

*'It makes all the difference in the world whether we put  
Truth in the first place or in the second place.'*

WHATELY.

# ON COMPROMISE

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BY

JOHN MORLEY

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## NOTE.

THE writer has availed himself of the opportunity of a new edition to add three or four additional illustrations in the footnotes. The criticisms on the first edition call for no remark, excepting this, perhaps,—that the present little volume has no pretensions to be anything more than an Essay. To judge such a performance as if it professed to be an exhaustive Treatise in casuistry, is to subject it to tests which it was never designed to bear. Merely to open questions, to indicate points, to suggest cases, to sketch outlines,—as an Essay does all these things,—may often be a process not without its own modest usefulness and interest.

*May 4, 1877.*

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## NOTE TO PAGE 242.

### THE DOCTRINE OF LIBERTY.

MR. MILL'S memorable plea for social liberty was little more than an enlargement, though a very important enlargement, of the principles of the still more famous Speech for Liberty of Unlicensed Printing with which Milton ennobled English literature two centuries before. Milton contended for free publication of opinion mainly on these grounds: First, that the opposite system implied the 'grace of infallibility and incorruptibleness' in the licensers. Second, that the prohibition of bold books led to mental indolence and stagnant formalism both in teachers and congregations, producing the 'laziness of a licensing church.' Third, that it 'hinders and retards the importation of our richest merchandise, truth;' for the commission of the licenser enjoins him to let nothing pass which is not vulgarly received already, and 'if it come to prohibiting, there is not aught more likely to be prohibited than truth itself, whose first appearance to our eyes, bleared and dimmed with prejudice and custom, is more unsightly and un-

plausible than many errors, even as the person is of many a great man slight and contemptible to see to.' Fourth, that freedom is in itself an ingredient of true virtue, and 'they are not skilful considerers of human things who imagine to remove sin by removing the matter of sin; that virtue therefore, which is but a youngling in the contemplation of evil, and knows not the utmost that vice promises to her followers, and rejects it, is but a blank virtue, not a pure; her virtue is but an excremental virtue, which was the reason why our sage and serious poet Spenser, whom I dare be known to think a better teacher than Scotus or Aquinas, describing true temperance under the form of Guion, brings him in with his palmer through the cave of Mammon and the tower of earthly bliss, that he might see and know and yet abstain.'

The four grounds on which Mr. Mill contends for the necessity of freedom in the expression of opinion to the mental wellbeing of mankind, are virtually contained in these. His four grounds are, (1) that the silenced opinion may be true; (2) it may contain a portion of truth, essential to supplement the prevailing opinion; (3) vigorous contesting of opinions that are even wholly true, is the only way of preventing them from sinking to the level of uncomprehended prejudices; (4) without such contesting, the doctrine will lose its vital effect on character and conduct.

But Milton drew the line of liberty at what he

calls 'neighbouring differences, or rather indifferences.' The Arminian controversy had loosened the bonds with which the newly liberated churches of the Reformation had made haste to bind themselves again, and weakened that authority of confessions, which had replaced the older but not more intolerant authority of the universal church. Other controversies which raged during the first half of the seventeenth century,—those between catholics and protestants, between prelatists and presbyterians, between socinians and trinitarians, between latitudinarians, puritans, and sacramentalists,—all tended to weaken theological exclusiveness. This slackening, however, was no more than partial. Roger Williams, indeed, the Welsh founder of Rhode Island, preached, as early as 1631, the principles of an unlimited toleration, extending to catholics, Jews, and even infidels. Milton stopped a long way short of this. He did not mean 'tolerated popery and open superstition, which, as it extirpates all religious and civil supremacies, so itself should be extirpate, provided first that all charitable and compassionate means be used to win and regain the weak and the misled: that also which is impious or evil absolutely either against faith or manners no law can possibly permit that intends not to unlaw itself.'

