

LIBERTY AND MORALITY:

A Discourse

GIVEN AT

SOUTH PLACE CHAPEL, FINSBURY.

BY

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NOTICE.—The proceeds of this Pamphlet will be given by Mr. Conway to a Testimonial to Mr. Truelove, if such shall be offered, on his release from prison.

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AMONG the most painful phenomena of nature are those of recurrence in things evil. From the earliest period, man's courage has been daunted by the perception that though it might conquer an evil thing, that thing was pretty sure to return. Darkness vanished before the dawn, but it returned; the storm-cloud cleared away, but it came again; the sickly season might pass, but went its rounds again under its dog-star; fevers were only intermittent; the cancer was eradicated only to reappear; the tyrant might be slain, tyranny remained. Such phenomena underlie all those ancient fables which led man up to the conception of Fate—the doctrine of despair. Hercules might kill any one head of the nine-headed hydra, but two heads grew in its place; and when he had burned away all the other heads, one was immortal, and he could only bury it; but its venomous breath came up and gave life to venomous creatures after its kind. Science has, to a large extent, released the European man from this paralysing notion of fatality in things evil. Some of the old hydras it has slain altogether. It has trampled out leprosy, and the black death, and some other ancient plagues, and civilisation has cleared some regions of the wolf, the bear, and the worst serpents.

But there are other regions among us—in us—where the phenomena of evil recurrence are still present and powerful, and where some bow before them with a feeling of despair. There are social hydras whose heads seem to be immortal. Tyranny is a monster that never dies. It has passed into a proverb that eternal vigilance is the price of liberty; and that is because the spirit of oppression is never destroyed, and, on its part, is sleeplessly vigilant. Behold here to-day this great people, whose passion for liberty is recorded in splendid pages of history, whose resolution to build on these islands a commonwealth of justice and freedom is written on every acre of its soil in their heart's blood, and in royal blood too; and yet after all those sacrifices and heroic

martyrdoms, the scratch of one man's pen can run through the achievements of centuries, and turn the arm of England to a bulwark of barbarism.

The cause of such recurrences is not far to seek. The fatality is not in the evil thing, but in some strange popular hallucination like that which Hercules had about the ninth hydra head. Instead of killing that, he hid it under a stone; and, in the same way, whenever in history the Anglo-Saxon has vanquished a wrong, he has always spared one of its heads. He hides it away; he calls it obsolete; but, after lying still for a long time, up it starts again at the call of some ambitious partisan, all through this curious disinclination to eradicate a wrong utterly and leave no germ of it behind. The chief art of reform is to be radical. No unrepealed statute is ever obsolete. The head of every wrong lives still while its principle is spared, and though it seem antiquated one day, it may be a "spirited policy" the next.

The evil that is vanquished, but not slain—only hid—has not only power of recurrence, but of self-multiplication. Where one head fell, behold two, or perhaps more. The resuscitation of irresponsible power anywhere is accompanied by a corresponding revival of old oppressions generally. Vernacular Press Laws in India, Turkish alliances, and attacks on free printing at home, have all one neck. If anyone had told me ten years ago that I should some day have to defend freedom of thought and of the press in this metropolis of civil liberty, I should have been as much surprised as if he had predicted that we should all be hunting wolves out of Epping Forest. I should have said to him, "Why, John Milton settled all that over two hundred years ago. Do you mean to say that the time can come again when a man can personally suffer for his honest thought and its honest publication?"

Such a prophet ten years ago might, indeed, have reminded us of how often the oppression of intellectual liberty had recurred since Milton's time; of how long Richard Carlile and his sister lay in Dorchester Gaol for selling Paine's works; but he would have been rash, indeed, had he predicted that we should live to assemble in our free societies, hard by a prison in which an innocent Freethinker languishes, and beside a court which robs a mother of her child because of her metaphysics.

