

## Chapter IV: Individual Liberty and Public Control

### I

Society cannot exist without law and order, and cannot advance except through the initiative of vigorous innovators. Yet law and order are always hostile to innovations, and innovators are almost always, to some extent, anarchists. Those whose minds are dominated by fear of a relapse towards barbarism will emphasize the importance of law and order, while those who are inspired by the hope of an advance towards civilization will usually be more conscious of the need of individual initiative. Both temperaments are necessary, and wisdom lies in allowing each to operate freely where it is beneficent. But those who are on the side of law and order, since they are reinforced by custom and the instinct for upholding the status quo, have no need of a reasoned defense. It is the innovators who have difficulty in being allowed to exist and work. Each generation believes that this difficulty is a thing of the past, but each generation is only tolerant of past innovations. Those of its own day are met with the same persecution as though the principle of toleration had never been heard of.

"In early society," says Westermarck, "customs are not only moral rules, but the only moral rules ever thought of. The savage strictly complies with the Hegelian command that no man must have a private

conscience. The following statement, which refers to the Tinnevelly Shanars, may be quoted as a typical example: 'Solitary individuals amongst them rarely adopt any new opinions, or any new course of procedure. They follow the multitude to do evil, and they follow the multitude to do good. They think in herds.'"[3]

[3] "The Origin and Development of the Moral Ideas," 2d edition, Vol. I, p. 119.

Those among ourselves who have never thought a thought or done a deed in the slightest degree different from the thoughts and deeds of our neighbors will congratulate themselves on the difference between us and the savage. But those who have ever attempted any real innovation cannot help feeling that the people they know are not so very unlike the Tinnevelly Shanars.

Under the influence of socialism, even progressive opinion, in recent years, has been hostile to individual liberty. Liberty is associated, in the minds of reformers, with laissez-faire, the Manchester School, and the exploitation of women and children which resulted from what was euphemistically called "free competition." All these things were evil, and required state interference; in fact, there is need of an immense increase of state action in regard to cognate evils which still exist. In everything that concerns the economic life of the community, as regards both distribution and conditions of production, what is required is more public control, not less--how much more, I

do not profess to know.

Another direction in which there is urgent need of the substitution of law and order for anarchy is international relations. At present, each sovereign state has complete individual freedom, subject only to the sanction of war. This individual freedom will have to be curtailed in regard to external relations if wars are ever to cease.

But when we pass outside the sphere of material possessions, we find that the arguments in favor of public control almost entirely disappear.

Religion, to begin with, is recognized as a matter in which the state ought not to interfere. Whether a man is Christian, Mahometan, or Jew is a question of no public concern, so long as he obeys the laws; and the laws ought to be such as men of all religions can obey. Yet even here there are limits. No civilized state would tolerate a religion demanding human sacrifice. The English in India put an end to suttee, in spite of a fixed principle of non-interference with native religious customs. Perhaps they were wrong to prevent suttee, yet almost every European would have done the same. We cannot effectively doubt that such practices ought to be stopped, however we may theorize in favor of religious liberty.

In such cases, the interference with liberty is imposed from without by a higher civilization. But the more common case, and the more

interesting, is when an independent state interferes on behalf of custom against individuals who are feeling their way toward more civilized beliefs and institutions.

"In New South Wales," says Westermarck, "the first-born of every tribe used to be eaten by the tribe 'as part of a religious ceremony.' In the realm of Khai-muh, in China, according to a native account, it was customary to kill and devour the eldest son alive. Among certain tribes in British Columbia the first child is often sacrificed to the sun. The Indians of Florida, according to Le Moyne de Morgues, sacrificed the first-born son to the chief..."[4]

[4] Op cit., p. 459.

There are pages and pages of such instances.

There is nothing analogous to these practices among ourselves. When the first-born in Florida was told that his king and country needed him, this was a mere mistake, and with us mistakes of this kind do not occur. But it is interesting to inquire how these superstitions died out, in such cases, for example, as that of Khai-muh, where foreign compulsion is improbable. We may surmise that some parents, under the selfish influence of parental affection, were led to doubt whether the sun would really be angry if the eldest child were allowed to live. Such rationalism would be regarded as very dangerous, since it was calculated to damage the harvest. For generations the opinion would

be cherished in secret by a handful of cranks, who would not be able to act upon it. At last, by concealment or flight, a few parents would save their children from the sacrifice. Such parents would be regarded as lacking all public spirit, and as willing to endanger the community for their private pleasure. But gradually it would appear that the state remained intact, and the crops were no worse than in former years. Then, by a fiction, a child would be deemed to have been sacrificed if it was solemnly dedicated to agriculture or some other work of national importance chosen by the chief. It would be many generations before the child would be allowed to choose its own occupation after it had grown old enough to know its own tastes and capacities. And during all those generations, children would be reminded that only an act of grace had allowed them to live at all, and would exist under the shadow of a purely imaginary duty to the state.