Locke, writing five-and-forty years later, somewhat widened these limitations. His question was not merely

whether there should be free expression of opinion, but whether there should furthermore be freedom of worship and of religious union. He answered both questions affirmatively,—not on the semi-sceptical ground of Jeremy Taylor, which is also one of the grounds taken by Mr. Mill, that we cannot be sure that our own opinion is the true one,—but on the strength of his definition of the province of the civil magistrate. Locke held that the magistrate's whole jurisdiction reached only to civil concerns, and that 'all civil power, right, and dominion is bounded to that only care of promoting these things; and that it neither can nor ought in any manner to be extended to the saving of souls. This chiefly because the power of the civil magistrate consists only in outward force, while true and saving religion consists in the inward persuasion of the mind, without which nothing can be acceptable to God, and such is the nature of the understanding that it cannot be compelled to the belief of anything by outward force. . . . It is only light and evidence that can work a change in men's opinions; and that light can in no manner proceed from corporal sufferings, or any other outward penalties.' 'I may grow rich by an art that I take not delight in; I may be cured of some disease by remedies that I have not faith in; but I cannot be saved by a religion that I distrust and a ritual that I abhor.' (*First Letter concerning Toleration.*) And much more in the same

excellent vein. But Locke fixed limits to toleration.

1. No opinions contrary to human society, or to those moral rules which are necessary to the preservation of civil society, are to be tolerated by the magistrate. Thus, to take examples from our own day, a conservative minister would think himself right on this principle in suppressing the Land and Labour League; a catholic minister in dissolving the Education League; and any minister in making mere membership of the Mormon sect a penal offence.
2. No tolerance ought to be extended to 'those who attribute unto the faithful, religious, and orthodox, that is in plain terms unto themselves, any peculiar privilege or power above other mortals, in civil concernments; or who, upon pretence of religion, do challenge any manner of authority over such as are not associated with them in their ecclesiastical communion.' As I have seldom heard of any sect, except the Friends, who did not challenge as much authority as it could possibly get over persons not associated with it, this would amount to a universal proscription of religion; but Locke's principle might at any rate be invoked against Ultramontaniam in some circumstances.
3. Those are not at all to be tolerated who deny the being of God. The taking away of God, *though but even in thought*, dissolves all society; and promises, covenants, and oaths, which are the bonds of human society, have no hold on such. Thus the police ought to close Mr.

Bradlaugh's Hall of Science, and perhaps on some occasions the Positivist School.

Locke's principles depended on a distinction between civil concernments, which he tries to define, and all other concernments. Warburton's arguments on the alliance between church and state turned on the same point, as did the once-famous Bangorian controversy. This distinction would fit into Mr. Mill's cardinal position, which consists in a distinction between the things that only affect the doer or thinker of them, and the things that affect other persons as well. Locke's attempt to divide civil affairs from affairs of salvation, was satisfactory enough for the comparatively narrow object with which he opened his discussion. Mr. Mill's account of civil affairs is both wider and more definite; naturally so, as he had to maintain the cause of tolerance in a much more complex set of social conditions, and amid a far greater diversity of speculative energy, than any one dreamed of in Locke's time. Mr. Mill limits the province of the civil magistrate to the repression of acts that directly and immediately injure others than the doer of them. So long as acts, including the expression of opinions, are purely self-regarding, it seems to him expedient in the long run that they should not be interfered with by the magistrate. He goes much further than this. Self-regarding acts should not be interfered with by the magistrate. Not only self-regarding acts, but all

opinions whatever, should, moreover, be as little interfered with as possible by public opinion, except in the way of vigorous argumentation and earnest persuasion in a contrary direction; the silent but most impressive solicitation of virtuous example; the wise and careful upbringing of the young, so that when they enter life they may be most nobly fitted to choose the right opinions and obey the right motives.

The consideration by which he supports this rigorous confinement of external interference on the part of government, or the unorganised members of the community whose opinion is called public opinion, to cases of self-protection, are these, some of which have been already stated :—

1. By interfering to suppress opinions or experiments in living, you may resist truths and improvements in a greater or less degree.

2. Constant discussion is the only certain means of preserving the freshness of truth in men's minds, and the vitality of its influence upon their conduct and motives.

3. Individuality is one of the most valuable elements of wellbeing, and you can only be sure of making the most of individuality, if you have an atmosphere of freedom, encouraging free development and expansion.

4. Habitual resort to repressive means of influencing conduct tends more than anything else to dis-



credit and frustrate the better means, such as education, good example, and the like. (*Liberty*, 148.)