But now, let me say, such a prophet would have been only half-right. Though oppression of thought has returned, it

has had to put on such a disguise, that it cannot be universally recognised. It is, I believe, true that it would be impossible at this day to punish a man for his opinions in any such open way as Richard Carlile and Holyoake were punished. I will not say such oppression will never return, for as our Prime Minister once said, the impossible is always coming to pass; but, at any rate, no attack on free thought or free printing, open and above-board, could now be made without very serious and general resistance. This recent oppression has, if you will allow me the expression, sneaked back; it has subtly complicated itself with the moral feeling of the community; it has hid its horns under a white cowl of purity it has masked itself as a defender of virtue and suppressor of vice. By so doing oppression of thought confesses that it cannot otherwise succeed even in seizing here and there an exceptional victim.

In the English breast there is but one sentiment higher than that of liberty—the moral sentiment. Nearer to man than his nation is his family, and dearer even than the freedom of his tongue is the purity of his home. As the moral sentiment when educated makes a nation's greatness, when ignorant it becomes a nation's weakness. All history has shown that when oppression has been foiled on every other side, its last resort is to alarm the moral sentiment of the masses, to confuse their common sense with black spectres of immorality. In that fear, that confusion, selfish power has often found a community's vulnerable heel, and there planted its fang. We can see through such masks in the past; we can recognise in many massacres which pretended to defend virtue the concealed hand of vice; but, alas, the lessons of history are not yet wisdom for the people, and the old device may still, it seems, be tried with success. I hardly need remind you that the recent cases in which Freethought has been judicially punished were complicated with moral questions. The priest watched for that opportunity. For years the mother had promulgated her religious heresies; it was only when a moral heresy was ascribed to her that his blow could be struck without recoiling upon himself from every heart in England that knows what is manly towards woman, and what is due to a mother. For years, Edward Truelove, as honest a man as any in England, had openly sold the books which sent men to prison in the last generation; it was a book unrelated to the old struggle for free printing, a book apparently involving moral questions, which

was adroitly used to confuse the public mind and veil this last stab at the heart of personal liberty.

These things could not have occurred were it not that the public mind is at sea so far as the precise relation between liberty and morality is concerned. The absence from popular discussions of any clear principle by which liberty is distinguishable from licentiousness, constitutes a new and startling danger. For liberty of thought involves liberty of speech, of printing, and of moral action. Liberty is no more sacred when it criticises the creed of the community than when it criticises moral institutions. Freedom of thought were an empty name if it did not carry with it the freedom that brings thought to bear upon the social laws and customs founded on past and fettered thought. "Unproductive thought is no thought at all." The intellect is man's instrument for conforming society and the world to reason and right; and to restrain its free play among the moral and social superstitions of mankind were like folding a living seed in wrappings of a mummy.

Many crimes, it is said, have been committed in the name of liberty; yes, but never one by the reality of liberty. Many crimes have been committed in the name of religion, but they were none the less irreligious. The very common mental confusion which regards things evil as only good pressed too far, is continually shown in the common phrase about "liberty degenerating into licence." That is taking the name of liberty in vain. You cannot press a good principle too far. Liberty cannot degenerate into licentiousness; not any more than a diamond can degenerate into glass. Liberty can only be ascribed to a man as member of society, and means his right to seek happiness, to develop his nature, to do his duty, all to the best of his ability—in fact, his right to be a man—without hindrance from others or from the community, to whose well-being he is loyal. By its very essence, therefore, liberty can never mean the destruction of others' liberty, the sway of brute force, or selfish defiance of the public welfare. You may call that recklessness, if you please, or licentiousness, or anarchy, but it has no relation whatever to human liberty; liberty never runs to that kind of seed, but, on the contrary, finds in such the tares and briars that choke its growth.

But how, it may be asked, are we to distinguish the wheat from the tares? how discriminate the licentiousness to be punished from the liberty that is essential?

