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ON BRITISH FREEDOM

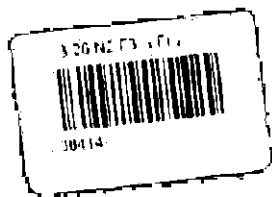
BY THE SAME AUTHOR

ART, A CRITICAL ESSAY
POT-BOILERS
SINCE CÉZANNE

ON BRITISH FREEDOM

BY
CLIVE BELL

"It is not to be thought of . . ."



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ON BRITISH FREEDOM ,

I

RULE BRITANNIA

“ It is not to be thought of . . . ”

GREAT BRITAIN is one of the least free countries in the world, and, with the exception of Russia and possibly Scandinavia, quite the least free in Europe. This has been the case, I should say, ever since the Puritan revolution in the seventeenth century ; though great tracts of freedom were reconquered at the Restoration, and encroached upon only gradually in the eighteenth and nineteenth. The Licensing Act of 1737 (licensing of plays) and the Gin Act opened this second era of interference and prohibition. These harbingers were followed by further Liquor Acts, Gaming Acts, Obscene Literature Acts, Criminal Law Amendment Acts, and the steady transformation of Puritan prejudice into middle-class opinion ; until, in this the winter of our discontents, in the year of grace 1922 to be exact, an Englishman, saddled in addition with certain surviving bastards from D.O.R.A., is at least as much a slave as he was under Cromwell and his colonels.

In the Middle Ages, indeed, till after the age of Shakespeare, it is clear that our appetite for personal freedom—I am throughout using the term “personal freedom” in contradistinction to “political”—was not less keen than that of our neighbours. Erasmus, when he came to this country, was charmed by the prevailing freedom of manners. Wherefore, it seems reasonable to attribute the change to Puritanism. And so profound a change it was, that all those English-speaking communities which since the middle of the seventeenth century have overspread the world—the United States of North America and the British colonies—have taken, as ducks to water, to a peculiar brand of genteel servitude which passes under the name of *Anglo-Saxon civilization*. Indeed, the young communities are more servile than the mother country even; for in England there is an ancient tradition still to wage unequal war in defence of human rights and elementary amenities.

The odd thing is that till a few years ago England enjoyed abroad a proverbial reputation for liberty, and that to this day Englishmen who stay at home are persuaded that they deserve it. The explanation of this singular illusion, if not quite obvious, is not obscure either. That England was a great country in the sixteenth and seventeenth centuries is proved, to my satisfaction, by her literature; while those—the majority—who prefer to measure greatness by counting heads—broken ones I mean—can point gloriously to the defeat of the Armada and our exploits on the Spanish Main. But though for

more than a hundred and twenty years England had excelled in the arts of peace and acquitted herself handsomely in those of war, it was not till the beginning of the eighteenth century that her greatness was universally recognized. Only after that confederacy, of which she was the heart and right arm, had brought to the dust the great Louis did foreigners begin to surmise that there must be something remarkable about this strange and almost unknown island. It was during the next fifty years that Newton, Locke, Harvey, Pope, Addison and, to a less extent, Dryden and Congreve were discovered by the French; and then came the seven years' war, Mr. Pitt, and the supremacy of England confirmed by the peace of Paris in 1763. Tourists now came flocking to London, bent on discovering our secret; and these tourists did what superficial explorers (very few of them, remember, so much as spoke English) are almost bound to do: they noted a peculiarity and made of it a cause—a cause sufficient to explain whatever needed explanation. England had an elected House of Commons and a Jury system: that accounted for everything. That accounted for the conquest of Canada, Mr. Pitt, General Clive, Gray's Elegy, the Royal Exchange, Sir Isaac Newton, Roast Beef, God damn, The Society of Friends, the Duke of Newcastle, Shakespeare and everything else. British freedom was the secret of British greatness. Voltaire said so, Montesquieu said so, Turgot said so, Condorcet said ditto, and so did the Italian poet, Alfieri: and we believed them. "Rule Britannia!" "Britons

never, never, never shall be slaves." We began singing it then, and we have sung it ever since; though in September 1922 an ordinary Englishman is, on the whole, less free than a Roman slave in the time of Hadrian.

When I say that an ordinary Englishman is, on the whole, less free than a Roman slave, I am quite aware that every ordinary Englishman will contradict me violently and out of hand: that Englishman is extraordinary who knows a little history. Also, *I am quite aware that a Roman master had power of life and death over his slaves; and if you believe the lurid pictures drawn in penny tracts and popular historical novels, you will suppose that it was as common for a great Roman gentleman to knock the heads and arms off his valuable servants as it is for a modern farmer to do the same by his horses and tractors.* If you will look about you, however, you will notice that a modern employer takes very good care of the delicate machines which he owns, however callous he may be towards the labourers he hires. We have no reason to suppose that Roman capitalists were less alive to their interests. Then as now there were, of course, brutes and Sadistes; and the powers of punishment possessed by these were certainly a shocking limitation of the slave's liberty. Against this, however, must be set the vast and unchallenged freedom of pagan civility. Compare the rights of a craftsman-slave at Rome—or better still in the eastern provinces of the empire—with those of an artisan at Manchester: bear in mind, certainly, that the Englishman votes

once in five years for a member of Parliament¹ and now and again in municipal elections, and that sometimes he may wish to address a political meeting; but do not forget that the other took advantage of his privileges incessantly. A Roman slave, in his hours of leisure, could read, or hear read, what he liked; no committee of old maids claimed the right to deprive him of the superb indecencies of Juvenal or the malicious indecencies of Petronius or the mellifluous of Ovid, or even of the latest bit of *simplicitas romana* (frank smut). Were he fond of the theatre, he might enjoy a play by Aristophanes or one of the later comic writers: can you fancy an unexpurgated version of *The Lysistrata* being given in Miss Horniman's house? He might eat and drink whatever he could pay for at whatever hour he chose; without let or hindrance he could gratify his sexual tastes; and if of a sporting turn could back his fancy in a cock-fight unmolested by the police.¹

¹ By some of the emperors gaming was formally forbidden at Rome, except, of course, during the Saturnalia (*vide* Martial *passim*). To be sure, exception was always made in favour of games "ubi pro virtute certamen fit," so that, in effect, only dicing would seem to have been aimed at. Dying embers of primitive republican puritanism, for instance the sumptuary laws, seem occasionally to have been revived by a gust of imperial prudery (e.g. under Domitian). They never did much harm; everyone gambled; and under most emperors the prohibitive laws were formally abrogated. Claudian wrote a textbook on gaming. Justinian is supposed to have put a final stop to it by making gambling debts irrecoverable. With Justinian begin the Dark Ages.

He was a wretched slave who had never heard of *Magna Charta* or the *Bill of Rights*, for his sake no Bright or Gladstone or Wells or Webb had made a fortune or a name; but the free Manchester wave-ruler is shot out of the bar at ten, haled before the magistrate if he winks at ("annoys") a wench on his way home, and fined if to console himself he indulges in a quiet game of put-and-take.

But we all detest, unreasonably perhaps, the man who comes it over us with an air of superior erudition; so I leave ancient Rome and turn to contemporary France. I am on the Sussex coast; Dieppe is just over the way, not farther off than London, and it is a little after midnight on a Saturday. Over there some respectable bourgeois, I make no doubt, is just entering his café and calling for a glass of beer. An hour ago, in the little provincial theatre, he may have been laughing at some *Palais-Royal* farce of which the censor here would have made the shortest work—(need I say that if the people of Dieppe happened to prefer those plays by Mr. Shaw and Mr. Barker, which we are not allowed to see, no sort of objection would be raised to their seeing them?) Probably, however, our fortunate friend has been chuckling over one of those saucy pieces at which Lady Longtooth and Councillor Busy have forbidden free-born Englishmen to look, and now he is taking his ease at his inn where no free-born Englishman is allowed to take his at so unseemly an hour as five minutes after twelve. He is reading a comic paper, full of pictures and anecdotes which in this land of the free would have led, as the reporters say,

to police intervention ; or is it one of those novels by Balzac, say, or Zola, the like of which no modern British author dares publish in his own free country ? Or, haply, he has fallen in with two or three friends, and is indulging, in a public place and after hours too, in a game of cards. Should our Frenchman still feel a thirst for pleasure, he can adjourn to yet another place of amusement and regale himself all night long with as much female society, bad music, dancing even and sweet champagne, as his heart desires. And you must not suppose that I am describing the dissipations of a Norman rake-hell ; my man is very probably the father of a family and a pillar of the State—a *conseiller municipal* that is to say—who would be astonished to learn that, were he resident on the other side of the Channel, in this one night he would have committed crimes enough to have cost the tax-payer a small fortune in policemen, courts and magistrates, and himself a quarter's salary in fines : the purveyors of his pleasures would, of course, have been ruined.

And what great liberties have we English, that the French have not, to set against all this tyranny ? Well, an English Communist is allowed to make a more inflammatory speech on Tower Hill than a French one can make in the Place de la Bastille. I am far from deploring this political right ; on the contrary, I would guard it jealously.¹ But I

¹ And let me say at once that I have no notion of defending the abominable political tyranny which at this moment—a moment of violent reaction—is rampant in France. Not only the right of free speech, but the right

think revolutionaries even should preserve sufficient sense of humour to realize that the right of denouncing in unmeasured language the government and the rich is hardly comparable with the right to live one's life in one's own way. After all, comparatively few of us wish to make inflammatory speeches, and not so very many wish to hear them; whereas the majority, you might suppose, would like to read what books we please, choose our plays and films for ourselves, indulge our amatory tastes no matter how unusual, and take a drink when we feel inclined. These, however, are things we may not do; which notwithstanding, a modicum of political liberty has sufficed to give England a long-enjoyed and quite unwarranted reputation as "a free country." For it is in political liberty alone that England has the advantage of her neighbours: in all matters other than the expression of political opinion, in social concerns and private tastes, we are hampered and suffaminated at every turn to a degree unknown in France, Germany, Italy¹ and pre-revolutionary Russia—to such a degree that inhabitants of these countries, when told of our disgrace, positively

to print unofficial views on political and even quasi-political questions is grossly curtailed. Such interference is exceptional.

¹ The Fascisti, I am told, are trying to impose moral as well as political tyranny on the Italians. Besides hoping, we may expect that they will fail. Italian Puritanism would be something so brutal and vulgar, and so silly, that the mind boggles at the mere thought of it.

refuse to believe us. The magnitude of our humiliation is to them inconceivable : they never get used to the English Sunday, they can never quite believe that they will be turned out of a restaurant at midnight, they can never make out why about almost all modern English plays and novels hangs a depressing air of unreality.

You will notice that I have not attempted to prove that freedom is desirable. Since all ethical philosophers now agree that neither wealth, nor health, nor life itself is good in itself, but that all these are good only as means to good states of mind; since, further, they agree that good states of mind are alone good as ends, and since liberty is a potent means to good states of mind, whereas states of mind imposed by authority seem almost always worthless, the matter to me appears settled beyond dispute. I do not, however, expect everyone to be so quickly persuaded ; and those who are not I refer to Mill or even Milton. It is none of my present business to prove that freedom is desirable ; my business is to show that England is enslaved. Whether or no that is a desirable state of affairs every Englishman must decide for himself.

I have conceded, frankly enough, I hope, that, so far as the expression of political opinion goes, speech is freer in England than it is in France, and than it was till quite lately, at any rate, in Germany. But politics, for most of us, fill a very small part of life, and when one turns in any other direction the leading-strings in which full-grown Britons have to toddle are painfully in evidence.

In the last twenty years (for I prefer to speak of times with which I am familiar) plays by Ibsen, Mr. Shaw, Mr. Barker, Mr. Eden Phillpotts and Brieux have been banned, and novels by Balzac and Mr. D. H. Lawrence. Mr. Wells himself has had to mind his "p's" and "q's." We have seen scientific works by Mr. Havelock Ellis (works which were printed even in America) destroyed by order of two or three ignorant bumpkins invested with the authority of magistrates. And quite lately documents of vital importance to the study of psychology have suffered a like fate at the hands of self-important and presumably self-educated officials. Why, the very clerks in the Customs' House have taken it upon themselves to destroy valuable works of art coming into this country—works by artists of European reputation—for no better reason than that they offended the sense of delicacy of Customs' House clerks. Thus we make ourselves the laughing-stock of the civilized world. Think of such men as Mr. Shaw and Mr. Wells, men—whatever we may think of their literary abilities—whose names are familiar everywhere, men who lead opinion in two hemispheres, of whom counsel is taken in America, in Japan, in darkest Russia; think, I say, of such men, when they sit down to work for humanity, having to wonder whether what they want to say will be sanctioned by some shop-keeping alderman, or illiterate fox-hunter, or by a committee of dyspeptic and time-worn virgins. And think of us, full-grown men and women, living in the year 1922, tacitly admitting that we

are incapable of choosing for ourselves what books we will read, what plays and films we will see. Think of our allowing a handful of stupid and ignorant boobies to choose for us.

