

Marx Hardy Machiavelli Joyce Austen  
Defoe Abbot Melville Montaigne Cooper Emerson Hugo  
Stoker Wilde Christie Maupassant Haggard Chesterton Molière Eliot Grimm  
Garnett Engels Byron Schiller  
Goethe Hawthorne Smith Kafka  
Cotton Dostoyevsky Hall  
Baum Henry Kipling Doyle Willis  
Leslie Dumas Flaubert Nietzsche Turgenev Balzac  
Stockton Vatsyayana Crane  
Burroughs Verne  
Curtis Tocqueville Gogol Busch  
Homer Tolstoy Whitman  
Darwin Thoreau Twain  
Potter Zola Lawrence Dickens Plato Scott  
Kant Freud Jowett Stevenson Andersen Burton Harte  
London Descartes Cervantes Wells Hesse  
Poe Aristotle Wells Voltaire Cooke  
Hale James Hastings Shakespeare Chambers Irving  
Bunner Richter Chekhov da Shaw Wodehouse  
Doré Dante Pushkin Alcott  
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# **Liberalism**

L. T. (Leonard Trelawny) Hobhouse

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[Pg i]

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XXI

LIBERALISM

[Pg ii]

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[Pg iii]

LIBERALISM *By*

L. T. HOBHOUSE

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[Pg v]

## CONTENTS

- CHAPTER
- I BEFORE LIBERALISM
- II THE ELEMENTS OF LIBERALISM
  - 1. Civil Liberty. 2. Fiscal Liberty. 3. Personal Liberty. 4. Social Liberty. 5. Economic Liberty. 6. Domestic Liberty. 7. Local, Racial, and National Liberty. 8. International Liberty. 9. Political Liberty and Popular Sovereignty
- III THE MOVEMENT OF THEORY
- IV 'LAISSEZ-FAIRE'
- V GLADSTONE AND MILL
- VI THE HEART OF LIBERALISM
- VII THE STATE AND THE INDIVIDUAL
- VIII ECONOMIC LIBERALISM
- IX THE FUTURE OF LIBERALISM
- BIBLIOGRAPHY
- INDEX

[Pg 7]

# LIBERALISM

## CHAPTER I

### BEFORE LIBERALISM

The modern State is the distinctive product of a unique civilization. But it is a product which is still in the making, and a part of the process is a struggle between new and old principles of social order. To understand the new, which is our main purpose, we must first cast a glance at the old. We must understand what the social structure was, which—mainly, as I shall show, under the inspiration of Liberal ideas—is slowly but surely giving place to the new fabric of the civic State. The older structure itself was by no means primitive. What is truly primitive is very hard to say. But one thing is pretty clear. At all times men have lived in societies, and ties of kinship and of simple [Pg 8] neighbourhood underlie every form of social organization. In the simplest societies it seems probable that these ties—reinforced and extended, perhaps, by religious or other beliefs—are the only ones that seriously count. It is certain that of the warp of descent and the woof of intermarriage there is woven a tissue out of which small and rude but close and compact communities are formed. But the ties of kinship and neighbourhood are effective only within narrow limits. While the local group, the clan, or the village community are often the centres of vigorous life, the larger aggregate of the Tribe seldom attains true social and political unity unless it rests upon a military organization. But military organization may serve not only to hold one tribe together but also to hold other tribes in subjection, and thereby, at the cost of much that is most valuable in primitive life, to establish a larger and at the same time a more orderly society. Such an order once established does not, indeed, rest on naked force. The rulers become invested with a sacrosanct authority. It may be that they are gods or descendants of gods. It may be that they are blessed and upheld by an independent priesthood. In either case [Pg 9] the powers that be extend their sway not merely over the bodies but over the minds of men. They are ordained of God because they arrange the ordina-

tion. Such a government is not necessarily abhorrent to the people nor indifferent to them. But it is essentially government from above. So far as it affects the life of the people at all, it does so by imposing on them duties, as of military service, tribute, ordinances, and even new laws, in such wise and on such principles as seem good to itself. It is not true, as a certain school of jurisprudence held, that law is, as such, a command imposed by a superior upon an inferior, and backed by the sanctions of punishment. But though this is not true of law in general it is a roughly true description of law in that particular stage of society which we may conveniently describe as the Authoritarian.