In the cases that concern freedom of thought and of printing, the Courts have recently given their answer to the question—an answer which, I affirm, cannot be maintained, and which could not be equally applied in any community without bringing on revolution. A man publishes and sells a certain book. Somebody dislikes the sentiments of that book, and believes the perusal of such sentiments would corrupt the community. He asks the judge to restrain his neighbour from circulating that book. The judge calls about him a jury, and asks them if they think the book will tend to deprave public morals. They say, Yes. Then the judge orders the book to be suppressed, and the seller of it to be punished. From first to last, the whole procedure is speculative. It is not shown that any injury has been done; it is not shown, or even suggested, that any evil was intended; it is a decision based upon the powers of imagination, at best; more correctly, perhaps, upon capacities for panic.

Such a decision reverses the chief aim of all real law, which is to protect the weak from the strong, to protect the individual from the brute-force of majorities. It changes the jury from defenders of rights to inquisitors of opinion. The judges of Athens put Socrates to death on the ground that his opinions tended to corrupt the youth of that city. The High Court of Jerusalem sentenced Jesus to death on similar grounds. Practical Pilate asked, "What evil hath he done?"—but he got no answer. Jesus had done no evil; he had only advanced opinions which the majority considered subversive of the moral foundations of society. And, in short, there is no persecution, no oppression of conscience, no massacre in history which may not be justified on the principle that you may punish a man for the evils which may be imaginatively and prospectively attributed to the influence of his opinions. Nay, all contemporary discussion of vital problems, all new ideas, are thus placed at the mercy of nervous apprehensions. It is very probable that you might take the first twelve men you happen to meet on the street, and find that, put on oath, they would affirm their belief that the opinions of Dr. Martineau, of the Jewish Rabbins, of our own chapel, must tend to deprave public morals. Such doctrines, they would say, by taking away hell, remove the restraints of fear from human passions, and by denying authority of the Bible, tend to destroy the influence of the clergy, of Christianity, and the ten commandments. The same arguments which imprisoned Edward Truelove would

imprison any liberal thinker, if his jury happened to be orthodox, and the same authority which suppresses one honestly-written book would suppress another if it happened to be distasteful to a jury.

It makes no difference that one book deals roughly with moral conventionalities, while another attacks such as are theological. That may make a great deal of difference to our tastes and sentiments, but none at all as to the principle of justice. Every idea must have its influence on morals; whether that influence will be good or evil, cannot be determined by any foresight, least of all by the prejudices of those who do not hold that idea, who hate it, and have not impartially studied its bearings. Many of the best books in the world have been pronounced immoral and wicked in their time, and after it; and if the average commonplace of any period, as represented by judges that know only precedents, and jurors instructed by them, be allowed to suppress all thoughts and works that do not merely repeat the prevailing notions, all inquiry is at an end, all progress paralysed.

What defence, then, has society against obscene books? it may be asked. Are we to allow men under plea of liberty of the press to send forth a stream of pollution into our homes, and corrupt the people?

I answer, No. Every person who is guilty of such an offence should be punished. Many such have been punished and nobody has raised any protest, because they really were guilty. They have never defended their publications. But you must show a man to be guilty before you can safely punish him. The verdict of a jury is not infalliable even then; but we need not quarrel about that: it is the best means we can have of discovering guilt. The cases would be very rare where a jury would unanimously affirm wickedness in a man whose life has been upright. Where, for instance, is the jury willing to swear that they believe Edward Truelove to be a wicked, corrupt, and malicious man, who for base and selfish ends has aimed to deprave society and injure his neighbours? No such jury could be empanelled in England. In the trial of Mr. Bradlaugh and Mrs. Besant, the jury were careful to assert the innocence of the accused, and the rectitude of their purpose in publishing the book they condemned. The judge then compelled them to bring in a verdict of "Guilty;" forced them to pronounce guilty persons they had just declared innocent on oath!