This state of affairs, shameful in itself, has bred humiliating consequences. People are sometimes heard to wonder why a nation which between 1580 and 1740 gave the world its greatest drama—no, I have not forgotten the Athenians—has since the latter date produced nothing more than the pretty *pastiches* of Sheridan, the fireworks of Wilde, and the fine vigorous pamphleteering of Mr. Shaw. They forget that in 1737 was passed the Act which orders all new plays to be submitted to the censorship of the Lord Chamberlain's office. There is no reason to suppose that England is to-day less rich in genius than she used to be; but it is hard for a genius even to sit down and compose a play which he knows in advance stands little chance of being heard: apart from the loss of time, and therefore of money, the discouragement is overwhelming. Now one of the main motives of both tragedy and comedy is sexual desire in all its complexity, its violence, its beauty, its unreasonableness, its absurdity, and its extravagance; but of this subject the censor allows only certain limited aspects to be treated, and those only in certain conventional ways. And just what most gifted and sincere dramatists have to say about the relation of the sexes is just what the censor will not allow to be said. The consequence is that the best playwrights must either express something less

than and different from the truth that is in them, or leave the stage alone. To leave it alone is what the better sort, for the most part, do. And so we get nothing but mediocre and insincere pieces, treating a restricted theme in a conventional style—unreal plays in which the author himself (should he be in the least clever) believes not a jot. And hence these tears over the decay of the British drama.

Though novelists are freer, they are at the mercy of the magistrates ; wherefore on the English novel, too, rests the blight of inhibition. People say, "Few novels have been suppressed of late." How many have never been written ? How many of our very best writers have been frightened into silence by the subject that possessed them, or have written insincerely and incompletely because they knew that if they told their truth and gave their best it would be suppressed ? The disease spreads to science and philosophy. Of contemporary studies none is more lively and promising than psychology ; but in modern psychology the investigation of erotic experience plays an essential part. Now for these investigations the data consist chiefly in frank and detailed records of personal experiences ; and the demands of modern science have produced abroad abundance of records, which may not make very edifying, and certainly do not make very lively, reading, but which are the raw material of science. Yet of these valuable, nay indispensable, documents, many, along with a certain number of psychological novels, are banned by our learned jacks-in-

office, for whose malignant activities the ill-used and ill-served public pays. Their minatory shadow falls right across literature and science. Our authors feel that they are not free. And this is the more to be regretted because, at the moment, English literature is in an interesting state of stir and agitation which might, if given a fair chance, develop into a movement of some virtue. But until British authors possess the right, enjoyed by all the ancients and by their continental contemporaries, of telling the truth as they see and feel it, their work will necessarily be overcast with insincerity and complicated by detours made to avoid danger-points. Inevitably it will lack directness and decision. It will be either purely conventional or unconvincing.

Ever since the death of Congreve there has been in English prose drama and fiction a tendency towards provincialism—remark that what was said in verse has almost always been treated as negligible by our rulers, but do not imagine I have forgotten that the Act of 1737 was occasioned by an opera. In the nineteenth century—the reign of the Puritan middle-classes—the disease became virulent. At this moment I am persuaded there is more talent—to say nothing of genius—in English than in French literature: yet English literature—English plays and novels at any rate—is not of the centre. It seems to shirk the issue; to beat smartly about the bush, leaving the hare at ease; to be busy with unrealities. How should it be otherwise when authors are not allowed to say, or at any

rate to say decisively, what is uppermost in their minds? Compare *Mrs. Warren's Profession*—a play which, notwithstanding its concessions and compromises, was banned by the English censor and performed with applause throughout Europe—compare it with “Yvette,” a novel on precisely the same theme. I do not think the genius of Mr. Shaw much inferior to that of Maupassant, and assuredly his native sincerity is not less; yet “Yvette” is superior to *Mrs. Warren's Profession*, because, while Maupassant had no hesitation in telling his story frankly, Mr. Shaw, knowing perfectly well that he would be suffered to do no such thing, had to beat about it. “Yvette” is superior to *Mrs. Warren's Profession* for the very simple reason that a Frenchman may tell the truth and an Englishman may not.

Even in so old-fashioned a business as criticism of the Bible, an Englishman who has the misfortune to possess neither an overdraft at the bank nor a literary education is still forbidden to be truthful. That is how, in November 1921, Mr. John William Gott came to be sentenced by Mr. Justice Avory to nine months' hard labour for writing a pamphlet in which he argued that Our Lord must have entered Jerusalem “like a circus-rider,” mounted on an ass and the foal of an ass. Mr. Gott was committed for trial by Mr. Ratcliffe Cousins, on police evidence, and was brought up, unless I mistake, at the Central Criminal Court before Mr. Justice Avory. The jury disagreed. Mr. Gott was tried a second time. The jury found him guilty, but recommended him to mercy, and the judge sentenced him to nine

months' hard labour. On sentence being pronounced, Mr. Edward Leggatt, of the Vehicle Workers' Union, exclaimed aloud, "Unto seventy times seven"; and, on being put into the box and asked what he meant by it, explained that it was written, "Love thine enemy and forgive him unto seventy times seven": for this observation and explanation Mr. Leggatt, of the Vehicle Workers' Union, was fined by the learned judge £5.

In the Court of Criminal Appeal (January 17, 1922) the Lord Chief Justice said that "this was a most dangerous class of crime"; that the prisoner had not been ashamed to suggest that Our Lord entered Jerusalem "like a circus clown on the back of two donkeys"; and that he appeared to be "unfortunate in his education." His Lordship added that Mr. Justice Ivory's decision would be upheld and the appeal dismissed.¹

I have not had the advantage of reading Mr. Gott's brochure, and the Lord Chief Justice may have been justified in holding that the author had been unfortunately educated; it seems improbable, however, that he can have been worse educated than the Lord Chief Justice. Had that gentleman been more of a scholar, he must have perceived what is obvious even from the summary report in *The Times*, that Mr. Gott was raising an interesting point in textual criticism. If he will turn to Mark xi. 7, he will find a simple and doubtless accurate account of what happened—"And they

¹ *Times*, Nov. 22, Dec. 8, and Dec. 10, 1921; Jan. 17, 1922.

brought the colt to Jesus, and cast their garments on him ; and *He sat upon him* " (καὶ ἐκάθισεν ἐπ' αὐτῷ).¹ Matthew, unluckily, had an incorrigible taste for the ancient prophets, and could never allow Our Lord to do anything but in fulfilment of something or other that one of them had said ; wherefore, in xxi. 4 and 5, he writes : " All this was done, that it might be fulfilled which was spoken by the prophet, saying, Tell ye the daughter of Sion, Behold, thy king cometh unto thee, meek, and sitting upon an ass, and a colt the foal of an ass " (Zechariah ix. 9) ; and, thus committed, is obliged to continue (xxi. 7) : " And (they) brought the ass, and the colt, and put on *them* their clothes, and they set Him thereon." " Thereon," say the ingenious translators ; but the text reads καὶ ἐπεκάθισεν ἐπάνω αὐτῶν, which means, if it means anything, on *them*—αὐτῶν being plural, as even a Lord Chief Justice who had been adequately flogged in the lower fourth would have known. If Mr. Gott was at pains to point out the discrepancies in the synoptic gospels, it was presumably with a view to throwing doubt on their inspiration ; and for this two British judges, overriding the humane intentions of two British juries, inflicted on him a cruel sentence. Yet one might have supposed that believers in the Blessed Trinity would have been grateful to anyone who refused to saddle even the least known of its members with the Greek of the New Testament.

¹ Stephanus, Tischendorf and Tregellesius read αὐτόν. It is of no consequence : both are singular.

The laws against speaking the truth, or what a man believes to be true, about the Christian religion are, nevertheless, breaking down ; just as, optimists hope, the laws against speaking the truth, be it comic or tragic, about life, will break down one of these days. They will not break down, however, till people have disabused themselves of the notion that the most stupid and ignorant of their fellow-creatures have a surer taste in life than the wisest and most sensitive. In the sciences, and in pure art even, experts are generally allowed to know best. When a mathematician expresses himself on a mathematical problem, or a biologist on a biological, as a rule his views are not indignantly dismissed on the ground that most curates and many urban councillors dislike them. Yet ethics is a science quite as complex as mathematics or biology ; and in matters of taste it is, perhaps, harder still for unqualified persons to make correct judgments. When a learned archæologist tells a country gentleman that the manor-house he inhabits was not, as he firmly believes, built by William the Conqueror but by some seventeenth-century mason, most people are inclined to suspect that the archæologist is right. But though, through the ages, the men most sensitive to shades of thought and feeling, the men best qualified therefore to judge in matters of taste, the poets and thinkers—Plato, Aristophanes, Lucretius, Catullus, Dante, Chaucer, Rabelais, Shakespeare, etc., etc., etc.—have all found beautiful or amusing what magistrates and county councillors find shocking, for some extraordinary reason these stupid and

utterly uninstructed Toms and Dicks are allowed to know better than the wisest and best of mankind. By no means would I suffer the artists and philosophers to impose a new tyranny of taste: all I desiderate is mutual forbearance. If our civil and spiritual masters think Aristophanes and Shakespeare indecent—neither would be permitted to publish his plays unexpurgated in contemporary England—let them remember that the artists and thinkers find unbearably vulgar most of the books, plays, pictures, and music which touch the hearts of Shallow and Busy or provoke their mirth. Far from me be the wish to deprive the great of their pleasures; let them cry their eyes out over “The Rosary” and split their sides over “Bindle”; but let them not deny us the right to hear those moderns who work in a different tradition—the tradition of Shakespeare and Aristophanes, Rabelais and Chaucer, Congreve, Sterne, and Voltaire.

Yet, seeing that the vast majority of my fellow-countrymen and women do infinitely prefer Mrs. Barclay and Buster Keaton to Shakespeare and Sterne, I cannot expect this priggish appeal to touch them to that deep place whence action springs: though I think it might touch any man’s sense of justice. But will they not, for very shame, refuse to be so insolently bullied? I appeal, not to taste, but to a sense of human dignity. Are grown-up English men and women, in this twentieth century, men and women who are considered old enough and wise enough to pay taxes, vote for members of Parliament, sit on juries and die for their country,

not sufficiently old and wise to choose for themselves what books they will read and what plays they will see? Are we to be treated as children? Let us have the irresponsibility of childhood then, if we are to suffer the restraints. Let no man be held accountable for his misdeeds or expected to act from any motives but those of childish egotism. Until we have the privileges of freedom, let us decline the responsibilities. As it is, you are expected to earn your own living, support your own family, and pay your own taxes; but you cannot be trusted to choose your own books and plays: some one must do that for you. In the best circumstances such a derogation of personal judgment would be contemptible; but it would be just comprehensible, though to be regretted, were the task of choosing deputed to experts, to those most deeply versed in art and letters, to people who cultivated a natural gift for subtle thinking and delicate feeling. But, in fact, it is to a handful of half-educated officials—aldermen and magistrates¹—egged on by illiterate

¹ "At West London Police Court yesterday, Mr. Boyd heard an adjourned summons against Guy Aldred and Rose Aldred (or Witcop), of Richmond Gardens, Shepherd's Bush, for keeping at that address copies of a certain obscene book for sale and gain, the defendants being called on to show why such books should not be destroyed. It was stated that the book was called 'Family Limitation,' and was written by Margaret Sanger, an American.

"Mr. Harry Myers, for the defence, argued that there was nothing in the book which was obscene. It

busybodies, that you have entrusted the choice of your spiritual food. Soon, I suppose, we shall be entrusting these people with the task—for which indeed they are fitter—of choosing our dinners, our

was written by a woman of refinement and education, and the ideas advocated therein were those which could be found in many medical books. Its object was to explain to ignorant women how they could avoid large families.

“Evidence for the defence was given by Sir W. Arbuthnot Lane, consulting surgeon to Guy’s Hospital, who said that in his opinion the book was one that ought to be in the hands of every young person about to be married. He saw no harm in it.

“Mr. Harold Cox, who was also called for the defence, said it was a ‘gross injustice’ to call the book obscene.

“The Magistrate: Would you put such a book in the hands of a girl or boy of sixteen?

