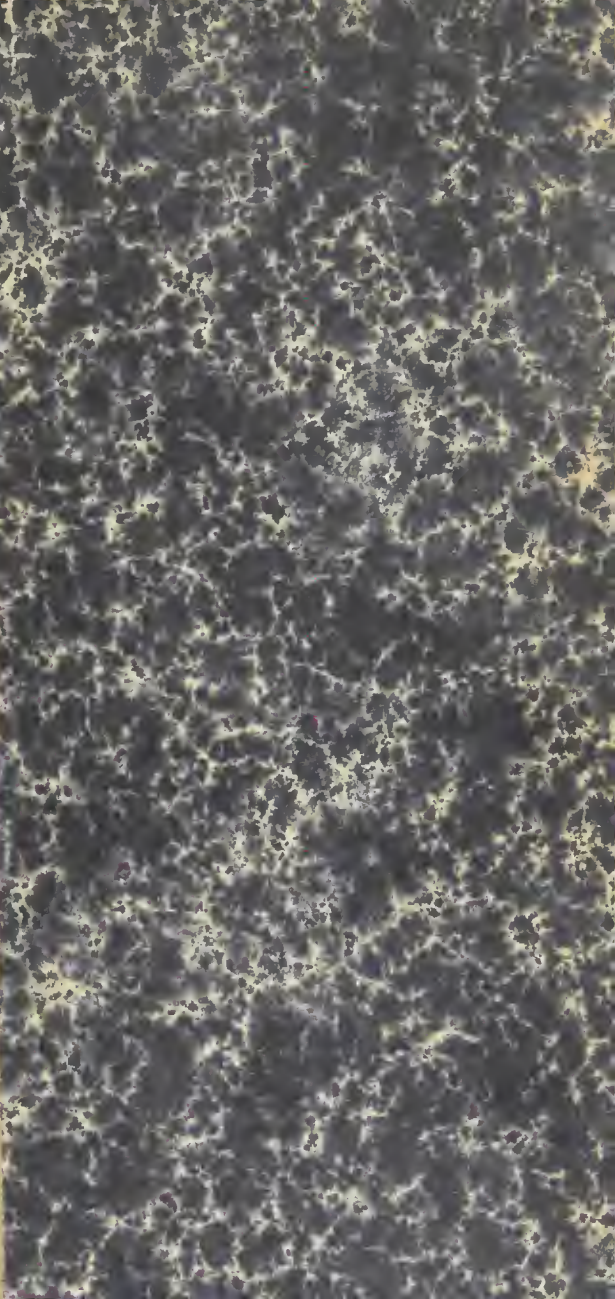


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AND CIVIL LIBERTY

By HILAIRE BELLOC



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RELIGION AND CIVIL LIBERTY

By HILAIRE BELLOC

THERE was lately published an article by Mrs. Hypatia Bradlaugh Bonner called "Christianity versus Liberty." It is an excellent example of that interesting point in modern history—I mean the misconception which anti-Catholic historians have of a conflict between the Catholic Church and civil liberty.

Mrs. Bonner's article deals with the decision given on May 14th of this year (1917) in the Bowman case upon appeal to the House of Lords. This decision was to the effect that the Rationalist Press Association was to be capable of inheriting money under a will, even though the essential principle of that Association were admitted to be propaganda against certain Catholic dogmas.

I say "Catholic dogmas" because it will be familiar to all my readers that the Protestant legislators and Judges who had made bequests against "Christianity" illegal in this country, intended by that word, not the universal body of Catholic doctrine, but a particular selection or part of that doctrine. When they used the word "Christianity," they meant certain Catholic dogmas which they had chosen to retain to the exclusion of others. The various Protestant sects in Britain all rejected (for instance) the doctrine of Purgatory, but long held in common the immortality of the human soul with its co-relative doctrine of eternal happiness or eternal misery. Most of them retained for many generations the dogma of the Incarnation, and all of them, in some form or other, the dogma of the Atonement, etc. These dogmas, which they all held in common, the otherwise conflicting Protestant sects of this country called "Christianity." These selected Catholic dogmas were believed (through an ignorance of history) to be the "core" or "essence" of Christian teaching, whereas, in point of fact, they were only a

certain batch of ancient Catholic doctrines which happened to suit the heresiarchs of the sixteenth century to the exclusion of other quite equally important dogmas which those reformers did not like.