The position of those parents who first disbelieved in the utility of infant sacrifice illustrates all the difficulties which arise in connection with the adjustment of individual freedom to public control. The authorities, believing the sacrifice necessary for the good of the community, were bound to insist upon it; the parents, believing it useless, were equally bound to do everything in their power toward saving the child. How ought both parties to act in such a case?

The duty of the skeptical parent is plain: to save the child by any

possible means, to preach the uselessness of the sacrifice in season and out of season, and to endure patiently whatever penalty the law may indict for evasion. But the duty of the authorities is far less clear. So long as they remain firmly persuaded that the universal sacrifice of the first-born is indispensable, they are bound to persecute those who seek to undermine this belief. But they will, if they are conscientious, very carefully examine the arguments of opponents, and be willing in advance to admit that these arguments may be sound. They will carefully search their own hearts to see whether hatred of children or pleasure in cruelty has anything to do with their belief. They will remember that in the past history of Khai-muh there are innumerable instances of beliefs, now known to be false, on account of which those who disagreed with the prevalent view were put to death. Finally they will reflect that, though errors which are traditional are often wide-spread, new beliefs seldom win acceptance unless they are nearer to the truth than what they replace; and they will conclude that a new belief is probably either an advance, or so unlikely to become common as to be innocuous. All these considerations will make them hesitate before they resort to punishment.

## II

The study of past times and uncivilized races makes it clear beyond question that the customary beliefs of tribes or nations are almost

invariably false. It is difficult to divest ourselves completely of the customary beliefs of our own age and nation, but it is not very difficult to achieve a certain degree of doubt in regard to them. The Inquisitor who burnt men at the stake was acting with true humanity if all his beliefs were correct; but if they were in error at any point, he was inflicting a wholly unnecessary cruelty. A good working maxim in such matters is this: Do not trust customary beliefs so far as to perform actions which must be disastrous unless the beliefs in question are wholly true. The world would be utterly bad, in the opinion of the average Englishman, unless he could say "Britannia rules the waves"; in the opinion of the average German, unless he could say "Deutschland über alles." For the sake of these beliefs, they are willing to destroy European civilization. If the beliefs should happen to be false, their action is regrettable.

One fact which emerges from these considerations is that no obstacle should be placed in the way of thought and its expression, nor yet in the way of statements of fact. This was formerly common ground among liberal thinkers, though it was never quite realized in the practice of civilized countries. But it has recently become, throughout Europe, a dangerous paradox, on account of which men suffer imprisonment or starvation. For this reason it has again become worth stating. The grounds for it are so evident that I should be ashamed to repeat them if they were not universally ignored. But in the actual world it is very necessary to repeat them.

To attain complete truth is not given to mortals, but to advance toward it by successive steps is not impossible. On any matter of general interest, there is usually, in any given community at any given time, a received opinion, which is accepted as a matter of course by all who give no special thought to the matter. Any questioning of the received opinion rouses hostility, for a number of reasons.

The most important of these is the instinct of conventionality, which exists in all gregarious animals and often leads them to put to death any markedly peculiar member of the herd.

The next most important is the feeling of insecurity aroused by doubt as to the beliefs by which we are in the habit of regulating our lives. Whoever has tried to explain the philosophy of Berkeley to a plain man will have seen in its unadulterated form the anger aroused by this feeling. What the plain man derives from Berkeley's philosophy at a first hearing is an uncomfortable suspicion that nothing is solid, so that it is rash to sit on a chair or to expect the floor to sustain us. Because this suspicion is uncomfortable, it is irritating, except to those who regard the whole argument as merely nonsense. And in a more or less analogous way any questioning of what has been taken for granted destroys the feeling of standing on solid ground, and produces a condition of bewildered fear.