“All over London you see books of a lustful tendency, and there is nothing to prevent a boy or girl buying them. This is a book written for the edification of poor, ignorant women to teach them how to limit their families.

“The Magistrate observed that he had to consider not only the pamphlet or book itself, but the manner of its publication. It had been said with truth that dirt was only matter in the wrong place. The eminent persons called for the defence had stated that the only object of the book was to give persons of a certain age certain necessary information and advice on the subject of birth-control. That, no doubt, was true, but the whole question was whether such information had been published indiscriminately. He was of opinion that

clothes, our houses, and our wives. Already we have taken a long step in that direction : an Englishman's home is his castle, provided he does nothing within it that the district visitor could object to : outside, of course, all belongs to the police.

publication had been indiscriminate, and therefore he should direct that the books be destroyed. Notice of appeal was given."—*Times*, Jan. 11, 1923.

This is typical. Here is Mrs. Sanger, an American lady of high intelligence and culture, well known throughout Europe and in Asia too ; here is Sir Arbuthnot Lane, one of those princes of science who make the name of British medicine respectable abroad ; here is Mr. Harold Cox, formerly editor of *The Edinburgh Review*, notorious for a degree of intellectual honesty which has rendered him quite unfit for public life ; here are—or rather were at the appeal—Mr. H. G. Wells and Mr. St. Loe Strachey, who were not allowed to speak ; and here is Mr. Boyd.

II

ELEMENTARY RIGHTS

WE shall soon be letting the busybodies choose our dinners, I said : well, if they have not yet the power of saying what we shall eat, in America and elsewhere they can say what we shall not drink. In England, for the present, they have to be content with saying that the poor shall drink their beer only at certain times and in certain places, with which piece of tyranny they are so far from being satisfied that they regard it merely as the thin end of a lever with which one day they will undermine every bar and tap-room in the land. Let me be explicit on this question, or rather these questions, of licensing and prohibition. Nor I, nor any other reasonable person objects to a tax on wines, beer, and spirits; on the contrary, these, with tobacco, are, we realize, the indicated prey of the tax-gatherer. Since taxes there must be, no reasonable person will object to scientific taxes on alcohol and tobacco, but no liberty-loving person will tolerate punitive. So long as they are imposed solely with a view to raising revenue, so long as financial considerations alone occasion their imposition, the beer and tobacco duties are scientific, and therefore no outrage on

freedom. Taxation, so long as it is scientific and not punitive, touches not liberty ; and the criticism thereof is matter for financial experts. But the licensing laws of this country are not scientific, financially they are not sound ; and, on the other hand, they are, as I mean to show, definite and detestable encroachments on human right. They favour the rich brewers and are favoured by insolent meddlers—those meddlers who, tarred with that most horrid of human vices, the tyrant's temper, proclaim so lustily their own righteousness that they have brought the very word into contempt. A pretty state of things, truly, where the word "righteous" and the designation "good" are employed currently as terms of reproach. Foreigners have been known to wonder at it, until they discovered who and what were the people who habitually arrogated to themselves the epithets.

It is tyrannous to deny any man the right of buying at any hour of the day or night, from a properly licensed person willing to sell, whatever drink he wishes for ; and it is as tyrannous to deny any man the right to sell such drink, provided he is willing to pay the State a fair sum in return for the privilege : note that this sum is to be paid, not as a means to prohibition, but as a means of raising money : it might just as fairly be levied on the sale of bread. Licensing laws are justifiable only as financial expedients ; and on financial grounds our present system is open to considerable criticism. Subject to the needs of the exchequer, trade in drink, as in everything else, should be free.

Does this proposal sound chimerical? Well, a few miles away, on the other side of the Channel, it does not. There, except in the extraordinary conditions produced by the war, free trade in drink has always seemed the most natural thing in the world.¹ "You would have all the pubs standing open all night," says some wiseacre. "Stuff and nonsense," is the reply. In Paris most of the cafés close either at one or two in the morning, because by that time most people are in bed. But some people are not in bed, and for them a few cafés remain open. I have heard a London magistrate argue—no, assert—London magistrates never argue—that by midnight all people ought to be in bed. Tyrants whose names have been branded by every historian never ventured so preposterous a suggestion. Curfew is a measure of martial law. Are the magistrates coming to tuck us up and kiss us all good-night? This passion for putting grown-up people to bed grows apace; there has been a press campaign in favour of closing at an early hour even those dance-clubs against which no accusation of

¹ The war-time prohibition of the sale of absinthe is, however, maintained; and the cause of its maintenance is worth noting: it is simply that the manufacturers of other popular *apéritifs* have succeeded in preventing the Government repealing it. The "good" people—they are not so abundant in France as in England—have, of course, joined in with the monopolists. I have heard it said that in America the most ardent opponents of the repeal of the "Dry Laws" are now the boot-leggers. Prohibition has created a vested interest in smuggling.

serving illicit drink was ever preferred. The Puritans cannot bear to think of other people enjoying themselves while they are asleep. Even in bed they would exercise their spite and envy vicariously : "*on s'enrichit quand on dort.*" What, in their hearts, they feel, is that everyone ought to be doing the same thing at the same time. And since they have no sense of liberty or of elementary human rights, one can hardly expect them to have a sense of civilization—which needs imagination—or of the character of a great city. Yet it is of the very essence of a great civilized capital that some people should be dancing while others are sleeping, some getting up while others are going to bed, that some should be playing while others are studying, some turning pandemonium into a cloister, and others turning night into day. A great city should be full of queer contrasts and odd professions, anomalies and eccentricities. Lacking these it lacks character, ceases to be a centre of life and becomes an overgrown garden suburb. A city in which everyone is doing the same thing at the same time is not to be preferred to an ant-hill.

"So you are in favour of drunkenness," says the county councillor. I am tolerably indifferent : there is no great harm in getting drunk from time to time.¹ What I am not in favour of is people being allowed to make themselves a danger to the public. The drunk *and disorderly* I would severely punish—more severely than they are punished at

¹ Plato himself held that it was a citizen's duty to get drunk at the Dionysia. *Leg.* vi. 775.

present—not because they are drunk, but because they are disorderly. (N.B.—I do not call falling quietly asleep under a lamp-post being disorderly.) And I can hardly imagine the penalty that would be too severe for being drunk in charge of a motor-car. Here, indeed, is what the Lord Chief Justice calls “a very dangerous class of crime.” Mr. Gott was sentenced to nine months hard labour for calling attention to the discrepancies in the synoptic gospels: how much does a respectable tradesman or a rich stockbroker get for being drunk and driving furiously? By the British licensing laws—and this is typical of Anglo-Saxon tyranny—we are all penalised that a handful of malefactors may be circumvented. No one is to have a glass at the bar after midnight, no one is to give a late supper-party at a restaurant, because a few ruffians make dangerous beasts of themselves. You might as well argue that because there are incendiaries no one should be allowed to carry matches (which was, I recollect, Sir Politick’s scheme for protecting the arsenal at Venice), or that because there is such a thing as religious mania all places of worship should be closed.

These licensing laws, which constitute so disgraceful an interference with human liberty, are, as means of revenue, unscientific. They are at once wasteful and iniquitous. By conferring on a strictly limited number of houses the right to sell drink, the State, in fact, confers on a few rich brewers and distillers an *extravagant monopoly*. Free trade, subject only to a charge for the privilege of selling, would mean more licensed houses and therefore

more revenue ; it would mean, also, that the profits which at present, through the tied-house system, go to a few exceedingly rich and often abominably tyrannous companies would be more widely and fairly distributed. These great brewers and distillers care no more for the pleasures and convenience of the public than for its rights. Provided they can sell as much of their stuff in seven hours as they could in four-and-twenty they are not unwilling that the open period should be curtailed : short hours enable them to economise in light, heat, and wages. Their policy is to make the public swallow as quickly—that is, as disagreeably—as possible as much as possible : no cafés for them where people sit and enjoy, where they positively linger over, their liquor. So, by allowing anyone who chose to take out a licence to sell drink at what hour he pleased, you would at once abolish an iniquitous and much-abused monopoly, collect more revenue, and strike a blow for freedom.

It is not the brewers and distillers who are most hurt by the licensing laws, nor the publicans even : it is the public. And, in my opinion, the beer and liberty-loving public has done itself nothing but harm by allowing the championship of its cause to fall into the hands of interested capitalists. The trade unions should undertake the task : before doing so, however, they must see to it that their own hands are clean. Detected tyrants make foolish liberators. You may go into a fruiterer's shop of an evening—the hour at which the poor are most free to make their purchases—and buy oranges or bananas

and be refused plums and strawberries which are rotting on the counter. I cannot help fancying that the trade unions and their Shop-hours Act are somewhere at the bottom of these vexatious restrictions. Likewise are they responsible for the monstrous absurdity that in an open shop, after eight o'clock in the evening, you may buy a newspaper but not an ounce of tobacco. Before playing oculist to the rich, organised labour had best make sure that no motes, or beams even, obstruct its own vision.¹

At the very bottom of all attacks on liberty, underlying all interests and principles, you will always find that tyrant's temper, that swollen egoism, which can satisfy itself only by imposing itself on others. This innate lust of dominion curses the world at one time with a Napoleon or a Tamerlane, at another with policewomen and Prohibitionists; and when I come to deal with the enemies of liberty in general I shall have much to say about it, for it is at the heart of all illiberal movements. But at present I am concerned only with certain of its manifestations—with those arguments in which it *clothes and conceals itself when creeping out to rob us of our cakes and ale*. Two generally are urged

¹ "The Port Talbot magistrates yesterday imposed a fine of £20 on Victor Gazzi, an Italian confectioner, of Cymmer, for selling a penny box of matches after nine o'clock on Saturday night. The shops inspector who proved the case said there were two previous convictions. Antonio Gazzi, an assistant, was fined 20s. for aiding and abetting."—*Times*, Sept. 19, 1922.

by Prohibitionists : (1) That drink lowers economic efficiency, and (2) that it undermines health. As for the first, no decent man or woman ever believed that money was the most important thing in the world. From time immemorial the better sort have agreed that a race of well-to-do brutes, without mind or emotions, lacking a sense of spiritual values—amongst which stands pre-eminent a sense of freedom—would be entirely worthless. Yet the economic argument, shrewdly urged on employers of labour, is said to have been the one that carried most weight in the American prohibition campaign. If that be so, it means that the great country, in whose hands, think some, lies the fate of the world, shamelessly sold freedom for cash ; for cash made law contemptible, and for cash was content to make itself ridiculous. Whether the majority of Americans yet realize how much they have hurt their reputation for humour, I know not ; but it is clear that the more thoughtful are already alarmed by the contempt into which prohibition has brought the law of their land : *Quicquid multis peccatur, inultum est*. Was it really worth jeopardizing a fair name for freedom, humour, and law-abidingness for the sake of a half per cent ?

As for the medical argument, doctors differ. They usually do, being, as a class, apt to generalize dogmatically on wholly inadequate data. Some are sure that alcohol is deleterious to mind and body ; others know for certain that it is of essential value. My only contribution to a discussion, where paucity of data should make acceptable the poorest scrap,

shall be to inquire whether those individuals and races which have shown the highest prowess of mind and body have generally shown any particular aversion from the bottle, the wine-skin, and the butt. Certainly one finds it hard to believe that those races which gave us Greek literature, Greek thought, Greek architecture and Roman law ; which recovered lost civilization in the Middle Ages, and hammered out a new society to hold it ; which brought that civilization to flower at the Renaissance ; and since have won from it such fruit as French prose and English poetry, to say nothing of international science and German music, were mentally and physically debile. One finds it hard, I say, to believe that all this was the work of peoples poisoned by drink and rendered inefficient. Yet we know that the fabrication of fermented liquors is one of the earliest of human activities ; and that since the dawn of their history, and before, the European races have been in the habit of consuming just as much of this poison as they could get. Narrowing my outlook, I will observe that, according to Lecky, who writes in the spirit of a temperance advocate, if not of a teetotaler, " drunkenness was, perhaps, never quite so general amongst the upper classes (in England) as between Elizabeth and the Revolution "—the greatest period in English literature : and I will add, on my own account, that the next in literary merit, and demerit on the teetotaler's list, is the age of Anne and George I. Whether sinologues will be inclined to admit that the hand of the Chinese draughtsmen shook, or the voice of

So sang Li Ro, tenderest of celestial poets, eleven hundred years ago ; and, having sung, according to his translator, Professor Giles, pitched out of his pleasure-boat in a drunken effort to clasp the moon.