Now, in the greater part of the world and throughout the greater part of history the two forms of social organization that have been distinguished are the only forms to be found. Of course, they themselves admit of every possible variation of detail, but looking below these variations we find the two recurrent types. On the one hand, there are [Pg 10] the small kinship groups, often vigorous enough in themselves, but feeble for purposes of united action. On the other hand, there are larger societies varying in extent and in degree of civilization from a petty negro kingdom to the Chinese Empire, resting on a certain union of military force and religious or quasi-religious belief which, to select a neutral name, we have called the principle of Authority. In the lower stages of civilization there appears, as a rule, to be only one method of suppressing the strife of hostile clans, maintaining the frontier against a common enemy, or establishing the elements of outward order. The alternative to authoritarian rule is relapse into the comparative anarchy of savage life.

But another method made its appearance in classical antiquity. The city state of ancient Greece and Italy was a new type of social organization. It differed from the clan and the commune in several ways. In the first place it contained many clans and villages, and perhaps owed its origin to the coming together of separate clans on the basis not of conquest but of comparatively equal alliance. Though very small as compared with an [Pg 11] ancient empire or a modern state it was much larger than a primitive kindred. Its life was more varied and complex. It allowed more free play to the individual, and, indeed, as it developed, it suppressed the old clan

organization and substituted new divisions, geographical or other. It was based, in fact, not on kinship as such, but on civic right, and this it was which distinguished it not only from the commune, but from the Oriental monarchy. The law which it recognized and by which it lived was not a command imposed by a superior government on a subject mass. On the contrary, government was itself subject to law, and law was the life of the state, willingly supported by the entire body of free citizens. In this sense the city state was a community of free men. Considered collectively its citizens owned no master. They governed themselves, subject only to principles and rules of life descending from antiquity and owing their force to the spontaneous allegiance of successive generations. In such a community some of the problems that vex us most presented themselves in a very simple form. In particular the relation of the individual to the community was close, direct, and natural. Their [Pg 12] interests were obviously bound up together. Unless each man did his duty the State might easily be destroyed and the population enslaved. Unless the State took thought for its citizens it might easily decay. What was still more important, there was no opposition of church and state, no fissure between political and religious life, between the claims of the secular and the spiritual, to distract the allegiance of the citizens, and to set the authority of conscience against the duties of patriotism. It was no feat of the philosophical imagination, but a quite simple and natural expression of the facts to describe such a community as an association of men for the purpose of living well. Ideals to which we win our way back with difficulty and doubt arose naturally out of the conditions of life in ancient Greece.

On the other hand, this simple harmony had very serious limitations, which in the end involved the downfall of the city system. The responsibilities and privileges of the associated life were based not on the rights of human personality but on the rights of citizenship, and citizenship was never co-extensive with the community. The population included slaves [Pg 13] or serfs, and in many cities there were large classes descended from the original conquered population, personally free but excluded from the governing circle. Notwithstanding the relative simplicity of social conditions the city was constantly torn by the disputes of faction—in part probably a

legacy from the old clan organization, in part a consequence of the growth of wealth and the newer distinction of classes. The evil of faction was aggravated by the ill-success of the city organization in dealing with the problem of inter-state relations. The Greek city clung to its autonomy, and though the principle of federalism which might have solved the problem was ultimately brought into play, it came too late in Greek history to save the nation.