Ever since the Reformation it had been the practice of the Judges (who in this country make the law as well as administer it) to decide that a legacy was not valid if it were left with the object of combating one of these selected dogmas. You could leave money to attack the Real Presence or the Sacrament of Penance, but you could not leave money to attack the Incarnation because that was one of the dogmas enjoying privilege as a part of "Christianity"—*i.e.* the doctrines common to the Protestant sects. Now the Rationalist Press Association combats *all* Catholic dogmas, including those retained by the Reformers. Therefore those who would have benefited by the upsetting of the Bowman will appeal to precedent for the bequest to be set aside.

On the appeal reaching the House of Lords five out of six Judges decided that such bequests were now to be permitted—the Lord Chancellor alone dissenting. It is only eleven years since an exactly contrary decision was given. This was in the case of the Oldham Secular Society, when it was decided that a body designed to attack these Catholic dogmas chosen by the Reformers could not inherit a legacy. What the present Bowman judgement means, therefore, is that the Judges now estimate that English opinion as a whole is indifferent to attack upon these selected Reformation dogmas, and desires freedom of discussion upon them to be the rule. As interpreters of this general feeling the Judges have made a new law, which will be binding until some other Judges happen to decide otherwise.

In this view of theirs that modern Englishmen had ceased, for the most part, to object to an attack on any Catholic dogma—even, say, the existence of God—their Lordships were certainly perfectly right, and their majority honestly interpreted the general will of the nation for the voicing of which this power of legislation is said to reside in the Bench.

So far so good. But what follows is another matter,

It being now laid down as a new law that money can be left for the propagation of opinions adverse to those Catholic dogmas which were selected as tenable by the Reformers, the authoress of the article I have mentioned comments upon this new law and calls it an advance towards something admittedly good called "Civil Liberty."

I suppose that 99 English people out of a hundred would comment upon the decision as she does. Yet all those 99 people would be wrong and the hundredth person would be right. The new law is no advance towards civil liberty. It does not increase the area of the field wherein an individual may act at his discretion—a field which has been narrowed with startling rapidity during the present generation—it merely registers a change in the religion of the English.

This change in English religion does indeed enlarge freedom of action in one very small part of men's activities. It allows one to leave money *directly* for a certain purpose which would anyhow have been left indirectly, by a small technical change, for the same purposes. But at the same time this change in the religion of the English is curtailing liberty over very much wider areas of action, for instance, in the expression of humour or the consumption of malted liquors. In both these provinces of daily action common to nearly all men (which discussion on dogma is not) all the liberty of one hundred years ago has disappeared, and the loss of it is directly connected with this change in religion.

When the same authoress goes on to consider this supposed advance in liberty as a conquest against something which she also calls "Christianity," and which she supposes to be the permanent enemy of civil liberty, she is again expressing an opinion which would be vaguely accepted, not, perhaps, by so large a proportion of our fellow citizens, but certainly by a great majority of them. Yet that opinion also is false, and those who fall into this error fall into it from the lack both of historical knowledge and of a clear examination of first principles.

Let us consider what we mean by the words "civil liberty" and in what the thing these words connote is thought good.

The authorities of the community exist for the purpose of maintaining the community, that is, of maintaining: (1) its material existence, and (2) the character or tradition which makes it what it is. This end to their action gives those actions all their validity. You could not have a community in which civil authorities did not exercise power of restraint over the members thereof. In the absence of such the mere material framework of the community would fall to pieces, and it is an implied injunction upon the authorities which civilly govern the community that they should preserve not only its material structure, but its character or soul. In proportion as this end is perfectly attained we speak of the community as *politically* free, although the restraints to which members therein are put by the common authority may be very severe.

For instance, in time of war, when the community is threatened with foreign conquest, the authorities may compel the full service of any man, including the sacrifice of life itself, in the defence of the State; yet the man so conscripted is politically free, and the State to which he belongs is essentially a free State.

If such orders came from a foreigner, compelling a man to such sacrifices for a community that was not his own, then that man would be unfree, and the community thus subjected to alien authority would be unfree also. But this "Political Liberty," the most necessary form of liberty, is only a *condition* of the narrower thing which we call especially "Civil Liberty." A community must be free from alien government for its citizens to be free at all, and it must have the right to preserve its own character by the extrusion of practices which it feels fatal to that character. But when we talk of "Civil Liberty" *within* such a self-governing State, we mean something else.