The principle which he deduces from these considerations is—'that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection; the only purpose for which power can be rightfully exercised over any member of a civilised community, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot be rightfully compelled to do or forbear because it will make him happier, because in the opinion of others to do so would be wise or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him, or visiting him with any evil in case he do otherwise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to others.' (*Liberty*, 22.)

Two disputable points in the above doctrine are likely at once to reveal themselves to the least critical eye. First, that doctrine would seem to check the free expression of disapproval; one of the most wholesome and indispensable duties which anybody with interest in serious questions has to perform, and the non-performance of which would remove the

most proper and natural penalty from frivolous or perverse opinions and obnoxious conduct. Mr. Mill deals with this difficulty as follows:—‘We have a right in various ways to act upon our unfavourable opinion of any one, not to the oppression of his individuality, but in the exercise of ours. We are not bound, for example, to seek his society; we have a right to avoid it (though not to parade the avoidance) for we have a right to choose the society most acceptable to us. We have a right, and it may be our duty, to caution others against him, if we think his example or conversation likely to have a pernicious effect on those with whom he associates. We may give others a preference over him in optional good offices, except those which tend to his improvement. In these various modes a person may suffer very severe penalties at the hands of others for faults which directly concern only himself; but he suffers these penalties only in so far as they are the natural, and as it were the spontaneous, consequences of the faults themselves, not because they are purposely inflicted on him for the sake of punishment.’ (*Liberty*, 139.) This appears to be a satisfactory way of meeting the objection. For though the penalties of disapproval may be just the same, whether deliberately inflicted, or naturally and spontaneously falling on the object of such disapproval, yet there is a very intelligible difference between the two processes in their effect on the two parties con-

cerned. A person imbued with Mr. Mill's principle would feel the responsibility of censorship much more seriously; would reflect more carefully and candidly about the conduct or opinion of which he thought ill; would be more on his guard against pharisaic censoriousness, and that desire to be ever judging one another, which Milton well called the stronghold of our hypocrisy. The disapproval of such a person would have an austere colour, a gravity, a self-respecting reserve, which could never belong to an equal degree of disapproval in a person who had started from the officious principle, that if we are sure we are right, it is straightway our business to make the person whom we think wrong smart for his error. And in the same way such disapproval would be much more impressive to the person whom it affected. If it was justified, he would be like a froward child who is always less effectively reformed—if reformable at all—by angry chidings and passionate punishments than by the sight of a cool and austere displeasure which lets him persist in his frowardness if he chooses.

The second weak point in the doctrine lies in the extreme vagueness of the terms, protective and self-regarding. The practical difficulty begins with the definition of these terms. Can any opinion, or any serious part of conduct, be looked upon as truly and exclusively self-regarding? This central ingredient in

the discussion seems insufficiently laboured in the essay on Liberty. Yet it is here more than anywhere else that controversy is needed to clear up what is in just as much need of elucidation, whatever view we may take of the inherent virtue of freedom—whether we look on freedom as a mere negation, or as one of the most powerful positive conditions of attaining the highest kind of human excellence.

To some persons the analysis of conduct, on which the whole doctrine of liberty rests, seems metaphysical and arbitrary. They are reluctant to admit there are any self-regarding acts at all. This reluctance implies a perfectly tenable proposition, a proposition which has been maintained by nearly all religious bodies in the world's history in their non-latitudinarian stages. To distinguish the self-regarding from the other parts of conduct, strikes them not only as unscientific, but as morally and socially mischievous. They insist that there is a social as well as a personal element in every human act, though in very different proportions. There is no gain, they contend, and there may be much harm, in trying to mark off actions, in which the personal element decisively preponderates, from actions of another sort. Mr. Mill did so distinguish actions, nor was his distinction either metaphysical or arbitrary in its source. As a matter of observation, and for the practical purposes of morality, there are kinds of action whose consequences do not go beyond the doer of them.

