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ON THE DIFFERENT SENSES OF 'FREEDOM' AS APPLIED TO WILL AND TO THE MORAL PROGRESS OF MAN.

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LECTURES ON THE PRINCIPLES OF POLITICAL OBLIGATION.

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88. This has been the case in ancient despotisms, and in the modern empires of the East 99

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124. But are we not again assuming what was disputed, viz. that a sense of its serving a common interest is necessary to the existence of the state? 131

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129. If e.g. we would form a *complete* estimate of Napoleon, we must consider not only his ambition but the *particular form* in which his ambition worked 134

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131. Thus an ideal motive may co-operate with the motives of selfish men, and only through such co-operation are they instrumental for good 135

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H. *Has the citizen rights against the state?*

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I. *Private rights. The right to life and liberty.*

148. There are rights which men have as members of associations, which come to be comprised in the state, but which also exist independently of it 154
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151. The right of 'life and liberty' (better, of 'free life'), being based on capacity for society, belongs *in principle* to man as man, though this is only gradually *recognised* . . . 155
152. At first it belongs to man as against other members of his family or tribe, then as against other tribes, then as against other citizens, which in antiquity still implies great limitations 156
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159. Or that (*b*) those who are killed have incurred the risk voluntarily. Even if they have, it does not follow that they had a 'right' to do so 162
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161. But this only shifts the blame of war to those who are responsible for those exigencies; it remains a wrong all the same . 164
162. But in truth most wars of the last 400 years have *not* been wars for political liberty, but have arisen from dynastic ambition or national vanity 165
163. Admitting, then, that virtue may be called out by war and that it may be a factor in human progress, the destruction of life in it is always a wrong 167
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165. If they really acted from desire to do good, their share in the wrong is less; but in any case the fact that war was the only means to the good was due to human agency, and was a wrong 168
166. (2) (See sec. 157). Hence it follows that the state, so far as it is true to its principle, cannot have to infringe the rights of man as man by conflicts with other states. 170

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167. It is not because states exist, but because they do not fulfil their functions as states in maintaining and harmonising general rights, that such conflicts are necessary . . . 171
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170. It may be objected that such a 'cosmopolitan' view ignores the individuality of states, and could only be realised if they were all absorbed in a universal empire 174
171. It is true that public spirit, to be real, must be national; but the more a nation becomes a true state, the more does it find outlets for its national spirit other than conflicts with other nations 175
172. In fact the identification of patriotism with military aggressiveness is a survival from a time when states in the full sense did not exist 176
173. And our great standing armies are due, not to the development of a system of states, but to circumstances which witness to the shortcomings of that system 176
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182. When a wrong is said to be 'done to society,' it does not mean that a feeling of vindictiveness is excited in the society . . 183
183. The popular indignation against a great criminal is an expression, not of individual desire for vengeance, but of the demand that the criminal should have his due 184
184. And this does not mean an equivalent amount of suffering; nor such suffering as has been found by experience to deter men from the crime 185
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186. He will then recognise that the punishment is his own act returning on himself; (it is in a different sense that the physical consequences of immorality are spoken of as a 'punishment') 186
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194. The account taken of 'extenuating circumstances' may be similarly explained; i.e. the act done under them requires little terror to prevent it from becoming general . . . 192
195. 'But why avoid the simpler explanation, that extenuating circumstances are held to diminish the *moral guilt* of the act?' 194
196. Because (*a*) the state cannot ascertain the *degree* of moral guilt involved in a crime; (*b*) if it tries to punish immorality (proper), it will check disinterested moral effort . . . 194
197. Punishment, however, may be truly held to express the 'moral disapprobation' of society, but it is to the external side of action that the disapprobation is directed 195
198. The principle that punishment should be regulated by the importance of the right violated explains the severity with which 'culpable negligence' is punished 197

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199. And the punishment of crimes done in drunkenness illustrates the same principle 197

200. It also justifies the distinction between 'criminal' and 'civil' injuries, (which is not a distinction between injuries to individuals and to the community, for no 'right' is violated by injury done to an individual *as such*) 198

201. There would be no reason in associating terror with breaches of a right which the offender either did not know that he was breaking or which he could not help breaking . . . 199

202. When such ignorance and inability are culpable, it depends on the seriousness of the wrong or the degree to which the civil suit involves deterrent effects, whether they should be treated as crimes 200

203. Historically, the state has interfered first through the civil process; gradually, as public alarm gets excited, more and more offences come to be treated as crimes 201

204. Punishment must also be *reformatory* (this being one way of being preventive), i.e. it must regard the rights of the criminal 202

205. Capital punishment is justifiable only (*a*) if it can be shown to be necessary to the maintenance of society, (*b*) if there is reason to suppose the criminal to be permanently incapable of rights 203

206. Punishment, though *directly* it aims at the maintenance of rights, has indirectly a moral end, because rights are conditions of moral well-being 204

M. *The right of the state to promote morality.*

207. (4) (See sec. 156). The right of free life is coming to be more and more recognised amongst us *negatively*; is it reasonable to do so little *positively* to make its exercise possible? . . 206

208. First observe that the capacity for free life is a moral capacity, i.e. a capacity for being influenced by a sense of common interest 206

209. This influence will only be weakened by substituting for it that of law, but the state can do more than it usually does without deadening spontaneous action; e.g. 'compulsory education' need not be 'compulsory' except to those who have no spontaneity to be deadened 208

210. So too with interference with 'freedom of contract'; we must consider not only those who are interfered with, but those whose freedom is increased by the interference . . . 209