The words "civil liberty" mean much what was meant by the old phrase "Liberty of the Subject," that is the power of a member of the State, an indi-

vidual, or a corporation less than the State and a part of it, to act in a certain large number of things according to its own will and free from the control of the common authorities. It is in this sense that we would say, for instance, "during war civil liberty must be restricted," and it is in this sense that we speak of this or that measure as "an undue restriction of liberty." What we mean by the word "undue" is that the restriction imposed by the common authority is not, in our judgment, necessary to the preservation of the State either in material structure or in character, and is therefore not within the moral province of the civil authorities.

In practice the area of such "civil liberty" in a healthy and politically free State, the proportion of acts which the individual or the corporation may perform at will, without restriction by the State, is always very large. It always includes by far the greater part of one's daily activities, at any rate in normal times; and we regard the extension of this "civil liberty," quite apart from national or political liberty, as a good; we jealously watch encroachments upon it as dangerous, that is, as liable to produce great evil, for four reasons:—

First, we know by our reason that the State is not an end in itself, but only exists for the happiness of the members—real bodies and souls—that make it up. Therefore each must have the power of testifying to the success or failure of state measures towards that end, and of *himself* furthering it.

Secondly, we discover by experiment and from the example of history how necessary to the health of the State as a whole, how necessary to its vigorous common life, is this power of reaction within it.

Thirdly, we all know that there is in human nature a defect of *tyranny*—the love of "running other people," of seeing them obey you. Therefore the human agent of civil authority must be subject himself to restriction and limits as of appointment or custom.

Lastly, one of the attributes of a conscious individual being is the desire and instinct, or what might be called (without too much exaggeration), the sheer *necessity* for self-expression. An undue restriction exasperates this

instinct and forbids the satisfaction of this desire. In so much it warps and weakens and inflames the individual, makes him unhappy and defeats the end for which the State itself exists, which is the happiness of its members.

Now civil liberty being of this nature, and being by common consent a good, and any unnecessary loss of it an evil, it will at once be granted that the imposition of a special form of thought or philosophic expression upon the mass of free men against their will, is a restriction of the gravest kind. In common (and true) language, it is tyranny.

The philosophy or religion of a man, and much more of a corporate mass of men, is the root cause of all their goings on. From it springs their whole method of life. The common philosophy or religion—which ever you like to call it—of a body of men, and their doctrine, what they believe with regard to the nature of things, cannot live without the power to express itself. If, for instance, the Authorities should punish all those who to-day propose the "single tax" policy, and was successful in its policy; if by its action it ended in preventing anyone from printing or writing or saying that this tax was advisable, and from presenting the arguments in favour of that view, then the thought itself would very soon die out. And every time it naturally sprang up again anew it would be stifled at birth.

Well, the conception that a strong and organised religious system in alliance with the State is thus the enemy of "civil liberty" because it tends to forbid the expression of arguments and opinions contrary to itself, is based upon this parallel. The State or the authorities are regarded as one party; the generality of men as another. The State, supporting a religion, is conceived of as supporting something *external* to its members, and even alien to them, and a conflict is thought to exist between State and citizens whenever the laws of the State restrain in any measure an attack upon the religion of its civilisation.

That is the first limb of the proposition I am here examining. Men read in a book that the authorities of

Timbuctoo forbade pagans to preach against Mohammedanism. They conceive of the people of Timbuctoo as standing indifferent, ready to hear both sides and attached to neither. They conceive of the authorities coming in as outsiders and arbitrarily supporting one contention against the other. They argue that an offence is thus committed against a piece of normal self-expression which does not concern either the material existence or the character of the nation. In other words, they conclude that it is an undue restriction of liberty.

The second limb of the proposition is the converse of this, and is the affirmation that the absence of an organised religious system, or at any rate the non-possession by any such system of civil authority, is an extension of normal liberties and a good. That proposition in both its limbs ran universally through the nineteenth century, and the fallacy which it contains coloured men's minds even more strongly than the other contemporary fallacies, such as the policy which led men to believe that representation was the equivalent of direct self-government, or the fallacy which led to the still more extraordinary economic error that the material well-being of a community was to be judged by its total wealth, no matter how distributed!