A third reason which makes men dislike novel opinions is that vested



interests are bound up with old beliefs. The long fight of the church against science, from Giordano Bruno to Darwin, is attributable to this motive among others. The horror of socialism which existed in the remote past was entirely attributable to this cause. But it would be a mistake to assume, as is done by those who seek economic motives everywhere, that vested interests are the principal source of anger against novelties in thought. If this were the case, intellectual progress would be much more rapid than it is.

The instinct of conventionality, horror of uncertainty, and vested interests, all militate against the acceptance of a new idea. And it is even harder to think of a new idea than to get it accepted; most people might spend a lifetime in reflection without ever making a genuinely original discovery.

In view of all these obstacles, it is not likely that any society at any time will suffer from a plethora of heretical opinions. Least of all is this likely in a modern civilized society, where the conditions of life are in constant rapid change, and demand, for successful adaptation, an equally rapid change in intellectual outlook. There should be an attempt, therefore, to encourage, rather than discourage, the expression of new beliefs and the dissemination of knowledge tending to support them. But the very opposite is, in fact, the case. From childhood upward, everything is done to make the minds of men and women conventional and sterile. And if, by misadventure, some spark of imagination remains, its unfortunate possessor is considered

unsound and dangerous, worthy only of contempt in time of peace and of prison or a traitor's death in time of war. Yet such men are known to have been in the past the chief benefactors of mankind, and are the very men who receive most honor as soon as they are safely dead.

The whole realm of thought and opinion is utterly unsuited to public control; it ought to be as free, and as spontaneous as is possible to those who know what others have believed. The state is justified in insisting that children shall be educated, but it is not justified in forcing their education to proceed on a uniform plan and to be directed to the production of a dead level of glib uniformity.

Education, and the life of the mind generally, is a matter in which individual initiative is the chief thing needed; the function of the state should begin and end with insistence on some kind of education, and, if possible, a kind which promotes mental individualism, not a kind which happens to conform to the prejudices of government officials.

### III

Questions of practical morals raise more difficult problems than questions of mere opinion. The thugs honestly believe it their duty to commit murders, but the government does not acquiesce. The conscientious objectors honestly hold the opposite opinion, and again the government does not acquiesce. Killing is a state prerogative; it

is equally criminal to do it unbidden and not to do it when bidden. The same applies to theft, unless it is on a large scale or by one who is already rich. Thugs and thieves are men who use force in their dealings with their neighbors, and we may lay it down broadly that the private use of force should be prohibited except in rare cases, however conscientious may be its motive. But this principle will not justify compelling men to use force at the bidding of the state, when they do not believe it justified by the occasion. The punishment of conscientious objectors seems clearly a violation of individual liberty within its legitimate sphere.

It is generally assumed without question that the state has a right to punish certain kinds of sexual irregularity. No one doubts that the Mormons sincerely believed polygamy to be a desirable practice, yet the United States required them to abandon its legal recognition, and probably any other Christian country would have done likewise. Nevertheless, I do not think this prohibition was wise. Polygamy is legally permitted in many parts of the world, but is not much practised except by chiefs and potentates. If, as Europeans generally believe, it is an undesirable custom, it is probable that the Mormons would have soon abandoned it, except perhaps for a few men of exceptional position. If, on the other hand, it had proved a successful experiment, the world would have acquired a piece of knowledge which it is now unable to possess. I think in all such cases the law should only intervene when there is some injury inflicted without the consent of the injured person.

It is obvious that men and women would not tolerate having their wives or husbands selected by the state, whatever eugenisists might have to say in favor of such a plan. In this it seems clear that ordinary public opinion is in the right, not because people choose wisely, but because any choice of their own is better than a forced marriage. What applies to marriage ought also to apply to the choice of a trade or profession; although some men have no marked preferences, most men greatly prefer some occupations to others, and are far more likely to be useful citizens if they follow their preferences than if they are thwarted by a public authority.

The case of the man who has an intense conviction that he ought to do a certain kind of work is peculiar, and perhaps not very common; but it is important because it includes some very important individuals. Joan of Arc and Florence Nightingale defied convention in obedience to a feeling of this sort; reformers and agitators in unpopular causes, such as Mazzini, have belonged to this class; so have many men of science. In cases of this kind the individual conviction deserves the greatest respect, even if there seems no obvious justification for it. Obedience to the impulse is very unlikely to do much harm, and may well do great good. The practical difficulty is to distinguish such impulses from desires which produce similar manifestations. Many young people wish to be authors without having an impulse to write any particular book, or wish to be painters without having an impulse to create any particular picture. But a little experience will usually

show the difference between a genuine and a spurious impulse; and there is less harm in indulging the spurious impulse for a time than in thwarting the impulse which is genuine. Nevertheless, the plain man almost always has a tendency to thwart the genuine impulse, because it seems anarchic and unreasonable, and is seldom able to give a good account of itself in advance.