The constructive genius of Rome devised a different method of dealing with the political problems involved in expanding relations. Roman citizenship was extended till it included all Italy and, later on, till it comprised the whole free population of the Mediterranean basin. But this extension was even more fatal to the free self-government of a city state. The population of Italy could not meet in the Forum of Rome or the Plain of Mars to elect [Pg 14] consuls and pass laws, and the more wisely it was extended the less valuable for any political purpose did citizenship become. The history of Rome, in fact, might be taken as a vast illustration of the difficulty of building up an extended empire on any basis but that of personal despotism resting on military force and maintaining peace and order through the efficiency of the bureaucratic machine. In this vast mechanism it was the army that was the seat of power, or rather it was each army at its post on some distant frontier that was a potential seat of power. The "secret of the empire" that was early divulged was that an emperor could be made elsewhere than at Rome, and though a certain sanctity remained to the person of the emperor, and legists cherished a dim remembrance of the theory that he embodied the popular will, the fact was that he was the choice of a powerful army, ratified by the God of Battles, and maintaining his power as long as he could suppress any rival pretender. The break-up of the Empire through the continual repetition of military strife was accelerated, not caused, by the presence of barbarism both within and without the [Pg 15] frontiers. To restore the elements of order a compromise between central and local jurisdictions was necessary, and the vassal became a local prince owning an allegiance, more or less real as the case might be, to a distant sovereign. Meanwhile, with the prevailing disorder the mass of the population in Western Europe lost its freedom, partly through conquest, partly through the necessity of finding a protector in troublous times. The

social structure of the Middle Ages accordingly assumed the hierarchical form which we speak of as the Feudal system. In this thorough-going application of the principle of authority every man, in theory, had his master. The serf held of his lord, who held of a great seigneur, who held of the king. The king in the completer theory held of the emperor who was crowned by the Pope, who held of St. Peter. The chain of descent was complete from the Ruler of the universe to the humblest of the serfs. [1] But within this order the growth [Pg 16] of industry and commerce raised up new centres of freedom. The towns in which men were learning anew the lessons of association for united defence and the regulation of common interests, obtained charters of rights from seigneur or king, and on the Continent even succeeded in establishing complete independence. Even in England, where from the Conquest the central power was at its strongest, the corporate towns became for many purposes self-governing communities. The city state was born again, and with it came an outburst of activity, the revival of literature and the arts, the rediscovery of ancient learning, the rebirth of philosophy and science.

The mediæval city state was superior to the ancient in that slavery was no essential element in its existence. On the contrary, by welcoming the fugitive serf and vindicating his freedom it contributed powerfully to the decline of the milder form of servitude. But like the ancient state it [Pg 17] was seriously and permanently weakened by internal faction, and like the ancient state it rested the privileges of its members not on the rights of human personality, but on the responsibilities of citizenship. It knew not so much liberty as "liberties," rights of corporations secured by charter, its own rights as a whole secured against king or feudatory and the rest of the world, rights of guilds and crafts within it, and to men or women only as they were members of such bodies. But the real weakness of the city state was once more its isolation. It was but an islet of relative freedom on, or actually within, the borders of a feudal society which grew more powerful with the generations. With the improvement of communications and of the arts of life, the central power, particularly in France and England, began to gain upon its vassals. Feudal disobedience and disorder were suppressed, and by the end of the fifteenth century great unified states, the foundation

of modern nations, were already in being. Their emergence involved the widening and in some respects the improvement of the social order; and in its earlier stages it favoured civic autonomy by [Pg 18] suppressing local anarchy and feudal privilege. But the growth of centralization was in the end incompatible with the genius of civic independence, and perilous to such elements of political right as had been gained for the population in general as the result of earlier conflicts between the crown and its vassals.

We enter on the modern period, accordingly, with society constituted on a thoroughly authoritarian basis, the kingly power supreme and tending towards arbitrary despotism, and below the king the social hierarchy extending from the great territorial lord to the day-labourer. There is one point gained as compared to earlier forms of society. The base of the pyramid is a class which at least enjoys personal freedom. Serfdom has virtually disappeared in England, and in the greater part of France has either vanished or become attenuated to certain obnoxious incidents of the tenure of land. On the other hand, the divorce of the English peasant from the soil has begun, and has laid the foundation of the future social problem as it is to appear in this country.