Suppose the charge had been one of murder, and the jury

had brought in a verdict, that though the prisoner had killed a man, it was in the effort to do that man a service, what would have been said had a judge compelled them to find that prisoner guilty of murdering the man he was trying to benefit? Or suppose, instead of an obscene libel, it had been a personal libel; suppose a man charged with printing a libel on another, and the jury declared that the matter printed was not meant to injure, that it was without malice, put forth in good faith and purely for the public good, would it be possible for any judge to turn that into a verdict of guilty—even if the plaintiff were injured—and to punish a public benefactor as if he were a criminal?

There are ordinary civil cases—cases of damages, where the law rightly ignores the question of intent; but it is not so in criminal cases. There, character is involved; there punishment implies guilt; and it is unjust where there is no guilt. Malice aforethought makes murder; and a guilty mind must equally characterise every blow aimed at social virtue. Where the law is violated, the law is compelled to assume such guilt, because it does not know more than the appearance; but when innocence is proved—when it is admitted—it is criminal to act on the technical and disproved assumption. Such has been the grievous wrong done by the recent decisions—criminal intent being arbitrarily excluded from consideration in each case, when it was the essence of each case.

So much for the persons involved. But let us recur to the books indicted. They may not be to your taste or mine; they may be contrary to our moral views; that is not the question. Have those who believe such views true and beneficial to society the right to advocate and advance them openly? Has society any right to suppress them by force because they are unwelcome to the majority? Once let it be admitted that the publication is in good faith, meant for the public good, entirely free from corrupt motive, and it cannot be suppressed without violation of the fundamental principles of liberty. This would appear at once if such suppression were equitably applied to all works which are liable to the charge of offending the conventional moral sentiment. Goethe, being once in Kiel, was invited to attend a meeting called by some clergymen, for the suppression of obscene literature. He attended, and proposed that they should begin with the Bible. That ended the conference, and it was never heard of again. And that will end all these attempts

to suppress books called immoral by prurient imaginations, just so soon as the same measure is meted out to Freethinkers and Bible Societies. Edward Truelove is in gaol, but justice sees Solomon by his side and those who circulate Solomon; and St. Paul also, and Shakespeare, Bocaccio, Montaigne, Dean Swift, Smollett, Goethe, and many other great men, who were not afraid to write of the facts of nature; nay, many naturalists and physiologists of our time and country would be there with him to-day if equal justice were done. There is no difference between the plain speech in many classic works and in those which have been lately condemned as immoral, and no difference is alleged between the motives with which they are all published. The book may be very able in one case, very poor in another, but the principles of freedom and right protect them equally. To contend that a book which is decent for the rich becomes indecent when priced within reach of the poor, is a mere insult to the people; it is on a par with the religion which regards subscribers visiting the Zoological Gardens on Sunday as pious people, whereas sixpence would make them Sabbath-breakers.

Unless this nation is prepared to assume that all religious truth has been attained, it must allow free criticism of popular opinions, even though the majority say such criticisms destroy millions of souls. Unless the nation assumes that it has reached the supreme social and moral perfection it must allow free criticism of social and moral customs; and if such freedom be accepted as right, all its results must be accepted. If the honest Malthusian can be thrown into prison for corrupting morals, the honest heretic may be thrown there for destroying souls. In every branch of inquiry errors will arise: that is incidental to the search for truth. But Milton uttered the mature verdict of mankind when he said: "Though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously, by licensing and prohibiting, to misdoubt her strength. Let her and falsehood grapple. Who ever knew Truth put to the worse in a free and open encounter? Her confuting is the best and surest suppressing."

Nay, confutation by Truth is the *only* suppression of error. Persecution only fans it into strength by mingling with its smoke the glow of martyrdom. In the present cases, several poor pamphlets have been drawn out of their obscurity and scattered broadcast through the land; and any man of com-

mon-sense must have known that such would have been the result of attempting their suppression.