No doubt, you may say that by engaging in these kinds in any given moment, the doer is neglecting the actions in which the social element preponderates, and therefore even acts that seem purely self-regarding have indirect and negative consequences to the rest of the world. But to allow considerations of this sort to prevent us from using a common-sense classification of acts by the proportion of the personal element in them, is as unreasonable as if we allowed the doctrine of the conservation of physical force, or the evolution of one mode of force into another, to prevent us from classifying the affections of matter independently, as light, heat, motion, and the rest. There is one objection obviously to be made to most of the illustrations which are designed to show the public element in all private conduct. The connection between the act and its influence on others is so remote (using the word in a legal sense), though quite certain, distinct, and traceable, that you can only take the act out of the self-regarding category, by a process which virtually denies the existence of any such category. You must set a limit to this 'indirect and at-a-distance argument,' as Locke called a similar plea, and the setting of this limit is the natural supplement to Mr. Mill's 'simple principle.'

The division between self-regarding acts and others, then, rests on observation of their actual consequences. And why was Mr. Mill so anxious to erect self-regarding acts into a distinct and important class, so important

as to be carefully and diligently secured by a special principle of liberty? Because observation of the recorded experience of mankind teaches us, that the recognition of this independent provision is essential to the richest expansion of human faculty. To narrow or to repudiate such a province, and to insist exclusively on the social bearing of each part of conduct, is to limit the play of motives, and to thwart the doctrine that 'mankind obtain a greater sum of happiness when each pursues his own, under the rules and conditions required by the rest, than when each makes the good of the rest his only object.' To narrow or to repudiate such a province is to tighten the power of the majority over the minority, and to augment the authority of whatever sacerdotal or legislative body may represent the majority. Whether the lawmakers be laymen in parliament, or priests of humanity exercising the spiritual power, it matters not.

We may best estimate the worth and the significance of the doctrine of Liberty by considering the line of thought and observation which led to it. To begin with, it is in Mr. Mill's hands something quite different from the same doctrine as preached by the French revolutionary school; indeed one might even call it reactionary, in respect of the French theory of a hundred years back. It reposes on no principle of abstract right, but, like the rest of its author's opinions, on principles of utility

and experience. Dr. Arnold used to divide reformers into two classes, popular and liberal. The first he defined as seekers of liberty, the second as seekers of improvement; the first were the goats, and the second were the sheep. Mr. Mill's doctrine denied the mutual exclusiveness of the two parts of this classification, for it made improvement the end and the test, while it proclaimed liberty to be the means. Every thinker now perceives that the strongest and most durable influences in every western society lead in the direction of democracy, and tend with more or less rapidity to throw the control of social organisation into the hands of numerical majorities. There are many people who believe that if you only make the ruling body big enough, it is sure to be either very wise itself, or very eager to choose wise leaders. Mr. Mill, as any one who is familiar with his writings is well aware, did not hold this opinion. He had no more partiality for mob rule than De Maistre or Goethe or Mr. Carlyle. He saw its evils more clearly than any of these eminent men, because he had a more scientific eye, and because he had had the invaluable training of a political administrator on a large scale, and in a very responsible post. But he did not content himself with seeing these evils, and he wasted no energy in passionate denunciation of them, which he knew must prove futile. Guizot said of De Tocqueville, that he was an aristocrat who accepted his defeat. Mr. Mill was too penetrated by

popular sympathies to be an aristocrat in De Tocqueville's sense, but he likewise was full of ideas and hopes which the unchecked or undirected course of democracy would defeat without chance of reparation. This fact he accepted, and from this he started. Mr. Carlyle, and one or two rhetorical imitators, poured malediction on the many-headed populace, and with a rather pitiful impatience insisted that the only hope for men lay in their finding and obeying a strong man, a king, a hero, a dictator. How he was to be found, neither the master nor his still angrier and more impatient mimics could ever tell us.

Now Mr. Mill's doctrine laid down the main condition of finding your hero; namely, that all ways should be left open to him, because no man, nor majority of men, could possibly tell by which of these ways their deliverers were from time to time destined to present themselves. Wits have caricatured all this, by asking us whether by encouraging the tares to grow, you give the wheat a better chance. This is as misleading as such metaphors usually are. The doctrine of liberty rests on a faith drawn from the observation of human progress, that though we know wheat to be serviceable and tares to be worthless, yet there are in the great seed-plot of human nature a thousand rudimentary germs, not wheat and not tares, of whose properties we have not had a fair opportunity of assuring ourselves. If you are too eager to pluck up the tares, you are very likely to pluck up with



them these untried possibilities of human excellence, and you are, moreover, very likely to injure the growing wheat as well. The demonstration of this lies in the recorded experience of mankind.