The modern State accordingly starts from the basis of an authoritarian order, and the [Pg 19] protest against that order, a protest religious, political, economic, social, and ethical, is the historic beginning of Liberalism. Thus Liberalism appears at first as a criticism, sometimes even as a destructive and revolutionary criticism. Its negative aspect is for centuries foremost. Its business seems to be not so much to build up as to pull down, to remove obstacles which block human progress, rather than to point the positive goal of endeavour or fashion the fabric of civilization. It finds humanity oppressed, and would set it free. It finds a people groaning under arbitrary rule, a nation in bondage to a conquering race, industrial enterprise obstructed by social privileges or crippled by taxation, and it offers relief. Everywhere it is removing superincumbent weights, knocking off fetters, clearing away obstructions. Is it doing as much for the reconstruction that will be necessary when the demolition is complete? Is Liberalism at bottom a constructive or only a destructive principle? Is it of permanent significance? Does it express some vital truth of social life as such, or is it a temporary

phenomenon called forth by the special circumstances of Western Europe, and is its work already so [Pg 20] far complete that it can be content to hand on the torch to a newer and more constructive principle, retiring for its own part from the race, or perchance seeking more backward lands for missionary work? These are among the questions that we shall have to answer. We note, for the moment, that the circumstances of its origin suffice to explain the predominance of critical and destructive work without therefrom inferring the lack of ultimate reconstructive power. In point of fact, whether by the aid of Liberalism or through the conservative instincts of the race, the work of reconstruction has gone on side by side with that of demolition, and becomes more important generation by generation. The modern State, as I shall show, goes far towards incorporating the elements of Liberal principle, and when we have seen what these are, and to what extent they are actually realized, we shall be in a better position to understand the essentials of Liberalism, and to determine the question of its permanent value.



## FOOTNOTE:

[1] This is, of course, only one side of mediæval theory, but it is the side which lay nearest to the facts. The reverse view, which derives the authority of government from the governed, made its appearance in the Middle Ages partly under the influence of classical tradition. But its main interest and importance is that it served as a starting-point for the thought of a later time. On the whole subject the reader may consult Gierke, *Political Theories of the Middle Age*, translated by Maitland (Cambridge University Press).

[Pg 21]

## CHAPTER II

### THE ELEMENTS OF LIBERALISM

I cannot here attempt so much as a sketch of the historical progress of the Liberalizing movement. I would call attention only to the main points at which it assailed the old order, and to the fundamental ideas directing its advance.

#### 1. *Civil Liberty.*

Both logically and historically the first point of attack is arbitrary government, and the first liberty to be secured is the right to be dealt with in accordance with law. A man who has no legal rights against another, but stands entirely at his disposal, to be treated according to his caprice, is a slave to that other. He is "rightless," devoid of rights. Now, in some barbaric monarchies the system of rightlessness has at times been consistently carried through in the relations of subjects [Pg 22] to the king. Here men and women, though enjoying customary rights of person and property as against one another, have no rights at all as against the king's pleasure. No European monarch or seignior has ever admittedly enjoyed power of this kind, but European governments have at various times and in various directions exercised or claimed powers no less arbitrary in principle. Thus, by the side of the regular courts of law which prescribe specific penalties for defined offences proved against a

man by a regular form of trial, arbitrary governments resort to various extrajudicial forms of arrest, detention, and punishment, depending on their own will and pleasure. Of such a character is punishment by "administrative" process in Russia at the present day; imprisonment by *lettre de cachet* in France under the *ancien régime*; all executions by so-called martial law in times of rebellion, and the suspension of various ordinary guarantees of immediate and fair trial in Ireland. Arbitrary government in this form was one of the first objects of attack by the English Parliament in the seventeenth century, and this first liberty of the subject was vindicated by the Petition of [Pg 23] Right, and again by the Habeas Corpus Act. It is significant of much that this first step in liberty should be in reality nothing more nor less than a demand for law. "Freedom of men under government," says Locke, summing up one whole chapter of seventeenth-century controversy, "is to have a standing rule to live by, common to every one of that society and made by the legislative power erected in it."