Be all this as it may, I am not more impressed by the doctors than by the money-grubbers. "Man shall not live by bread alone" : that does not mean, I know, that he shall live by bees ; but it does mean that neither wealth nor health is an end desirable in itself. A world of healthy brutes is as insignificant as a world of rich ones. Subtle thinking and fine feeling are what count as ends ; a good digestion is but a means. The ideal world of the officer of health—the world composed entirely of perfectly "normal" units—says nothing to the mind and the imagination ; while what it implies, a world of regulations and prohibitions, of slaves and tyrants, is damnable.

The tyranny of the Gaming Acts is not less flagrant than that of the Licensing Laws ; and while the motive power behind both—the domineering spirit—is the same, the arguments vamped up in defence of the former are, if possible, more disingenuous than the cooked figures and ill-founded generalizations of the teetotallers. If you will believe the Puritans, the man who gambles invariably loses his money—somehow even in a wager or a game of cards no one ever wins—goes home and beats his wife, starves his children, and—this is the argument with which he catches the conscience of the governing classes—robs the till. Argal, no

man without a till of his own should be allowed to gamble ; nor is, in any place where poor men could gamble agreeably. He may not gamble in public houses, halls, or institutes ; he may not gamble in the street, or in barns and cowsheds, or the sheltered corners of fields : and, as if this were not enough, the spoil-sports have accumulated vexatious laws interfering with betting by post and with the payment of gaming debts. They order these things better in France, where the only form of gambling the government makes serious efforts to repress is the one that bears hardly on the sporting public and, by creating a large class of professional gamblers, does, perhaps, tend to demoralize—I mean the practice of betting with bookmakers.¹ Having recognized betting as a common and nowise scandalous amusement, an amusement at least as respectable as golf or football, the French government is at pains to make it as agreeable as possible to the public—just as the London County Council by preparing wickets in the parks makes cricket as agreeable as possible : at the same time, the French government makes betting useful. The British government exploits the citizen's taste for alcohol and tobacco to the public advantage ; the French government does not overlook the tax-yielding capacity of the gambling spirit. Sensibly and honestly recognizing betting as a legitimate amusement, it sets up on all

¹ This needs qualification : though no objection is made to card-playing in the cafés, gaming-houses are discouraged. *Roulette* is no longer permitted in France ; and *petits-chevaux* may be played only at specified places.

race-courses its own *pari-mutuels*, thereby guaranteeing fair odds and certain payment to the backer, and to itself a helpful percentage in relief of taxes. The British government, silly and hypocritical, terrorized by the Puritan gang, pretends not to see, declines to recognize, and allows the bookmakers at best to exploit the public by means of unfair odds, at worst to welch,—thereby converting the free side and cheap rings of the course (where *welching* flourishes) into a chain of watchful, well-armed and hostile camps (bookmakers and their auxiliaries versus backers), which camps, by the end of the first race, have, as often as not, joined issue in one vast free fight. Need I add that out of this *mêlée* the government—beyond the amusement tax—extracts not one penny!¹

Gambling is one of man's natural and traditional pleasures. Obviously it has no great spiritual value; neither has golf. Obviously a man may gamble to excess, so may he golf. Both have their evil consequences. Also, not every man is a gambler by temperament, or a golfer,—in fact, I am neither,—but these are not reasons for considering either wicked. To hear anti-gamblers talk you would suppose there was nothing whatever to be said for gambling: you would suppose it was merely a sure and disreputable way of losing your money. What they think anyone does it for I can't imagine. Let me take this opportunity of telling them that gambling gives a great deal of pleasure—a great

¹ By the time this paragraph is in print it may be out of date: I sincerely hope it will be.

deal of pleasure to a great many people who have not too much pleasure in their lives. Perhaps anti-gamblers suppose that there is so much pleasure in the world that this is of no consequence ; if so, they mistake. Against the ill effects of gambling must be set the pleasure obtained by hundreds of thousands from backing horses and playing cards.

The two great faults of the State in its dealings with the gaming instinct are (a) fancying that it is a peculiarly evil instinct, and (b) neglecting to turn it to account. For my part, in addition to *pari-mutuels*, I would have a vast State lottery with cheap tickets and one or two enormous prizes. I would have a weekly draw, and I would publish the winning numbers in the Sunday papers, which should pay handsomely for this piece of all-important information. Think of the excitement : the hopes of Saturday night, the twitter of Sunday morning, the pleasure for millions brought into a day that is none too pleasant even with football in the parks. Think of the thrill added to the life of every manual worker, clerk, and typist, who knew that any Sunday morning he or she might wake up to find him or herself rich. Why, you would be bringing fairy-god-mothers back into the world. And who says "No"? A handful of inordinately powerful spoil-sports—I shall try to explain elsewhere how they come to be so powerful—who, obsessed by a crowd of ugly prejudices, can find relief only in imposing them on others.

Not long ago a friend of mine, a retired soldier and county magistrate, had before him at Petty Sessions

three labourers charged with playing "Nap" in a green lane on a Sunday afternoon. Needless to say, the prime mover in the prosecution was a Nonconformist minister, near whose conventicle the offenders had been amusing themselves. Now, as luck would have it, at the very hour in which these malefactors were doing the deed, my friend and three others, on the verandah of a neighbouring house, were indulging in a quiet game of bridge, seasoned—which makes it worse—with a quiet whisky-and-soda. For them it was as though the public-houses had been open and had ceased to be places within the meaning of the Act; wherefore, when the criminals were haled before him and accused of having spent their Sunday afternoon a little less pleasantly than he had spent his, the Major was struck, as he had never been struck before, by the iniquity of the laws he was called upon to administer. Having tried in vain to persuade his brother magistrates to dismiss the summons, he paid the fines himself. Now, if we are to conquer for ourselves some measure of personal freedom, we shall need as many of these tender consciences, as much of this honourable magnanimity, as we can get. Therefore, let us touch our caps to the Major. That this gallant gentleman, stung in his sense of fair play and human rights, paid the fines, was well; but let us remind him it were better far that ten thousand like him should make it their business to repeal these shameful laws. Every gentleman, every one capable of a generous movement or a flash of indignation at outrageous wrong, feels as he felt; only, unluckily, the instant of indignation past, their

consciences oysterwise close up as tight as ever. My immediate object is to prise and hold them open; Of the difficulty of this task I am at this moment acutely aware ; for in my next chapter I shall have to make on the reader's magnanimity and disinterested sense of justice considerable demands. All I can promise, by way of compensation, is to make as few as possible on his patience.

III

SELF-REGARDING VICES

I CANNOT abide cheese. "This is no *ad hoc* apologue invented for the moral ; it is a sober fact, as my cook can testify. I never could abide it, my friends and familiars will bear me out : the sight of it is to me repulsive, the mere thought, yellowish and flabby or green and crumbling, horrid. To me the idea of eating cheese is hateful beyond words ; and people who ate it, I used to feel, must somehow be hateful too. In a word, cheese and cheese-eaters shocked me. And this misfortune—for my friends assure me a misfortune it is—has brought me one advantage in compensation : I know just what being shocked amounts to. It amounts to an unreasoning disgust, at bottom generally physical : it is a sensation rather than an emotion. What we feel when we are shocked is almost always a sense of physical repulsion or of fear which we are only too willing to mistake for a moral judgment. We are shocked at the sight of nasty ordures and decaying matter, we are shocked by the sight of dead animals, and very often—this, I think, should be noted—of wounded ones : many a humane man cannot go to the help of a horse that is down and bleeding, or

of a wounded bird, or a hurt rabbit, simply because the sight provokes in him so strong a feeling of repulsion that he is forced to avert his eyes and pass his way.' Many people are shocked at the sight of toads, eels, snakes and slugs ; and many more at ideas. But at bottom the cause is always the same—a physical twinge of repulsion or unreasoning fear leading to moral indignation. Yes, moral indignation ; our elders disapproved of slugs and snakes just as much as they disapproved of young ladies who rode bicycles or young gentlemen who wore soft collars. Try as he will, good Bewick is unable to conceal his moral detestation of the tiger : " fierce without provocation, and cruel without necessity," or of the sloth : " of all animals the most sluggish and inactive." Can you not hear the Justice of the Peace sentencing the incorrigible vagabond ? We laugh at old Bewick, when perhaps we should do better to be laughing at ourselves.

Men of science tell us not to be shocked. They tell us that if, instead of screaming and shutting our eyes or flying into a passion and knocking the poor brute over the head, we can bring ourselves to look steadily at what seemed monstrous or horrible, we shall find it full of interest and of beauty even. They remind us that it is not wicked of slugs and snakes and sloths to be slugs and snakes and sloths ; that they are what they are in virtue of natural laws ; that they can be no other ; and that they have as much right to be sluggish and snaky and slothful as we have to be human. They invite us to let our brains get the better of our sensations, to see and

understand instead of beating up a cloud of indignation. Try to find out why a toad is a toad, instead of calling it names, they say. At the very least, I would add, remember that a toad's toadishness does you no harm. Live and let live.

I must entreat the reader to keep in mind this rather sententious exordium, because during the next few pages I shall have to ask him for as open a mind as he can spare. If, so far, we have jogged on together pretty well, it is probably because, so far, I have trodden on none of his more sensitive corns ; for no one—no one, that is, for whose good opinion I care—really thinks much the worse of a man for liking a glass of beer or a game of cards. But the time has now come when I can no longer shirk saying a word about what I shall call “self-regarding vices,” most of which consist, of course, in sexual perversions and eccentricities. And here, I know, we shall all have to exercise vigorously our intellects as well as our sense of fair-play if we are to keep our prejudices in hand. Well, I have tried to do it, and so I feel less compunction in asking as much of others. For, like most people who enjoy their share of normal passions, I share the normal, instinctive repulsion from all forms of abnormality : only I remember cheese. And when I read of perverts being hunted down and sent to prison, I think of my cheese-eating friends and wonder whether it is quite fair to clothe our prejudices with a form of law and arm them with the power of the State. I reflect that the slug cannot help being sluggish, for nature made him so ; and I curb my

rising indignation if not my contempt. Also, I am faced by the staring fact that in a truly free country people would be allowed not only to read what books they pleased, see what plays they pleased, and take a drink or play a game of cards when they pleased, but to make love as they pleased—always provided that they injured no unwilling victim in the process. And that, unless I mistake, is pretty much how matters stand in all the freer countries of the world.

The *code pénal* is categorical on the point: according to that code abnormal practices in private, between two consenting adults, go absolutely unpunished. The act is treated as a crime only when it implies an outrage on public decency, or where there is violence or absence of consent, or when one of the parties is under age and unable to give valid consent.¹ "This method of dealing with the matter has been followed by the legislators of various European countries."² The code, as everyone knows, was influenced greatly by the humane ideas of the eighteenth century; and the ideas of the eighteenth-century philosophers and of Voltaire himself on this subject may be gathered from the following note to Kehl's edition:

[Cette offense],³ lorsqu'il n'y a point de violence, ne peut être du ressort des lois criminelles. Elle ne viole le droit d'aucun autre homme. Elle n'a sur le bon ordre

¹ *Code Pénal*, 330, s. 79.

² Westermarck, *Origin and Development of the Moral Ideas*, xliii.

³ I have paraphrased two words in the interests of decency.

de la société qu'une influence indirecte, comme l'ivrognerie, l'amour du jeu. C'est un vice bas, dégoûtant, dont la véritable punition est le mépris.¹

I do not know that any fair-minded person will wish to add anything to, or subtract much from, this excellent statement ; unless it be a codicil in favour of punishing those who make wanton parade of their vices. Children, of course, are to be protected. And cases of rape of all sorts, where they can be proved up to the hilt—an authority on evidence once assured me that nine out of every ten cases are not rapes at all—are to be dealt with sternly. For the rest, it seems to me the merest justice that these unfortunate perverts—provided they keep their abnormality to themselves—should be allowed to live in peace.