What, then, are we to infer concerning those who have instituted these recent proceedings? Are we to suppose they have not the common-sense to know that they would increase enormously the circulation of the opinions they profess to abhor?

I am sorry to say that, for one, I can not come to so charitable a theory—not even after the blundering ignorance shown by their rigidly righteous lawyers. I can not believe that this is any *bona fide* effort to suppress immorality. There are too many signs about it which compel to the sorrowful conclusion that there has grown up among us a Society, whose original aim may have been to suppress vice, but which has now fallen under control of persons with other aims. It would appear that to these the circulation of many thousands of a book they call vicious is of little importance compared with making a sensation, and parading their own spotlessness before the public; and beyond this, it is to be feared that a still baser influence has been at work to degrade this association of (originally, no doubt) well-meaning, though weak-minded people. There is money in it. A good deal of patronage and wealth has gone to it in the past, and its agents are highly paid; and if this stream of money and patronage is to continue to flow and gladden the host of agents, they must keep up a show of activity. They must always be attitudinising as purifiers of society. If the nests of crime and vice are trampled out, and the funds begin to fall low, they must try and make their subscribers think there are nests where there are none; and, knowing well how unpopular Freethinkers are, how few friends they have in high places, they found among them a book which repeated the details of ordinary physiological and medical books—a book whose pages, with all their faults, are nowhere of biblical impurity. It must have brought their secretaries, and their lawyers, and their secret-service agents, a golden Pactolus from orthodox purses to thus prove that the society might do injury to Freethinkers under cover of attacking immorality. The old privilege of the orthodox to imprison their opponents—the privilege so loved, but lost—must seem about to come back again, when it has been decided that facts familiar in the libraries of medicine and science cannot be printed by Freethinkers in a form accessible to the people without imprisonment. They know

that many of these Freethinkers value their freedom highly enough to go to gaol for it, and they are, no doubt, hoping for more victims and a flourishing business with plenty of vice to suppress.

For that organisation, which, in its degradation, reveals that most miserable social gangrene, selfishness and hypocrisy affecting the sentiments of virtue and philanthropy, I, for one, feel only loathing. But there is nothing new and nothing very formidable in that kind of thing, and it reaches its level at last.

Lucifer began, mythologically, as a heavenly detective. He was the lawyer retained by the gods for the suppression of vice; and, from long engaging in that business, he came to love it. When he had nobody to accuse, he was in distress, and went about accusing innocent people. So he was called the Accuser. And then he fell lower still, and went about tempting people to sin, in order that he might prosecute them; and then he was called Satan. That was the course of the first Vice Society, and the end of its attorney.

But while we may smile at these traders in corruption, the degree to which they have been able to infect the Bench, and through it large numbers of the least thoughtful people, supplies grave cause for alarm. There are some ugly chapters in English history connected with attempts to suppress conviction, to throttle its expression under pretence of its being wicked or immoral. But we are so far away from those eras, that many hardly remember their lesson; which is a pity, for such lessons are costly, and, if forgotten, can sometimes only be recovered at a heavier cost. The lesson taught by every effort to repress honest and public discussion of any subject whatever is, that all such efforts are revolutionary. Every honest man in prison is tenfold more dangerous than fire burning near fire-damp. The majesty of law is defiled when the innocent are punished deliberately with the guilty. Edward Truelove, in prison, has exchanged places with his judges, and his sentence on them, for their most immoral judgment, will be affirmed when their decisions have become bywords of judicial prejudice and folly.

They who menace man's freedom of thought and speech are tampering with something more powerful than gunpowder. They who suppress by force even an erroneous book honestly meant for human welfare, are justifying all the crimes ever committed against human intelligence; they are

laying again the trains that have always ended in revolution ; and, right as it is to suppress books notoriously meant for corruption, and punish the vile who through them seek selfish ends at cost of the public good, even that is a task requiring the utmost care and wisdom. Better that many base men and many bad books escape, than that one honest woman be robbed of her child by violence calling itself law, or one honest man suffer the felon's chain from the very hand provided for protection of honesty.