Wherein, then, lies the fallacy of reasoning in this double proposition: (1) that restrictions imposed by the organised religion of the commonwealth are an undue restriction of liberty, and (2) that the absence of such organised religion, or of its civil recognition, will extend liberty?

The fallacy lies in the idea or phantasm of a Church in some way opposed to the medium in which it lives. The error consists in conceiving of two things as quite distinct which are, in reality, either one, or at any rate as intimately mingled as is the human soul with the living human body. We all ought to be familiar with the fundamental Catholic dogma that a living body is not a dead material body with a soul stuck into it, but that the complete unity, man, is a combination of body and of soul. Now a truth of the same sort, requiring no revelation but self-evident to anyone who has ever seen a community of human beings, is the truth that such a

community invariably possesses a philosophy, a way of looking at the world, which gives it its character : and this common view of a community is nearly always a religion. When that philosophy or way of looking at the world is a highly organised religion, or if not a highly organised, at any rate a very definite religious atmosphere and method, the characteristic savour of which can be immediately recognised, then the preservation of this characteristic mark is as much, as naturally, and as inevitably a function of government as the keeping of the soul united with the body (that is, the prevention of death) is a natural, instinctive, and inevitable action upon the part of the individual.

Complete States *cannot help* persecuting religious tenets opposite to their own. To cease doing so is to commit State suicide.

The word "persecute" is unpopular and has false connotations. I use it boldly in its original sense—"to follow up—or hunt—by legal action." And I say that such action aiming at the extirpation of practices destructive to the character of a State and of propaganda leading to such practices is not only normal to a State but inevitable, and in point of fact *never* absent.

Thus modern England would *necessarily* persecute a habit of cannibalism should it arise, or a habit of human sacrifice ; and would *necessarily* persecute propaganda leading to either.

To see how true the proposition is we have only to consider some point upon which all or nearly all our contemporaries are strongly agreed, and draw a parallel between it and some point upon which they *were* all strongly agreed, though they are so no longer.

The English Protestant community *was* once (not so very long ago) strongly agreed—the overwhelming mass of it—on a certain Catholic dogma, to wit, that marriage was indissoluble. It was part of the religion by which that community lived. Divorce could be bought by a few very rich men, but even so it was disgraceful. The community of the present day has, for the most part, lost this dogma. The great mass of non-Catholic men and women in this country have

abandoned the sacramental idea of marriage, with all its consequences. They now regard marriage as a civil and, in various degrees, even as a *terminable* contract.

Now a person falling into the very unhistorical, and (I should have thought!) obvious error, which I am here examining, will probably say with regard to the older state of affairs: "The Church with its dogma of marriage as a sacrament was here the enemy of liberty."

Very well, then, let us take an exact modern parallel. The mass of our fellow citizens to-day still regard the marriage union as rightly monogamous. Suppose a practice of polygamy to arise, first secret, then insufficiently repressed by the State, next tolerated, and at last universal. What should we think of a future writer so muddle-headed as to say: "The Ministers of the various Protestant sects in England in the early twentieth century imposed a gross restriction upon human liberty. They strove—and successfully strove—to prevent a man from having a large number of legal wives at the same time"? We should know that such a man was talking nonsense. In the first place, it is not the ministers of the various Protestant sects, Anglican, Quaker and the rest, which impose this restriction; it is the general will of the community, in conformity to which general will the civil authorities of the community act. And in the second place, the religious system which imposes this restriction, not by force but as an influence, is not something separate from the English people, but part and parcel of them at the present day. You could not get an English constituency to vote for a programme of polygamy. You would not find any portion of English society tolerating a polygamous colony of their fellow citizens in their midst. All average English men and women (to-day) would be shocked to find themselves in a polygamous household, just as Irish men and women are shocked to find themselves in a household proceeding from divorce.

When the thought of a community loses its organisation and becomes vague on vital points of public doctrine; when some hitherto long existing social system is in dissolution; when there is a chaos in, or an indifference to,

what were once universally accepted doctrines ; then of course the debate of such doctrines becomes normal and a restriction of the debate abnormal : in other words, an undue interference with civil liberty. But in those very moments of doubt or debate on doctrines which were once universally accepted, you can invariably discover other doctrines which men hold just as firmly as they used to hold the old ones, and against the disruption of which they will act with just as much vigour as their fathers acted against the propagation of what was heresy to *them*.