"Unfortunate," I called them ; and in so doing, I suppose, laid myself open to the charge of airing my own prejudices. But, indeed, I find it impossible to believe that those who must express

¹ Voltaire, *Œuvres Complètes*, ed. Kehl (1785), vol. 29, p. 323 (note). Westermarck, who seems certainly to give the reference incorrectly (v. 437), thinks that this note is by the editor. He may have definite knowledge to that effect ; otherwise, seeing the style suggests marginal annotation, I should have supposed it was from the author's hand. For further discussion of this disagreeable topic, see Bax (*Ethics of Socialism*), and, above all, Westermarck, chap. xliii. ; but indeed the whole of Westermarck's monumental and authoritative work (2 vols., Macmillan, 1906) should be consulted by anyone who concerns himself with morals.

themselves abnormally can ever express themselves quite happily. Nature has afflicted them already : is it generous in us to add human pains to her decree ? A vista of fine rhetorical possibilities I perceive opening out before me, which vista I shall not explore. The argument, I fancy, is something insincere : do we really feel any special compassion for those who have been born unlucky ? Rather I appeal to a sturdier sentiment which is, I believe, sincere enough in most of us : I appeal to the sense of fair-play. Can an Englishman with a sense of liberty and justice be less tolerant than foreign governments ? With what face can you and I, sitting in the study, smoking our pipes, drinking our whiskies, and playing a game of bridge, or reading the works of Rabelais, indulging, that is, in our pleasures—all of which some people think vicious—with what face, I say, can we employ the whole force of the State, while we sit there drinking and smoking and gambling, against two wretches who are doing us no harm but are occupying themselves in a way which to them seems perfectly natural and to us revolting ? For very shame we should leave them alone, even were liberty not in question. But liberty is in question. Liberty is not the right of you or me to live as we please ; it is the right of everyone to live as he or she pleases provided he or she does not interfere too violently with other people's security and well-being. Here, manifestly, there is no question of invading other people's rights ; and in a business so essentially private I can find no arguments at all for State intervention.

To tell the truth, in matters of sex both the laws and conventions of the English-speaking peoples are , savage. Contemporary Europeans, shrug shoulders at such barbarity, and the ancient world would have rubbed its eyes in amazement. The Greeks who, in my opinion, achieved the highest civilization the world has yet seen, who created something that comes nearer our notion of the ideal than anything since created, and who would have come nearer still could they have contrived to eliminate their wretched little State jealousies and consequent wars ; the Greeks who first realized the dignity of man and the possibilities of human life, who first understood that dignity and felicity are to be sought not in power nor in wealth but in the mind ; the Greeks who first asserted that the life of a free man, capable of thinking and feeling, inquiring and enjoying, is the life worth living, and who demonstrated to an astonished world of tyrants and slaves that Tellus, the Athenian, was happier than Croesus ; these nobly civilized Greeks, I say, held no sin what the barbarians of the Dark Ages punished with torture and death. And shall we, in the twentieth century, suppose that the savages knew better than the Greeks ? Everyone admits that the Greek ideal was fine, and that it was more nearly realized by the Greeks than any other ideal has been by any other people : no one denies that their literature, their thought, and their art were superb ; on all hands they are allowed to have been in speculation prodigiously bold and honest, and in sensibility unmatched ; and yet in this matter of morals a curate

or a county councillor is to know better than Plato. For the sublime Plato—who challenges the epithet?—held that the love of man for woman, useful for purposes of procreation, was, as an emotion, essentially inferior. Had Plato lived in other circumstances, in an age when women, more highly educated, were intellectually and aesthetically more fully developed, he might have seen reason to modify this judgment. I, at any rate, given modern conditions, will not tamely submit, but am prepared, humbly yet pertinaciously, to defend my tastes against Plato himself. But that is not the point: the point is that to sentence people to long terms of imprisonment for doing what Plato and the best and wisest of the ancient world thought right, is to make oneself so ridiculous that vanity alone should suffice to get these brutal laws repealed.

We are back at the old absurdity; whereas in all other matters the intelligent, the well educated and the sensitive are presumed to know better than the stupid, the ignorant and the obtuse, in ethics and questions of taste in life the last have it all their own way. For it is the whole tradition of civility and enlightenment, not only the Greek tradition, which protests against the barbarity and unimaginativeness of our laws. Had it been the Greeks only, with their poets and philosophers and their Theban band (over which when all its heroes lay dead on the field of Chaeronea, each by the side of his friend, and all facing the enemy, that enemy, Philip of Macedon, half barbarian though he was, exclaimed: "There can be nothing shameful in the

loves of men so brave")—had it been only the Greeks who held no sin what the English law makes an indictable offence, the contradiction were less glaring. But the whole of classical antiquity is against us here. Almost every Englishman, I suppose, knows the name of Hadrian, and those who have been to any extent educated know that he was one of the most beneficent of the emperors. Without being very partial to the Romans, I can see that Hadrian, in spite of his ludicrous villa, was unmistakably one of those who have deserved well of their fellows, and whose name deserves well of posterity. I shall not retell the tale of Hadrian and Antinous—the reader may look it up for himself in Dion Cassius—but, after the names of Plato and Voltaire I am not sorry to cite those of Philip and Hadrian. Here are no cranky philosophers, no visionary poets, no aesthetes, but a soldier and a statesman: from them you may take with confidence the views on this matter of classical antiquity.¹

¹ Perhaps I should add a note to point out that the attitude to these matters of Chinese civilization is not very different from that of Greece and Rome. "L'opinion publique," says Martignon, "reste tout à fait indifférente à ce genre de distraction et la morale ne s'en émeute en rien. . . . La pédérastie a une consécration officielle en Chine. Il existe, en effet, des pédérés pour l'Empereur" (*Archives d'anthropologie criminelle*, xiv. 42, 43, 52). Thus, against this cruel superstition which has come straggling down to us from the Dark Ages, are ranged Greek, Chinese and Roman practice, the eighteenth-century philosophers, the *code pénal*, and those legal systems that derive from the code.

So let us listen to Philip and Hadrian, let us listen to Plato, Voltaire and the humane wisdom of the East, but, above all, let us listen to our own consciences. In England we, the normally prejudiced, are in an enormous majority—all the more reason to be just and modest. In the light of history we cannot suppose our reactions in these matters to be anything but prejudices slowly formed throughout the Anglo-Saxon world by religion, education and a long tradition. Those were not naturally cruel men who burnt heretics for not agreeing with them, and witches for being vaguely disquieting; they were simply men who refused to submit prejudice to reason. To-day anyone who advocated such persecution would rightly be judged a monster. We see that to punish a Protestant for criticizing Catholicism or a Catholic for criticizing Protestantism is to clothe a prejudice with a form of law and arm it with a sanction. "*C'est mettre ses conjectures à bien haut prix que d'en faire cuire un homme tout vif,*" said Montaigne. That is why I say: "listen to your conscience." It will tell you that it is tyrannous and shameful to punish people for doing something which shocks but does not harm you. And, conscience having done its work, self-interest may step in to remind you that probably many of your own pleasures seem shocking to others, and that of all virtues none is more conducive to a quiet life than tolerance.

The law of the land, in all matters of sex, seems to lag behind public opinion. As for the conventions, the younger generation seems to have taken

their reform into its own hands—a fact in which I, no longer quite young, without making any call on my reason or sense of justice do heartily rejoice. What the Victorians used to call “free love,” that is to say the living together of people who have not been married, or the falling into each other’s arms of people who have not even the intention of living together, is no longer considered disgraceful by any young or youngish person outside the lower middle class. In that class, however, the convention is still strong enough to make women prefer, not indeed their own death to dishonour, but the death of their husbands. It is, apparently, more respectable to murder one’s husband than to run away with a man who cannot make an honest woman of one. There was nothing to prevent the wretched Mrs. Thompson from running away with the ship’s steward she adored except the fact that she would have had to live with him in sin so long as Mr. Thompson was alive : and the only way of making her guilty passion innocent was to murder her husband, which she did. *Tantum religio* . . . But in the classes socially above and below Mrs. Thompson, no one, no young person at any rate, would have thought much the worse of her and her lover if they had gone off together or continued to make love clandestinely. And this change of attitude towards extra-marital love affairs makes the whole question of Divorce Law reform, in my opinion, less important. Important it is, no doubt, that the Divorce Laws should be reformed, mainly in the interests of illegitimate children. But, as a

pamphleteer on liberty, I am not called upon to discuss the matter from that point of view. Manifestly, with the decay of the prejudices against illicit love, the Divorce Laws become a far less serious restraint. So long as the conventions were strong the laws might keep lovers apart ; now the laws merely prevent them getting married. By comparison with the coming between lovers of the conventions, I do not consider this legal impediment to matrimony a very serious infringement of our rights. After all, marriage is a civil contract, to the economic implications of which the State cannot well be indifferent. And I will add that the hubbub raised by certain divorced persons because scrupulous clergymen refuse to marry them seems to me preposterous. Those who attach importance to ecclesiastical sanctions should respect ecclesiastical prejudices. If the blessing of the Church means so much to them that they cannot live happily without it, the opinion of that Church in the matter of divorce should not mean less. To compel a minister of religion, against his conscience, to unite in holy matrimony divorced persons seems to me as tyrannical and outrageous as it would be to prevent those persons cohabiting until they had been so united.

Public opinion which, during the last twenty years, has done something towards taking the starch out of the conventions, has also shown a disposition to render inoperative some of the more grotesquely tyrannous laws. In the teeth of evidence juries have refused flatly to convict. We saw that

Mr. Justice Avory could cajole a jury only into giving a mitigated verdict against Gott: to be sure, he made no bones about disregarding the mitigation. Very often, however, especially in cases of sexual irregularity, juries are more resolute, and "hanging" judges have to be content with their own sarcastic comments. Also, in justice to the bench, it should be said that many of the wiser and more learned seem to be heartily ashamed of the laws they are expected to administer. Sometimes, indeed, an exceptionally independent judge will denounce from the very seat of judgment some particularly outrageous and obsolete piece of legal nonsense, as the right of a woman to claim damages for breach of promise, or the prosecution of a co-respondent for perjury. The liberal tendency of juries was very noticeable just before the War, and was duly deplored by the less enlightened judges and their virtuous abettors; it would be interesting to know whether this tendency has been stimulated or checked by the empanelling of women jurors. Anyhow, no one can doubt that public opinion is still in advance of judicial and administrative who remembers the hot indignation aroused in all those who heard of it—for some reason it was as far as possible kept out of the papers—by the Epping Forest scandal, and that was only a couple of years ago. The facts, as I remember them, were, that an extremely respectable young artisan betook himself one summer's afternoon to Epping Forest (a recognized trysting-place it would seem, the mosquitoes notwithstanding, of lovers and would-be lovers), was inveigled into the clutches of

a policewoman in plain petticoats, was charged with "accosting," and on the evidence of this *agent-provocateur* sentenced to a term of imprisonment. In the House of Commons the matter was referred to by a Conservative Member (Sir John Rees, I think, but I will not be sure), and I was as much pleased and surprised by the indignation expressed by this honourable gentleman and his friends at the rôle played by the women police, as I was by the fact that in that force a single member should have been found equipped by nature to play it. I was not surprised that the Labour Party, drawn largely from the lower middle class, and the ever-willing tool of self-righteous tyranny, refused to take the matter up. It was allowed to drop.

Another manifestation of modern unconventionality, of the way in which the young have discarded Victorian prejudices, is the gradual disappearance from our streets of the professional prostitute. Twenty years ago, when first I knew London, "a respectable woman"—to use the cant term—hardly cared to walk up Piccadilly at night alone : she may do so now almost without occasion for a blush. No one will speak to her—and no modern girl minds being glanced at ; no one will mistake her for what she is not. So far from being in the majority, the representatives of the oldest profession slink along unnoticed. The new freedom, resulting from the collapse of Victorian conventions, is making their deplorable services unnecessary. The younger generation, I say, is taking the law into its own hands, and the most

miserable and dangerous, as well as the oldest profession in the world is becoming, in London at any rate, unprofitable. This remarkable fact, and its explanation, were very frankly and courageously brought to the notice of a women's conference held last summer at Oxford. And the professional moralists, the professional enemies of liberty, were forthwith confronted by a pretty dilemma. On which horn should they elect to be impaled? For years they had been preaching a crusade against professional prostitution, telling us very truly that the existence of these pitiable creatures was a torture to them and a danger to us—for, so long as there appeared to be no means of counteracting the danger, they were willing enough to dwell on it. Alas! as every schoolboy who has read Macaulay knows, "enormities" are condemned by Puritans not for the pain they give but for the pleasure. That the latter should be augmented at the expense of the former is what they never bargained for; and in their hearts they now find themselves sighing for the good old days of the "fly-by-nights." Their vexation is aggravated by the fact that the professional prostitute was the dispenser of venereal disease: she was the avenging angel of chastity. Venereal disease has now passed under the special protection of the professional moralists; and they must comfort themselves with the reflection that so far, at any rate, they have succeeded in forbidding science to arm humanity with a well-aimed defence against this ghastly affliction.

