remark revealed a pawky character.

In conclusion, it must be obvious to all who have read thus far that the subject is full of unsolved problems—problems shelved or obscured by modern Psychology, which explains



so much by the use of an entirely new and impressive terminology. The study of the evolution of human personality has thus been side-tracked by a new approach. I am well aware that, when we speak of the more highly developed personality of modern man, this may mean no more than that, like the physician, we have now a better technique for diagnosis; just as the doctor identifies and names diseases, existing at all times, but never before classified, so we may be merely applying a larger vocabulary for description of what has always been there. On the other hand, there may have been actual development, just as new disorders and new tolerances are created by new conditions. I have expressed the view that, historically, there has been an enlarging and deepening of human personality, in at least the western hemisphere, mainly through the intermediate stages of property and status. Of the factors which have promoted this evolution I regard Christianity as the most potent and the most complicated—complicated because Christian doctrine has itself experienced an evolution, which has resulted in a division into different and even hostile camps. Nevertheless, in spite of these differences, I think that the western, or at least the Anglo-Saxon mentality is distinguishable from both the Ancient and the Oriental mentality—distinguishable is perhaps too mild a word. The late Lord Curzon once publicly proclaimed that there are two kinds of truth, western and oriental, the first being vastly superior to the second; but, while few of us have either the courage or the social status necessary for such pronouncements, we may feel that His Lordship was giving a clear and downright answer to one of the many questions implicit in this essay.

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