What is markedly true of some notable personalities is true, in a lesser degree, of almost every individual who has much vigor or force of life; there is an impulse towards activity of some kind, as a rule not very definite in youth, but growing gradually more sharply outlined under the influence of education and opportunity. The direct impulse toward a kind of activity for its own sake must be distinguished from the desire for the expected effects of the activity. A young man may desire the rewards of great achievement without having any spontaneous impulse toward the activities which lead to achievement. But those who actually achieve much, although they may desire the rewards, have also something in their nature which inclines them to choose a certain kind of work as the road which they must travel if their ambition is to be satisfied. This artist's impulse, as it may be called, is a thing of infinite value to the individual, and often to the world; to respect it in oneself and in others makes up nine tenths of the good life. In most human beings it is rather frail, rather easily destroyed or disturbed; parents and teachers are too often hostile to it, and our economic system crushes out its last remnants in young men and young women. The result is

that human beings cease to be individual, or to retain the native pride that is their birthright; they become machine-made, tame, convenient for the bureaucrat and the drill-sergeant, capable of being tabulated in statistics without anything being omitted. This is the fundamental evil resulting from lack of liberty; and it is an evil which is being continually intensified as population grows more dense and the machinery of organization grows more efficient.

The things that men desire are many and various: admiration, affection, power, security, ease, outlets for energy, are among the commonest of motives. But such abstractions do not touch what makes the difference between one man and another. Whenever I go to the zoölogical gardens, I am struck by the fact that all the movements of a stork have some common quality, differing from the movements of a parrot or an ostrich. It is impossible to put in words what the common quality is, and yet we feel that each thing an animal does is the sort of thing we might expect that animal to do. This indefinable quality constitutes the individuality of the animal, and gives rise to the pleasure we feel in watching the animal's actions. In a human being, provided he has not been crushed by an economic or governmental machine, there is the same kind of individuality, a something distinctive without which no man or woman can achieve much of importance, or retain the full dignity which is native to human beings. It is this distinctive individuality that is loved by the artist, whether painter or writer. The artist himself, and the man who is creative in no matter what direction, has more of it than the

average man. Any society which crushes this quality, whether intentionally or by accident, must soon become utterly lifeless and traditional, without hope of progress and without any purpose in its being. To preserve and strengthen the impulse that makes individuality should be the foremost object of all political institutions.

#### IV

We now arrive at certain general principles in regard to individual liberty and public control.

The greater part of human impulses may be divided into two classes, those which are possessive and those which are constructive or creative. Social institutions are the garments or embodiments of impulses, and may be classified roughly according to the impulses which they embody. Property is the direct expression of possessiveness; science and art are among the most direct expressions of creativeness. Possessiveness is either defensive or aggressive; it seeks either to retain against a robber, or to acquire from a present holder. In either case an attitude of hostility toward others is of its essence. It would be a mistake to suppose that defensive possessiveness is always justifiable, while the aggressive kind is always blameworthy; where there is great injustice in the status quo, the exact opposite may be the case, and ordinarily neither is

justifiable.

State interference with the actions of individuals is necessitated by possessiveness. Some goods can be acquired or retained by force, while others cannot. A wife can be acquired by force, as the Romans acquired the Sabine women; but a wife's affection cannot be acquired in this way. There is no record that the Romans desired the affection of the Sabine women; and those in whom possessive impulses are strong tend to care chiefly for the goods that force can secure. All material goods belong to this class. Liberty in regard to such goods, if it were unrestricted, would make the strong rich and the weak poor. In a capitalistic society, owing to the partial restraints imposed by law, it makes cunning men rich and honest men poor, because the force of the state is put at men's disposal, not according to any just or rational principle, but according to a set of traditional maxims of which the explanation is purely historical.