IV

THE ENEMIES OF FREEDOM

THE old-fashioned tyrant, the bogey of historians and democrats, with his proper attributes of blood-stained hands, cruel laughter, and rolling eyes, is a stock property of political caricature as alarming as familiar and almost as popular as the devil. He sits in purple robes on a high, and often bejewelled, throne, and is to be found in vast, gloomy palaces where, snarling horribly, he crunches the bones and sucks the blood of the people. The modern and more effective type has another aspect and must be sought elsewhere. You will find him, or more probably her, in the guise of a middle-aged woman of plain but energetic countenance, shaped sometimes like a lettuce gone to seed and sometimes like a wheat-sheaf; or him you may find in the guise of a moderately successful shop-keeper lurking in a black coat, behind gold-rimmed nose-pinchers: but whether black-coated or shirt-waisted, our modern tyrants sit, not in palaces, but in committee rooms, brooding over human wrongs and miseries and the odious frivolity and wickedness of those who are in any way unlike themselves. These crunch no bones; indeed, they are for the most

part vegetarians. By profession they are philanthropists ; and, thus disguised, have contrived so far to escape most of that obloquy which tyrants deserve and get. For these are the nasty, petty tyrants who hate liberty ; and why they hate it is always something of a puzzle to ordinary good-natured men and women. We can understand, though we may not like, a Government which attacks liberties which appear to threaten its existence. But this hatred of liberty for its own sake, these professional enemies of freedom, how can they be accounted for ? Since liberty, in itself, seems manifestly desirable, how come these inveterate enemies to be so numerous ? What muck engendered this swarm of pests ? To answer that question we must dig a little into some of the nasty places of human nature.

Almost every human being has in him both a contemplative faculty and a desire for self-expression. The literary education we are supposed to receive at school is apparently designed to stimulate the former, but in fact this contemplative, receptive, side of our natures is, in the West at all events, and in Anglo-Saxon countries especially, stupidly, if not studiously, neglected. Yet, for purposes of civilized life, it is of the two by far the more valuable, since for most of us it is the sole means to good states of mind. To it we owe all our aesthetic and religious experience ; and this power of receiving, understanding, and feeling is what enables us to appreciate and thoroughly to enjoy that best of all good things—personal relations. Nevertheless, Aristotle

himself notwithstanding, we are encouraged from childhood to develop our taste for 'self-expression and assertion at the expense of the more precious, and far more serviceable, faculty. And thus it comes about that the ordinary Englishman of the upper or middle class, set in the thick of natural beauties, surrounded by affectionate friends, with books, pictures, music to hand, and an education which fits him to criticize the past and speculate on the future, will generally find life intolerably empty and tedious unless he can be up and doing.

We must be up and satisfying our desire to express and assert ourselves. Well, there are two commendable ways of doing that. The artist expresses himself by creating beauty; the worker, be he operative or director, by creating wealth—and wealth, remember, is an essential means to good. Of these active people most, when they are not expressing or asserting themselves—when they are not making or producing—either take refuge in the contemplative life—read books, hear music, and enjoy the company of their friends—or, giving themselves up to simple relaxation (expressing themselves less seriously if you will), play a rubber of bridge or a set of lawn tennis. The ordinary man expresses himself adequately in the task by which he earns his living and in his play; the extraordinary, the artist, can express himself satisfactorily in the creation of art; but between these two is an ill-starred breed which can express itself neither usefully nor beautifully, which must yet be expressing itself always, and which can express itself only at the expense of

others. These people, near the artists in the intensity of their passion to express, are a thousand miles away in their inability to find matter in themselves : they have no imagination. Nearer by this to the majority, they are removed by a lack of simple sensuality and animal spirits : they know not how to enjoy. These are the miserable, distorted natures which can express only by impressing. The worst of it is, the only material on which they can leave their mark is human : they impress themselves on us. The sculptor hews the forms that are to express his aspiration out of stone ; but these must cut theirs out of flesh and blood—out of our flesh and blood. *Theirs is the energetic, self-expressive temperament of the artist ; but unlike artists they can find no satisfaction in the creation of beauty. They must impose their temperaments on other temperaments, making these shadows and echoes of their own.* These are the people who, having fallen between two stools, can but bite and scratch the legs of those above them. From this deformed and hapless race come the natural enemies of liberty.

The most conspicuous representatives are, of course, the conquerors ; “those ungodly man-killers,” as *Dryden* calls them, “whom we poets, when we flatter them, call heroes ; a race of men who can never enjoy quiet in themselves till they have taken it from all the world.” Genghis Khan and Napoleon could express themselves only by imposing their will on their fellows. Let me say at once, that there may be no mistake about it, that I think society justified in limiting the right of such

people to complete self-expression. No Tolstoian,^o I have never denied that society is right in protecting itself; always provided that the measures of protection taken are not likely in the long run to prove more disastrous than the danger itself; that the danger is real; and that society is genuinely protecting itself and not imposing a prejudice. Society must be reasonable and honest, and should count something more than the proverbial ten before deciding that the time has come for action. Thus, I always maintained that the danger of what was called "German hegemony," and of such ill consequences as such hegemony might conceivably have entailed, was not worth a European war and such a war's inevitable consequences. And I have maintained always, and have just been maintaining, that State interference with self-regarding vices is a piece of abominable tyranny because it is merely giving legal sanction to popular prejudice. On the other hand, I hold that society is wise in shutting up violent lunatics and incorrigible thieves, and in hanging murderers. Well, there can be no doubt that Napoleon and Genghis Khan were far greater nuisances than Jack the Ripper and Dr. Crippen; the only question to my mind, therefore, is whether the capturing of such ruffians is likely to be even more troublesome and expensive (I use the word in its fullest sense) than their continued existence at large. Had I been Home Secretary I should certainly have *done my best* to lay the Doctor by the heels and bring Jack to the gallows; but had I been Mr. Pitt I should have left Napoleon alone.

Tyrants so gifted as Napoleon and Genghis, or endowed with so much resource and courage and such *technique* as The Ripper, are rare. Petty tyrants, far less glorious but in the aggregate not less injurious, swarm on every committee and are the despotic kill-joys of ten thousand homes. They must be for ever expressing themselves, that is to say they must domineer. Their main object in life is to impose, to arm their will or whim with the force of law, to have everything as they think it should be, to cut everyone's life to a pattern of their own design. Fit for nothing better, they are by no means ashamed of these shabby activities ; they glory in the name of disciplinarian or philanthropist, they call themselves lovers of mankind, though they are the enemies of almost everything that makes human life worth living. Censors of plays and of the press, licensing justices and the prohibitionists behind you, licensers of theatres, music halls, and films, with your gang of attendant and instigating busybodies, anti-gamblers, anti-smokers, watch and vigilance committee men and women, informers, district-visitors, policewomen, writers of letters denouncing kissing in the parks or on the river, all you who are incessantly interfering in our lives, telling us what we must do and not do, how we must spend our leisure and our money, what we may eat and drink—all, you are all gnawed by that loathsome worm which infected Tamerlane and Robespierre and the man who hit his wife and tortured his child last Saturday : you are bit by the lust of power. You are idealists, say you ? You mean you have a

conception of a dirty little ant-hill of a world and, that to realize it you will twist all nature out of shape. Neither to the philosopher who challenges your ethical standards, and inquires whether at the great symposium (mark the meaning of the word) the sober slaves were better men than their tipsy masters, nor to the ordinary man who asks merely to be let alone to make the best he can of his own life, will you listen. No, you will domineer; you will force all nature to submit; you will have your own way. It is a miracle of kindness in human nature that you have been spared so long.

A brilliant but anonymous journalist who from time to time entertains readers of *The New Statesman* by defining vague social phenomena and endowing *nebulae* with names, writing not long ago on the present troubles and discontents of the racing world, gave us a picture of "the race-course gang." Thence he led us to take a look at gangs in general; and, still holding up the curtain on this distressing peep-show, invited us to consider the nature of the gang. "The gang spirit," said he, "is the spirit that sacrifices everything and everybody to the gang." "Europe," remarked our guide, "is at present overrun by gangs who claim the right to govern": there are, for instance, the Bolsheviks and the Fascisti, the Monarchist gang in Germany and the Republican gang in Ireland, and some vulgar imbeciles, he might have added, with an unpronounceable name in the United States of America. "The gang," he pointed out, "is always the enemy of the State, even if its original purpose is a perfectly honourable

one. The gang is a form of group egotism—of indifference to everything but the triumph of the group. And the ordinary human being dislikes gangs because they interfere with his fundamental liberty. He dislikes"—admits this courageous philosopher—"gangs of idealists just as much as he dislikes gangs of criminals." Good words these: only I cannot help regretting that their writer did not denounce particularly and by name "the Goody-Goody gang"—that arch-enemy of "fundamental liberty."

This gang, the goody-goody, is extremely powerful—powerful enough to have converted what once was merry England into a place of proverbial gloom. It is mainly recruited from the class that has a passionate love of self-expression and nothing of value to express: also, since by joining it mediocrity stands a chance of cutting a figure, vanity without talent rallies to the black flag. It is an association of busybodies and spoil-sports, against which society must devise means of self-protection. A system of education which developed the contemplative faculties, the receptive and appreciative side of human nature, might do much to reduce the number of these undesirable characters; but the incorrigible must somehow be thwarted in their maleficent activities. We take pains to break up the race-course gangs; and Lady Astor is as great a nuisance as any welcher on Newmarket Heath.

In justice it should be added that the tyrant's temper, the passion to dominate and interfere, which is the steam that drives the goody-goody roller, is

supplemented, not only by the disappointed coxcomb's vanity, but much more by the old-maid's envy and the acquired spitefulness of a certain class of barren women. A good deal of the driving power behind "moral legislation," those laws and regulations of which the main object is to prevent kissing, is supplied by the envious spite of ill-favoured women who have never been kissed and are never likely to be. Behind every policewoman and every vigilance society lies, besides the Napoleonic itch, the green sickness. You may see it any day of the week discolour the countenance of a philanthropic old maid ; you may see that look of irrepressible and envious dislike start out at the mere naming of some pretty, much courted woman. You may see it distort those poor old unlovely masks at the mere sight of a public and passionate embrace. I shall never forget walking one evening from the Queen's Hall with two very agreeable, well-educated, excellent ladies of fifty or thereabouts, whom thousands should have respected but no one could ever have loved, and passing, propped against the railings of a square, one of those familiar couples locked in each other's arms, world forgetting, but (alas !) not by the world forgot. The sight was too much for one of my old friends : "It's disgraceful," she exclaimed ; "it ought not to be allowed." It is not very reassuring to learn that both these ladies have since acquired a good deal of influence in the woman's political movement.

Compared with the elderly and embittered virgins the barren wives seem harmless almost. Indeed, only in bringing pressure to bear on Governments to

compel them to meddle in the family life of the poor do the childless strongly support their more unlucky sisters. On "Children's Welfare Committees," I am assured, and bodies for telling mothers how to look after their babies and making it hot for them if they fail to do as they are told, the childless normally predominate, which seems unfortunate. Even more so seems the fact that female magistrates, expressly appointed to deal sympathetically with women in trouble and imprudent girls who have got into a scrape, should be drawn largely from that class which has least experience of the sort of scrapes into which imprudent girls get.

Science claims, and claims justly, to have been the great liberator of the human mind. In our own time even, science, more than any other power, works in the long run for freedom. But a little science is a dangerous thing ; and a very little is the common portion of an English general practitioner. There are doctors of course—even I could name a few—who are genuine men of science blest with scientific minds, men who are therefore amongst the champions and, on account of their knowledge and position, the most effective champions of liberty. That benevolent and beneficent^e Society for the Prevention of Venereal Diseases, friendly to freedom and mitigant of human woes (hated therefore and hampered by the goody-goody gang), was founded, unless I mistake, and is still directed by doctors of great eminence. Doctors of this sort, however, doctors who are an honour to their most honourable profession and a blessing to their fellows, are excep-

tional. The common practitioner is made of poorer clay. More often than not—I have my Cambridge days clearly in mind—he is drawn from an inferior class of undergraduates; essentially uneducated and quite uncultivated, he only too naturally in later life puts his smattering of science and the prestige of a great calling at the service of the bullying instinct. And so, the opinion that it is unhealthy to drink, smoke, kiss, eat the more appetizing dishes, sit up late, or otherwise enjoy oneself, soon becomes, in his half-educated mind, flattered too and fooled by goody-goodies and busybodies, a sufficient reason for asserting that such pleasures should be forbidden. Morals and health are without difficulty or scruple confounded; and for the Greek ideal, *καλὸς καὶ ἀγαθός*, the good man and true, is substituted the ideal of the general practitioner “the normal man.” To differ from the commonplace, for instance to have genius or talent, to be sensitive to beauty, or to care greatly for truth, in fact to be exceptional in any way, is to be abnormal. And since the normal is the good, the normal life the good life, and normality (or normalcy) the true end of human aspiration, it follows that to be abnormal is to be wicked, and that abnormality (and abnormalcy too) should, so far as possible, be suppressed and eliminated by Act of Parliament.