READINGS

FROM MILTON'S *Areopagitica*.

THIS is not the liberty which we can hope, that no grievance ever should arise in the Commonwealth: that let no man in this world expect; but when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost bound of civil liberty obtained that wise men look for.

Martin V., by his will, not only prohibited, but was the first that excommunicated the reading of heretical works; for about that time Wickliffe and Husse, growing terrible, were they who first drove the papal court to a stricter policy of prohibiting. Which course Leo X. and his successors followed, until the Council of Trent and the Spanish Inquisition, engendering together, brought forth or perfected these catalogues and expurging indexes, that rake through the entrails of many a good old author, with a violation worse than any could be offered to his tomb.

Nor did they stay in matters heretical, but any subject that was not to their palate, they either condemned in a prohibition or had it straight into the new purgatory of an index. To fill up the measure of encroachment, their last invention was to ordain that no book, pamphlet, or paper should be printed (as if St. Peter had bequeathed them the keys of the Press as well as of Paradise) unless it were approved and licensed under the hands of two or three gluttonous friars. . . . "To the pure all things are pure;" not only meats and drinks, but all kinds of knowledge, whether of good or evil; the knowledge cannot defile, nor consequently the books, if the will and conscience be not defiled. For books are as meats and viands are, some of good, some of evil substance; and yet God in that unapocryphal vision said without exception, "Rise, Peter, slay and eat;" leaving the choice to each man's discretion. Wholesome meats to a vitiated stomach differ little or nothing from unwholesome; and best books, to a naughty mind, are not unapplicable to occasions of evil.

As, therefore, the state of man now is, what wisdom can there be to choose, what continence to forbear, without the knowledge of evil? . . . I cannot praise a fugitive and cloistered virtue unexercised and unbreathed, that never sallies out and seeks her adversary, but slinks out of the race where that immortal garland is to be run for, not without dust and heat. 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 person of Guion, brings him in with his palmer through the Cave of Mammon and the Bower of Earthly Bliss, that he might see and know, and yet abstain. . . . They are not skilful considerers of human things who imagine to remove sin by

removing the matter of sin; for, besides that it is a huge heap, increasing under the very act of diminishing, though some part of it may for a time be withdrawn from some persons, it cannot from all, in such a universal thing as books are; and when this is done, yet the sin remains entire. Though ye take from a covetous man all his treasure, he has yet one jewel left, ye cannot bereave him of his covetousness. Banish all objects of lust, shut up all youth into the severest discipline that can be exercised in any hermitage, ye cannot make them chaste that come not thither so; such great care and wisdom is required to the right managing of this point. Suppose we could expel sin by this means; look how much we thus expel of sin, so much we expel of virtue, for the matter of them both is the same; remove that, and you remove them both alike. It would be better done, to learn that the law must needs be frivolous which goes to restrain things uncertainly yet equally working to good and evil. And were I the chooser, a dram of well-doing should be preferred before many times as much the forcible hindrance of evil-doing.

He who thinks we are to pitch our tent here, and have obtained the utmost prospect of reformation which the mortal glass wherein we contemplate can show us, till we come to beatific vision, that man by this very opinion declares that he is yet far short of truth. . . . The light which we have gained was given us not to be ever staring on, but by it to discover onward things more remote from our knowledge. . . . Methinks I see in my mind a noble and puissant nation rousing herself like a strong man after sleep, and shaking her invincible locks: methinks I see her as an eagle mewing her mighty youth, and kindling her undazzled eyes at the full midday beam; purging and unscaling her long-abused sight at the fountain itself of heavenly radiance, while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about, amazed at what she means. . . . The temple of Janus, with his two controversial faces, might now not insignificantly be set open. . . . Let Truth and Falsehood grapple; whoever knew truth put to the worse in a free and open encounter?