N. *The right of the state in regard to property.*

211. As to property two questions have to be kept distinct, (*a*) how there has come to be property, (*b*) how there has come to be a *right* of property. Each of these again may be treated either historically or metaphysically 211

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212. The confusion of these questions and methods has given rise either to truisms or to irrelevant researches as to the nature of property 212
213. Property implies (*a*) appropriation, i.e. an act of will, of a permanent self demanding satisfaction and expression . . 212
214. (*b*) Recognition of the appropriation by others. This recognition cannot be derived from contract (Grotius), or from a supreme force (Hobbes) 213
215. Locke rightly bases the right of property on the same ground as the right to one's own person; but he does not ask what that ground is 216
216. The ground is the same as that of the right of life, of which property is the instrument, viz. the consciousness of a common interest to which each man recognises every other man as contributing 216
217. Thus the act of appropriation and the recognition of it constitute one act of *will*, as that in which man seeks a good at once common and personal 217
218. The condition of the family or clan, in which e.g. land is held in common, is not the negation, but on the contrary the earliest expression of the right of property 217
219. Its defect lies (*a*) in the limited scope for free moral development which it allows the associates, (*b*) in the limited range of moral relations into which it brings them 218
220. But the expansion of the clan into the state has not brought with it a corresponding emancipation of the individual. Is then the existence of a practically propertyless class in modern states a necessity, or an abuse? 219
221. In theory, everyone who is capable of living for a common good (whether he actually does so or not) ought to have the means for so doing: these means are property 220
222. But does not this theory of property imply freedom of appropriation and disposition, and yet is it not just this freedom which leads to the existence of a propertyless proletariate? 220
223. Property, whether regarded as the appropriation of nature by men of different powers, or as the means required for the fulfilment of different social functions, *must* be unequal . 221
224. Freedom of trade, another source of inequality, follows necessarily from the same view of property: freedom of bequest is more open to doubt 222
225. It seems to follow from the general right of a man to provide for his future, and (with certain exceptions) to be likely to secure the best distribution; but it does *not* imply the right of entail 223
226. Returning to the question raised in sec. 220, observe (*a*) that accumulation by one man does not itself naturally imply deprivation of other men, but rather the contrary . . . 224

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227. Nor is the prevalence of great capitals and hired labour in itself the cause of the bad condition of so many of the working classes 225

228. The cause is to be found, not in the right of property and accumulation, but (partly at least) in the fact that the land has been originally appropriated by conquest 225

229. Hence (*a*) the present proletariate inherit the traditions of serfdom, and (*b*) under landowning governments land has been appropriated unjustifiably, i.e. in various ways prejudicial to the common interest 226

230. And further the masses crowded through these causes into large towns have till lately had little done to improve their condition 227

231. Whether, if the state did its duty, it would still be advisable to limit bequest of land, is a question which must be differently answered according to circumstances 228

232. The objection to the appropriation by the state of 'unearned increment' is that it is so hard to distinguish between 'earned' and 'unearned' 229

O. *The right of the state in regard to the family.*

233. The rights of husband over wife and father over children are (*a*) like that of property in being rights against all the world, (*b*) unlike it in being rights over *persons*, and therefore reciprocal 230

234. The latter characteristic would be expressed by German writers by saying that both the 'subject' and the 'object' of these rights are persons 231

235. Three questions about them: (1) What makes man capable of family life? (2) How does it come to have rights? (3) What ought the form of those rights to be? 232

236. (1) The family implies the same effort after permanent self-satisfaction as property, together with a permanent interest in a particular woman and her children 233

237. The capacity for this interest is essential to anything which can be rightly called family life, whatever lower forms of life may historically have preceded it 233

238. (2) The rights of family life arise from the mutual recognition of this interest by members of the same clan (in which the historical family always appears as an element) . . . 234

239. Its development has been in the direction (*a*) of giving *all* men and women the right to marry, (*b*) of recognising the claims of husband and wife to be *reciprocal*. Both these imply monogamy 235

240. Polygamy excludes many men from marriage and makes the wife practically not a wife, while it also prevents real reciprocity of rights both between husband and wife and between parents and children 235

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241. The abolition of slavery is another essential to the development of the true family life, in both the above respects . . . 236
242. (3) Thus the *right* (as distinct from the *morality*) of family life requires (*a*) monogamy, (*b*) duration through life, (*c*) terminability on the infidelity of husband or wife 237
243. Why then should not adultery be treated as a crime? Because (unlike other violations of right) it is generally in the public interest that it should be condoned if the injured person is willing to condone it 238
244. Nor would the higher purposes of marriage be served by making infidelity penal, for they depend on disposition, not on outward acts or forbearances 240
245. All that the state can do, therefore, is to make divorce for adultery easy, and to make marriage as serious a matter as possible 241
246. (*b*) Should divorce be allowed except for adultery? Sometimes for lunacy or cruelty, but not for incompatibility, the object of the state being to make marriage a 'consortium omnis vitæ' 241

P. *Rights and virtues.*

247. Outline of remaining lectures, on (1) rights connected with the functions of government, (2) social virtues. (The antithesis of 'social' and 'self-regarding' is false) 244
248. Virtues, being dispositions to exercise rights, are best co-ordinated with rights. Thus to the right of life correspond those virtues which maintain life against nature, force, and animal passion 244
249. Similarly there are active virtues, corresponding to the negative obligations imposed by property and marriage 245
250. 'Moral sentiments' should be classified with the virtues, of which they are weaker forms 246
251. Although for clearness *obligations* must be treated apart from *moral duties*, they are really the outer and inner side of one spiritual development, in the joint result of which the idea of perfection is fulfilled 246

SUPPLEMENT.

Some Quotations rendered into English 248