Leaving, for a page or two, in the pillory or pound the curious ethical assumption that the proper study of mankind is health, I must point out that the attitude of these gentlemen who write to the papers and make speeches exhorting the Government to

enforce their dogmas is about as unscientific as an attitude can be. Seeing that the sciences of medicine and physiology are themselves still at a purely experimental stage, it is the merest bounce to dogmatize in those quasi-medical, medico-social, sciences which derive from them. For instance, the science of heredity, the one, perhaps, most commonly invoked to support with bad arguments and false analogies the cause of tyranny, is so far from having arrived at definite conclusions that, even were man fit for nothing better than to continue a healthy species, it would still be quite uncertain how he should set about it. Natural selection and survival play the oddest tricks ; and it is by no means sure that those races which have come nearest to conforming with the doctrines laid down at medical congresses have, in fact, come nearest to realizing the depressing ideal desiderated by the medical profession. Further the problem is complicated by the fact that the doctrines themselves change as rapidly and radically as fashions in frocks, while in their private opinions the doctors vary at least as much as the ladies do in their figures. A good many of us still remember how, in the thick of an influenza epidemic, an enterprising journalist made the tour of Harley Street, left his guineas in a dozen or more eminent consulting-rooms, and came away with the opinions of our leading medical authorities on combating the disease. These he published : and, as was to be expected, hardly two were alike. "Plenty of fresh air, open windows, and don't coddle yourself," said Sir A. B. ; "Keep warm, avoid the night air, and wear flannel next the

skin," said Dr. C. ; "No drugs," said D. ; "Quinine twice a day and paraffin at night," said Sir E. F. G. ; "Surtout point de laxatif," said Professor H. of Stockholm, who was interviewed at the Carlton ; "Just live your ordinary life and don't worry," said wise old Dr. I. ; "Never go out in the evening, avoid theatres, clubs, omnibuses, shops, and crowded railway carriages," said a well-known panel doctor in a working-class district ; "Above all, no wine or spirits," added K. ; "A glass or two of Burgundy with your dinner," said L. ; and so on, and so on.

Now, only a prig will blame these hard-working, long-suffering men for taking two guineas apiece for the best advice they had to give. Their probity is not in question. Had any of them known of an infallible prophylactic he would undoubtedly have named it. But they knew nothing for certain and so could say nothing ; unless, indeed, with superhuman modesty, they had said that *what is one man's meat is another man's poison*. What they did say, when the journalist published the results of his investigation, was, that the journalist was no gentleman—a smart retort, which, however, did nothing to re-establish the infallibility of the profession. I do not blame them. But, in the light of their discomfiture, I do think it preposterous that a gang of arrogant and ignorant human beings should presume not only to lay down the law in a science where there is hardly a conclusion which goes unchallenged, but, as though they had discovered incontrovertible principles of universal

application, to bully the Government into applying their nostrums.

Even were the sole end of existence the perpetuation of a race of long-lived, straight-limbed, eupeptic numskulls, the doctors with their boards of health, sanitary regulations, commissions, supervisions, vexatious meddlings, and abysmal ignorance, could not be sure of achieving it. And suppose the proper end of existence be, as some think, to produce a Keats or a Raphael, a Plato, a Mozart or a Sappho ; can Mr. and Mrs. Sidney Webb themselves, with all the boards they rig and the wires they pull, with Dr. Saleeby's science at the service of their whims, with Dr. Addison to wipe up the mess and the Ministry of Health to push it down the sink, give us these ?

Health is not the end of life ; health is not good in itself. *It may be a means to good, and, as such, highly valuable ; but all means are too dearly bought that jeopardize the end.* ὁ δὲ ἀνεξέταστος βίος οὐ βιωτός, said Socrates, "a life unsifted is a life unspent." Can the doctors give us more sifters of life ? *Health is not the end : clear thinking and fine feeling are.* If medical science can give us more people capable of either, it is one of the greatest means to good in the world. If medical science can prolong and sweeten, as manifestly it can, the lives of such people it is a potent means to good. As such it is worthy of all honour—"hats off to the doctor" : but let the doctor remember that liberty is a means to good also, a means not less potent and, in fact, indispensable. For it is just possible to have

fine thought and feeling without health ; but you^u can have neither without liberty to think and feel, and express too. The doctors, with their religion of health, too often remind me of those centenarians whose deaths one reads of in the papers : " On Monday, April 1st, 19—, died Elias P. Jukes, of Stratford, Mass., at the advanced age of one hundred and seven. To a correspondent who interviewed him on the occasion of his hundred and sixth birthday he said : ' Never touch alcohol, don't smoke, eat no meat, kiss little ; never give way to strong passions but smother your emotions, don't get excited ; don't overtax the brain by reading or worrying about things you can't easily understand ; never go out after eight or sit up after ten, or sit at any hour in an easy chair ; don't lie abed in the morning but get up early and plunge into a cold bath ; when not on duty at the office, get out and take exercise, run a mile and cycle ten, put the weight, don't sit mooning over books, or listening to music, or chattering with your friends ; tire the body every day but never tire the brain . . . ' " in a word, don't do anything interesting, moving or agreeable, and—" and," you fancy he must be going to say, " you will write as well as Shakespeare or be as wise as Socrates"—not at all—" and you may live as long as I have." It never occurred to him that the twenty-six years of Keats or the thirty-five of Mozart were possibly better worth living than the one hundred and seven of Elias P. Jukes.

"The doctors' claim to meddle with our lives and limit our freedom is based, we see, on the entirely

false assumption that health is an end in itself ; that a world of perfectly " normal " imbeciles, or at any rate of healthy general practitioners, is the ideal. In such a republic the doctors, like Plato's philosophers, would rule ; their function would be to maintain normality, to keep all our temperatures at 98·4 and our pulses at 72. We have seen that, even were the assumption true, even were our sole aim and object health, there is not the slightest reason to suppose that the organization of society in accordance with current medical doctrine would be the way to maintain it. Happily, all decent people and even philosophers agree that the proper end of existence is something quite different ; and to this end, though medical science can be helpful, organized medicine, were it allowed to have its way, would be fatal. It should be our business, then, to challenge and canvass every inroad on liberty proposed in the name of medicine, or, to be more exact, in the name of that much invoked and strangely abused nymph, Hygieia. For my part, I would not oppose compulsory vaccination or the notification and isolation of infectious diseases : nor am I an enemy of birth control, so long as the kill-joys can be kept out of the business. Economists, it seems to me, have proved past question that the world is becoming overcrowded, and that, unless propagation be checked, the standard of living must inevitably fall and fall till it sinks to the point of universal misery. Grant that the population must be reduced, and medical science may some day be able to help us by showing what people are least likely to produce children who will grow into

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intelligent, sensitive, happy and well-favoured men, and women. If anyone has got to be sterilized, people of this sort should be the first. But it is already well known that sterilization need involve the loss of no pleasure, save only that of parenthood ; and that is the only kind of sterilization which believers in liberty can tolerate. I would not, then, oppose either compulsory vaccination or sterilization, though both do seem to me very large interferences with liberty. I have already admitted that I think society has a right to limit individual freedom provided it is not imposing its prejudices but is defending its existence—(both small-pox and overcrowding do genuinely threaten it),—and provided the limitation does not defeat its own end by reducing life to such abjection that the continued existence of society becomes a matter of trifling importance. I say nothing, therefore, against compulsory vaccination and sterilization : but when it comes to the campaign against drug-takers I protest.

I have not the slightest desire to take drugs myself ; but the spectacle of doctors, magistrates and penny-a-liners fulminating against this habit they have no mind to, and going so far in falsehood as to pretend that it is as grave a public danger as syphilis or small-pox, disgusts me. Besides being illiberal the campaign is nonsensical. In Europe drug-taking is a habit uncommon enough to be negligible ; in the East it has been generally practised time out of mind : yet Chinese and Indians survive, and have not, on the whole, shown themselves less intelligent and sensitive than Europeans. The medical

argument is derisory. There is no evidence that drug-takers transmit more unfortunate characteristics than ill-tempered people or fanatics; when it has been proved conclusively that they do, it will be time to talk about sterilizing, not punishing them. Drug-takers may be disagreeable people to live with; so are religious fanatics, waspish wives, golf maniacs, and family martinets who are thrown into a paroxysm of rage by the slightest contradiction or unpunctuality. Some harm to others drug-takers may conceivably do; but not nearly so much as sentimental novelists who make silly girls sillier, or the newspapers which encourage boys to believe that football is the most important thing in the world. There is more poison in a Sunday news-vendor's satchel than in all the chests and caskets of Cathay. A husband who is addicted to improving the occasion is quite as great a nuisance in the home as a husband who is addicted to opium. Yet we have no raging newspaper campaign, no sermons from the bench against our latter-day Catos. For every brain that has been addled by hachisch a hundred thousand have been blasted by the public schools; yet we have no beating and fining of headmasters. This hue and cry after a few unfortunate, and possibly tiresome, people is as stupid as intolerant: it is mere heresy-hunting. These coroners pulling long faces over a girl who has drugged herself to an early death instead of boring herself and everyone about her to the end of a peevish old age are simply ridiculous. We have hardly policemen enough to protect our persons and property from roughs and

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thieves ; and the cry—a very reasonable one—is still for economy. Yet we waste, the time of policemen, magistrates, witnesses, law court officials and warders hunting down and punishing a handful of wretched eccentrics who do very little harm to anyone but themselves. If you want liberty to enjoy yourself in your way, you must suffer others to enjoy themselves in theirs. These drug-takers do you *no* harm. Leave them alone.

V

HOW TO BE EVEN WITH THEM

To be practical is the last thing expected of a pamphleteer ; and gladly would I leave to practical politicians the task of devising machinery for obtaining what we want. But the politicians are not helpful. There is the Labour Party, which talks so much about liberty, or rather about "the enslavement of the proletariat," that you might expect it to be brimming over with schemes of liberation. Unluckily, its representatives are, at present, too muddle-headed to have much of interest to say on this or any other subject ; and it is the commonest thing to hear them at one moment in their affluent harangues sentimentally eulogizing individual liberty and at the next advocating measures which would destroy such vestiges of it as remain to us. Liberal politicians, to whom I should most naturally turn—being by temperament and conviction more in sympathy with their party than with any other—are estopped from all effective expression of their ideas by an unreasoning terror of the Nonconformist conscience. For my part I cannot think their cowardice and intellectual dishonesty well judged ; since, from all I hear, the

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Nonconformist conscience appears to be so much, what knowing journalists call "a wasting asset" that one had far better depend on the Licensed Victuallers' Association or the Cinema Comhine. Be that as it may, so long as the Liberal Party creeps under the heel of Nonconformity it will be a worse friend to liberty than the Conservative; and it is therefore to the Conservatives that we, lovers of liberty, had better turn. In that party are always to be found a certain number of spirited gentlemen (of the class from which came that magistrate who paid the gamblers' fines), men with a sense of fair play ready to be roused, men who are anything but professional politicians and are quite inclined to be the spokesmen in Parliament, not exclusively of the Conservative voters in their divisions, but of the whole body of their constituents. Now of any Member's constituents at least three-quarters are sure to be friends of liberty. Why then, you say, what can be easier than to persuade Members of Parliament to support, not liberal, but liberating measures? Well may you say so; until you realize that precisely those qualities which make a few people the natural enemies of liberty make them also the most effective wire-pullers in the land.

The born enemies of liberty are, we have seen, those who cannot express themselves except by interfering with others. They are prey to an itch which renders them incapable not only of contemplation and appreciation but even of satisfying themselves with profitable work and harmless relaxation. To be happy they must be meddling.