Take, for instance, the modern doctrine of *nationality*, and the duties consequent upon that doctrine. The Modern State, when it is in any peril, when the continuity of the nation is threatened by foreign attack, does not tolerate the expression of opinion in favour of, and the attempted conversion of men to, the antagonistic idea that "the nation" is a mere figment of the mind, has no claims, and can make no call in the name of patriotism. We severely punish such propaganda, and in doing so our authorities express without a doubt what is now the general will. Yet who can pretend that such a doctrine is immutable or eternal, *even in claim*, as are (in their claim) the dogmas of a religion ?

To sum up this part of the argument : What people really mean when they say that the restriction of activity against some religious doctrine is an undue restriction of liberty, is that the religious doctrine does not matter very much and does not really inform the community of which the authorities thus act. When people do really think that any opinion matters very much—as, for instance, to-day, an opinion on patriotism—they applaud every effort to maintain that opinion, and if it be attacked or undermined to a dangerous degree they applaud and support the overt policy of preventing such propaganda by force.

Such an attitude is in the nature of things. To expect its opposite is to expect a contradiction in terms. It would be impossible to define the State or the community without one's definition including such action, and such action is invariably to be found at work

wherever human communities have been or are. The supposed exceptions are never more than cases in which several communities (as in most Mohammedan countries, for instance) are existing side by side.

The co-relative error (I mean the error that liberty is extended by the conversion from conviction to scepticism on transcendental doctrine), which took in so many of our immediate predecessors in the nineteenth century, should be equally plain. A present temper sceptical towards doctrines formerly held does not necessarily increase the field of civil liberty. A temper thus grown sceptical is only sceptical towards one part of the things of the mind, and is just as strongly attached to doctrine in another sphere as the most highly organised religion could be. The same man, for instance, who thinks it an extension of civil liberty that we now permit, and even applaud, a violent attack upon the Incarnation and the Trinity by the Regius Professor of History at Cambridge, Mr. Bury, will think it quite natural that a Catholic child shall be compelled by law to attend a school in which Protestant history is taught. That is the state of the law under which we are now living in England. A poor man who cannot afford to pay special masters is compelled to send his child to be formed in a school where the history at any rate must be "non-sectarian," which means, in this country acutely anti-Catholic. Your so-called "agnostic" (nearly always in this country a thorough Protestant) sees no infringement of civil liberty here, because the history thus maintained by force is that which he himself was taught and still holds, and which the great mass of his contemporaries hold.

To conclude, the attitude of mind which we have been examining—the idea that a community extends civil liberty by tolerating an attack on its own principles—is an erroneous one; and it is erroneous because its dupes are not accustomed to examine their own first principles.

It is not only erroneous, it is exceedingly dangerous. The man who does harm knowing he is doing harm is less of an external peril than the man who does

harm unwittingly—for upon the latter there is no check of conscience.

Now that is exactly the position of your modern popular sceptic in almost every case. He has a religion or philosophy as every man must have. He thinks it his bounden duty not only to spread it, but to suppress opposition to it. So long as he is out of power his attempt to suppress opposition is only indirect. Give him power and it becomes direct at once. One of the minor consequences of his religion, for instance, is the conception that physical well-being is the end of life. Hence the "Eugenist." He is quite prepared to sacrifice in the pursuit of this doctrine things essential to the most fundamental liberties of man. He is cheerfully prepared to separate parent from child, to mutilate the weak and the infirm, to condemn specially chosen men to servitude, even to kill the innocent. And, in general, his false philosophy will act with just as much vigour and with just as much restriction as ever did true religion—but with consequences fatal to mankind.

When I was in the House of Commons one of the Professional Politicians whom I found more tolerable than most, argued with me in an undertone on religion, while some swindler or other was promoting a Bill for filling his own pockets. This man said to me—being a sincere atheist, and thereby more honest than the run of the place—"Every religion has its hypnosis." To which I answered, "And none more than yours. I will bargain you do not play cards." Nor did he. If I had gone further I should probably have found him a teetotaller and a vegetarian, and cheerfully ready to prosecute a man for drinking a glass of beer or eating a mutton chop. Yet he thought himself a champion of "civil liberty"—and a sceptic in morals to boot!

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