Nor is this all. Mr. Mill's doctrine does not lend the least countenance to the cardinal opinion of some writers in the last century, that the only need of human character and of social institutions is to be let alone. He never said that we were to leave the ground uncultivated, to bring up whatever might chance to grow. On the contrary, the ground was to be cultivated with the utmost care and knowledge, with a view to prevent the growth of tares—but cultivated in a certain manner. You may take the method of the Inquisition, of the more cruel of the Puritans, of De Maistre, of Mr. Carlyle; or you may take Mr. Mill's method of cultivation. According to the doctrine of Liberty, we are to devote ourselves to prevention, as the surest and most wholesome mode of extirpation. Persuade; argue; cherish virtuous example; bring up the young in habits of right opinion and right motive; shape your social arrangements so as to stimulate the best parts of character. By these means you will gain all the advantages that could possibly have come of heroes and legislative dragooning, as well as a great many more which neither heroes nor legislative dragooning could ever have secured.

It is well with men, Mr. Mill said, moreover, in proportion as they respect truth. Now they at once prove and strengthen their respect for truth, by having an open mind to all its possibilities, while at the same time they hold firmly to their own proved convictions, until they hear better evidence to the contrary. There is no anarchy, nor uncertainty, nor paralysing air of provisionality in such a frame of mind. So far is it from being fatal to loyalty or reverence, that it is an indispensable part of the groundwork of the only loyalty that a wise ruler or teacher would care to inspire—the loyalty springing from a rational conviction that, in a field open to all comers, he is the best man they can find. Only on condition of liberty without limit is the ablest and most helpful of 'heroes' sure to be found; and only on condition of liberty without limit are his followers sure to be worthy of him. You must have authority, and yet must have obedience. The noblest and deepest and most beneficent kind of authority is that which rests on an obedience that is rational and spontaneous.

The same futile impatience which animates the political utterances of Mr. Carlyle and his more weak-voiced imitators, takes another form in men of a different training or temperament. They insist that if the majority has the means of preventing vice by law, it is folly and weakness not to resort to those means.

The superficial attractiveness of such a doctrine is obvious. The doctrine of liberty implies a broader and a more patient view. It says :—Even if you could be sure that what you take for vice is so—and the history of persecution shows how careful you should be in this preliminary point—even then it is an undoubted and, indeed, a necessary tendency of this facile repressive legislation, to make those who resort to it neglect the more effective, humane, and durable kinds of preventive legislation. You pass a law (if you can) putting down drunkenness ; there is a neatness in such a method very attractive to fervid and impatient natures. Would you not have done better to leave that law unpassed, and apply yourselves sedulously instead to the improvement of the dwellings of the more drunken class, to the provision of amusements that might compete with the ale-house, to the extension and elevation of instruction, and so on ? You may say that this should be done, and yet the other should not be left undone ; but, as matter of fact and history, the doing of the one has always gone with the neglect of the other, and ascetic law-making in the interests of virtue has never been accompanied either by law-making or any other kinds of activity for making virtue easier or more attractive. It is the recognition how little punishment can do, that leaves men free to see how much social prevention can do. I believe, then, that what seems to the

criminal lawyers and passionate philanthropists self-evident, is in truth an illusion, springing from a very shallow kind of impatience, heated in some of them by the addition of a cynical contempt for human nature and the worth of human existence.

If people believe that the book of social or moral knowledge is now completed, that we have turned over the last page and heard the last word, much of the foundation of Mr. Mill's doctrine would disappear. But those who hold this can hardly have much to congratulate themselves upon. If it were so, and if governments were to accept the principle that the only limits to the enforcement of the moral standard of the majority are the narrow expediencies of each special case, without reference to any deep and comprehensive principle covering all the largest considerations, why, then, the society to which we ought to look with most admiration and envy, is the Eastern Empire during the ninth and tenth centuries, when the Byzantine system of a thorough subordination of the spiritual power had fully consolidated itself!

THE END.

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