Wherefore, the business of earning the day's bread done, fatally they betake themselves to politics. Here, and here only, can they be sure of finding scope for airing their Napoleonic propensities ; here, if anywhere, they must ease them of their impetigo ; the Hoppedance that cries in their bellies for two white herrings finds appeasement only in the committee-room. If dram-taking becomes a habit, meddling becomes a mania ; and up and down the country on every committee, be it Liberal, Labour or Conservative, the majority is composed of these pantapragmatical maniacs. Are there five hundred of them in a constituency : depend upon it all will be members of one or other of the political associations ; each will attend every meeting of his or her association ; and whenever there is a vacancy on a committee there will be a dozen of these energetic pests struggling for an onerous, unpaid, job, which the ordinary, liberty-loving, lazy person very willingly leaves to the victor. Nor is the demon soon assuaged ; like the man in the German song these dipsomaniacs find "the more they drink the more their thirst increases." Always they must be asserting and imposing their views, which to the candidate or member means that they are always ready to be useful. They canvass, they organize, they speak ; they become the agent's non-commissioned officers ; they form the caucus and pull the strings. The candidate depends on them entirely ; he dare not seriously offend them ; in the long run he must give them what they want. And what they want is regulation and regimentation,

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That is what they all want : for at bottom they all want the same thing. Their superficial differences catch the eye, fundamentally they agree. Whoever will be at pains to dig a little will find that the moving spirits of the Primrose League in any parliamentary division are in temperament and attitude to life indistinguishable from the active liberals or the energetic "labour workers." Chance or tradition leads these domineering natures into one camp rather than another ; but though their professed opinions differ, though they prance to the party measure, one bug stings the lot. Meddling is their *métier* ; all have one end in view, to make other people do as they bid. Mark how, whenever a national emergency or public—"organized"—rejoicings draw undertakers of all parties together, whenever for any reason a local non-political committee is to be formed, you will hear these little tyrants boasting in the very faces of their victims (the general public) that they understand each other perfectly. "The public would be surprised"—say the united busybodies, glowing with conscious generosity and open-mindedness—"the public would be surprised to see how well we get on together : we have more in common than you think for." I believe them. Zeal-of-the-land Busy falls on the neck of the disciplinarian prelate, Lady Astor is kissed all over by Mrs. Sidney Webb :—"My long lost brother !—My dear, dear sister ! Conservatives, Liberals and Socialists, we are not divided: all one army we : are we not all philanthropic and all strong-minded ? Have we not one

end in view ? ” And so they unite to tell the public which side of the road it is not to walk on ; how many times it is to chew each mouthful ; or how it is to rejoice in the marriage of a young princess. New presbyter is but old priest writ large ; and every Liberal temperance-reformer, and every Conservative social-welfarer, is a Lenin or a Cromwell at heart. Likewise their victims—the rank and file, as they are pleasantly called—of all parties have something in common. All march and obey, that is vote, because, for one whim or another, they favour one party or another ; but politics count for little in the lives of any of them. They want to get on with their work and play ; they want to be let alone to live their own lives as agreeably as possible ; they want neither to interfere nor to be interfered with. They are willing to live and let live. And while these good fellows of all parties are going about their business and pleasure, earning money, watching football matches, walking out with girls, or taking a drink, the busybodies of all parties are stealing their liberty.

Effectively they rule the roast, these busybodies ; no matter what party be victorious at the polls, theirs is the member. He represents, not his constituents, but one or other of the domineering gangs. And some of that gang are always about him, nagging, denouncing, showing their teeth, so that he, poor man, soon comes to feel that without his gang he were as good as lost. They have no need to turn dramatically against him, these Janissaries ; merely by folding their arms and remaining inactive they

enable the other gang to bring its man in. The gang is at once the ladder up which the member climbs and the ruffian who stands at the bottom threatening to twitch it away; whence almost every member of the House of Commons (there are a few exceptions of course) is terrorized into voting against his conscience, his inclination, and the interests of his constituents. He is terrorized into voting for new restrictions and into opposing repeal. For, mark this, no busybody, whatever his or her political denomination, is averse from restrictive legislation. Any interference is better than none. The active Primrose Leaguer abets liberal reformers in their licensing tyranny and health inquisition; and the glib coxcombs who chatter their way through Liberal associations to power egg on Conservative bureaucrats to suppress the books and plays they cannot understand; while the goody Socialist is just as determined as any little Liberal or Conservative tyrant to rob the working man of his right to a glass of beer, a game of cards, a bit on a horse, or a dash of romance. Truly, to some extent, different gangs seek to impose different restrictions on different classes; but their struggle is all to get their own tyranny imposed; never to get that of their opponents removed. Why should they fall out with their temperamental allies? Their object is to assert themselves at other people's expense, and there is the whole British nation on which to practise—*fiat experimentum in anima vili.*

Tyrants are indefatigable; it is a symptom of their disease and the secret of their success. As the

saying goes, they work till they drop, or, as Pope puts it, "they totter on in business to the last." They think nothing of having half a dozen irons in the fire at once ; and all over the country you will find gangmen who, not content with their political activities, must be forging minor instruments of affliction. Though best pleased when by one stroke they can mortify a nation, your inveterate busybodies will fly at smaller game. For instance, they will band themselves into societies and devote their energies and a good part of their fortunes to getting, perhaps, a few poor organ-grinders harassed with a bylaw. Thus by political caucuses, societies, and organizations do these ticks and fleas of tyranny torment their fellows ; while the big bugs fasten on the Government. These creep and crawl, such is their nature, on to Advisory Committees and Royal Commissions, and by fair means or dirty make uneasy the lives of ministers and permanent officials. And thus we have come to see a nation three-quarters at least of which desires liberty, a nation nominally represented by members the majority of whom are, at any rate, not hostile, dominated and directed by a gang of temperamental bullies and spoil-sports, by men and women incapable of creation, contemplation, or harmless amusement, whose energies therefore can be devoted exclusively to upholding and increasing a hateful tyranny. These are our masters and the thieves of our elementary rights and pleasures : the question which remains to be asked is whether by any means we can protect ourselves against them ?

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I believe we can, by taking a little trouble ; but, then, are we willing to take it ? This question I shall not attempt to answer ; and in attempting to answer the first, it is not to be supposed that I shall presume to lay down laws of procedure. I shall adumbrate merely a plan which, I am sure, any experienced politician could develop and improve. I ask nothing better than that some experienced politician should do both.

Just now I admitted that in every parliament there are a few members who venture to vote as conscience prompts. This they can do, either because they care too little for their seats to be much afraid of their caucus, or because—as happens sometimes in the country—in their division gangmen are so scarce as not even to be able to pack a committee. It goes without saying that, even in such favourable circumstances, members can exercise this privilege of being honest only when they themselves are sufficiently disinterested and unambitious to snap their fingers at the patronage secretary. A few such there always are—men honourable by nature and by circumstance impervious to gangery—who on questions affecting personal liberty may be trusted to vote as gentlemen feel. For the most part they are Conservatives representing agricultural or “residential” constituencies ; but a few Labour men go with them, and even a Liberal or two. Unluckily, their praiseworthy efforts to preserve such rags and tatters of liberty as remain to Englishmen are praiseworthy, and nothing more. They are ineffectual for this reason : the friends of liberty vote against

their party only on specific questions where the liberty of the subject is involved, and on such questions the party in power can dispense with the votes of a few of its habitual supporters, seeing it is sure of an overwhelming majority without them. Only the other day¹ we saw a certain number of liberty-loving Coalitionists voting against their leaders on the question of closing public houses at ten or eleven and putting London to bed before midnight, also against that provocation to blackmail and perjury so inoffensively described as 'The Criminal Law Amendment Act. Their opposition does them infinite credit, but it does nothing for anyone else; for on such questions the Government can count on the support of a mob of Liberals and Labour members terrorized into iniquity by their local bullies. Not by such means shall we recover some part of our lost freedom: as I have said, we must take a little trouble.

What we need is a group of members prepared to vote against any Government that will not do something for liberty, and prepared so to vote, not only when questions affecting liberty are under discussion, but whenever by their opposition they can embarrass or dislodge the Ministry. No Government will be persuaded to do anything that might give serious offence to Lady Astor and her like by members who

¹ From this and other remarks the reader will infer that this pamphlet was written before the last General Election—to be exact, it was sketched in September 1922. There is nothing, I think, that needs changing on that account.

can be depended upon to come to heel at the whip's crack. On the other hand, in circumstances easily imagined, a Government might do something quite appreciable for liberty, snapping its fingers at all the spoil-sports in the country for the steady support of thirty or forty members determined to withhold that support from a hag-ridden administration. After the next General Election, it seems likely enough that a Cabinet, representing roughly the present Coalition, will come back to power supported by a small majority. In such circumstances, twenty or thirty resolute friends of liberty might work wonders.¹ It would be necessary to have a programme; and assuredly I am not the person best qualified to draw that programme up. In this pamphlet I have touched only on a few of the more scandalous denials of liberty to British citizens, to deal with which a skilful draughtsman, I make no doubt, could devise half a dozen short Bills or Repealing Acts. Essentially moderate, I, for my part, would ask for no more liberty in the matters of drink, gambling, thought, expression, and sex, than is enjoyed by every Frenchman—claiming in addition only so much political liberty as we already possess. But I would insist absolutely on securing, not the French law, but so much effective freedom as one enjoys in France. Their programme formulated, the friends of liberty could invite the Government to adopt each session one, at least, of their points, and to push that point, in the form of a Bill or Repealing

¹ January 1923. Could they not? I appeal to any member of the new Parliament.

Act, through both Houses of Parliament. Any Government willing to undertake this should be supported joyally on every occasion, any Government that refused should, irrespective of general policy, be opposed tooth and nail.

But how shall we get our members? How are we to secure the return to the House of Commons of thirty or forty pledged friends of freedom? For this purpose, I fear, that vile body, which is us, the bearded and buffeted rank-and-file, must organize. It is a tiresome thing to do, but only by organization can we hope to recover some part of that heritage our well-organized tyrants have gradually filched from us. In every constituency we need an organized party of liberty-lovers; and if I am right in thinking that fully three-quarters of the population prefer freedom to slavery, such a party should not be beyond finding. Formed, it would pursue in every electoral division the tactics we wish our representatives to pursue in the House. It would undertake to support that candidate, no matter what his views on other questions, who would accept our programme of repeal and pledge himself to oppose on every occasion any Government that would not pledge itself to push through each session one, at least, of our measures. At first sight this may seem a pretty stiff demand, but, the movement once on foot, it will turn out to be one with which almost any candidate can comply. To ask a man to vote consistently against his party is to ask a great deal. But will he have to vote against it? Not if a fair proportion of the friends of liberty, of the general public that is to say, will take a little trouble.

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For—I have said it again and again, and it can hardly be said too often—the vast majority of men and women have a liking for freedom. Members of Parliament and Cabinet Ministers themselves are no exception to the rule : they are human, and therefore, unless they have the ill-luck to come of the kill-joy breed, not instinctively averse from what all good fellows desire. A group of liberty-lovers, respectable enough in numbers to bring pressure to bear on the Government, would most probably find itself forcing an open door. Only the group must be sufficiently powerful to counter the influence of the goody-goody gang. It is this influence, and not the innate malevolence of members or ministers, which stands in the way of freedom ; and it is this influence which we must neutralize. It need not be overwhelmed ; but it must be cancelled out by an equivalent force, so that the common humanity of politicians, who love liberty but love office more, may have free play. One who can speak with authority assures me that, when the last attempt was made to debarbarize the Divorce Laws, besides the vast majority of the nation, the majority of Ministers and of the House of Commons was in favour of the reform. But the vast majority being unorganized and anything but pertinacious, gave no sign ; while two or three busybodies in each constituency—a handful of curates as often as not—shrieked unceasingly. It needed no more to intimidate the politicians : and thus, against the will of the people, their representatives, and the Ministers of the Crown was the attempt to do a piece of elementary justice frustrated.

Now suppose the league of liberty-lovers formed and at work all over the country : how different would be the position of members and ministers. These gentlemen, rarely brave or conscientious, are as rarely by preference maleficent. They are human beings like the rest of us, who, all else being equal, would as lief do good as evil. To ask a parliamentary candidate to pledge himself to vote against the capital measures of his party is, I have admitted, to ask much. But suppose at the same time you could make him see that by giving the pledge he would make it almost certain that he would never be called upon to honour it: that would be asking a good deal less, would it not? Well, if the league of which I dream were formed, the chances are he would never have to vote against his party; for there is not the slightest reason to suppose that a Conservative or Labour Government which found in the House of Commons a respectable group of conditional supporters, pledged to the liberty programme and drastic means of obtaining it, would make the slightest objection to adopting that programme. Whether a Liberal administration, hampered by its unseemly and unnatural connection with what remains of the Nonconformist conscience, could afford to be quite so compliant, I hardly know. But there is nothing to prevent a Conservative or Labour Government indulging a natural, human taste for liberty, except the fact that whereas the friends of liberty are unorganized and inarticulate, its enemies—numerically insignificant—are highly organized and inhumanly active.