In all that concerns possession and the use of force, unrestrained liberty involves anarchy and injustice. Freedom to kill, freedom to rob, freedom to defraud, no longer belong to individuals, though they still belong to great states, and are exercised by them in the name of patriotism. Neither individuals nor states ought to be free to exert force on their own initiative, except in such sudden emergencies as will subsequently be admitted in justification by a court of law. The reason for this is that the exertion of force by one individual against another is always an evil on both sides, and can only be



tolerated when it is compensated by some overwhelming resultant good. In order to minimize the amount of force actually exerted in the world, it is necessary that there should be a public authority, a repository of practically irresistible force, whose function should be primarily to repress the private use of force. A use of force is private when it is exerted by one of the interested parties, or by his friends or accomplices, not by a public neutral authority according to some rule which is intended to be in the public interest.

The régime of private property under which we live does much too little to restrain the private use of force. When a man owns a piece of land, for example, he may use force against trespassers, though they must not use force against him. It is clear that some restriction of the liberty of trespass is necessary for the cultivation of the land. But if such powers are to be given to an individual, the state ought to satisfy itself that he occupies no more land than he is warranted in occupying in the public interest, and that the share of the produce of the land that comes to him is no more than a just reward for his labors. Probably the only way in which such ends can be achieved is by state ownership of land. The possessors of land and capital are able at present, by economic pressure, to use force against those who have no possessions. This force is sanctioned by law, while force exercised by the poor against the rich is illegal. Such a state of things is unjust, and does not diminish the use of private force as much as it might be diminished.

The whole realm of the possessive impulses, and of the use of force to which they give rise, stands in need of control by a public neutral authority, in the interests of liberty no less than of justice.

Within a nation, this public authority will naturally be the state; in relations between nations, if the present anarchy is to cease, it will have to be some international parliament.

But the motive underlying the public control of men's possessive impulses should always be the increase of liberty, both by the prevention of private tyranny and by the liberation of creative impulses. If public control is not to do more harm than good, it must be so exercised as to leave the utmost freedom of private initiative in all those ways that do not involve the private use of force. In this respect all governments have always failed egregiously, and there is no evidence that they are improving.

The creative impulses, unlike those that are possessive, are directed to ends in which one man's gain is not another man's loss. The man who makes a scientific discovery or writes a poem is enriching others at the same time as himself. Any increase in knowledge or good-will is a gain to all who are affected by it, not only to the actual possessor. Those who feel the joy of life are a happiness to others as well as to themselves. Force cannot create such things, though it can destroy them; no principle of distributive justice applies to them, since the gain of each is the gain of all. For these reasons, the creative part of a man's activity ought to be as free as possible

from all public control, in order that it may remain spontaneous and full of vigor. The only function of the state in regard to this part of the individual life should be to do everything possible toward providing outlets and opportunities.

In every life a part is governed by the community, and a part by private initiative. The part governed by private initiative is greatest in the most important individuals, such as men of genius and creative thinkers. This part ought only to be restricted when it is predatory; otherwise, everything ought to be done to make it as great and as vigorous as possible. The object of education ought not to be to make all men think alike, but to make each think in the way which is the fullest expression of his own personality. In the choice of a means of livelihood all young men and young women ought, as far as possible, to be able to choose what is attractive to them; if no money-making occupation is attractive, they ought to be free to do little work for little pay, and spend their leisure as they choose. Any kind of censure on freedom of thought or on the dissemination of knowledge is, of course, to be condemned utterly.

Huge organizations, both political and economic, are one of the distinguishing characteristics of the modern world. These organizations have immense power, and often use their power to discourage originality in thought and action. They ought, on the contrary, to give the freest scope that is possible without producing anarchy or violent conflict. They ought not to take cognizance of any

part of a man's life except what is concerned with the legitimate objects of public control, namely, possessions and the use of force. And they ought, by devolution, to leave as large a share of control as possible in the hands of individuals and small groups. If this is not done, the men at the head of these vast organizations will infallibly become tyrannous through the habit of excessive power, and will in time interfere in ways that crush out individual initiative.

The problem which faces the modern world is the combination of individual initiative with the increase in the scope and size of organizations. Unless it is solved, individuals will grow less and less full of life and vigor, and more and more passively submissive to conditions imposed upon them. A society composed of such individuals cannot be progressive or add much to the world's stock of mental and spiritual possessions. Only personal liberty and the encouragement of initiative can secure these things. Those who resist authority when it encroaches upon the legitimate sphere of the individual are performing a service to society, however little society may value it. In regard to the past, this is universally acknowledged; but it is no less true in regard to the present and the future.