The first condition of universal freedom, that is to say, is a measure of universal restraint. Without such restraint some men may be free but others will be unfree. One man may be able to do all his will, but the rest will have no will except that which he sees fit to allow them. To put the same point from another side, the first condition of free government is government not by the arbitrary determination of the ruler, but by fixed rules of law, to which the ruler himself is subject. We draw the important inference that there is no essential antithesis between liberty and law. On the contrary, law is essential to liberty. Law, of course, restrains the individual; it is therefore opposed to his liberty at a given moment and in a given direction. But, equally, law restrains [Pg 24] others from doing with him as they will. It liberates him from the fear of arbitrary aggression or coercion, and this is the only way, indeed, the only sense, in which liberty for an entire community is attainable.

There is one point tacitly postulated in this argument which should not be overlooked. In assuming that the reign of law guarantees liberty to the whole community, we are assuming that it is impartial. If there is one law for the Government and another for its subjects, one for noble and another for commoner, one for rich and another for poor, the law does not guarantee liberty for all. Liberty

in this respect implies equality. Hence the demand of Liberalism for such a procedure as will ensure the impartial application of law. Hence the demand for the independence of the judiciary to secure equality as between the Government and its subjects. Hence the demand for cheap procedure and accessible courts. Hence the abolition of privileges of class. [2] Hence will [Pg 25] come in time the demand for the abolition of the power of money to purchase skilled advocacy.

### *2. Fiscal Liberty.*

Closely connected with juristic liberty, and more widely felt in everyday life, is the question of fiscal liberty. The Stuarts brought things to a head in this country by arbitrary taxation. George III brought things to a head in America by the same infallible method. The immediate cause of the French Revolution was the refusal of the nobles and the clergy to bear their share of the financial burden. But fiscal liberty raises more searching questions than juristic liberty. It is not enough that taxes should be fixed by a law applying universally and impartially, for taxes vary from year to year in accordance with public needs, and while other laws may remain stable and unchanged for an indefinite period, taxation must, in the nature of the case, be adjustable. It is a matter, properly considered, for the Executive rather than the Legislature. Hence the liberty [Pg 26] of the subject in fiscal matters means the restraint of the Executive, not merely by established and written laws, but by a more direct and constant supervision. It means, in a word, responsible government, and that is why we have more often heard the cry, "No taxation without representation," than the cry, "No legislation without representation." Hence, from the seventeenth century onwards, fiscal liberty was seen to involve what is called political liberty.

### *3. Personal Liberty.*

Of political liberty it will be more convenient to speak later. But let us here observe that there is another avenue by which it can be, and, in fact, was, approached. We have seen that the reign of law is the first step to liberty. A man is not free when he is controlled by other men, but only when he is controlled by principles and rules which all society must obey, for the community is the true master of the free man. But here we are only at the beginning of the matter.

There may be law, and there may be no attempt, such as the Stuarts made, to set law aside, yet (1) the making and maintenance of law may depend on the will of [Pg 27] the sovereign or of an oligarchy, and (2) the content of the law may be unjust and oppressive to some, to many, or to all except those who make it. The first point brings us back to the problem of political liberty, which we defer. The second opens questions which have occupied a great part of the history of Liberalism, and to deal with them we have to ask what types of law have been felt as peculiarly oppressive, and in what respects it has been necessary to claim liberty not merely through law, but by the abolition of bad law and tyrannical administration.

In the first place, there is the sphere of what is called personal liberty—a sphere most difficult to define, but the arena of the fiercest strife of passion and the deepest feelings of mankind. At the basis lies liberty of thought—freedom from inquisition into opinions that a man forms in his own mind [3]—the inner citadel where, if anywhere, the individual must rule. But liberty of thought is of very little avail without liberty to exchange thoughts [Pg 28]—since thought is mainly a social product; and so with liberty of thought goes liberty of speech and liberty of writing, printing, and peaceable discussion. These rights are not free from difficulty and dubiety. There is a point at which speech becomes indistinguishable from action, and free speech may mean the right to create disorder. The limits of just liberty here are easy to draw neither in theory nor in practice. They lead us immediately to one of the points at which liberty and order may be in conflict, and it is with conflicts of this kind that we shall have to deal. The possibilities of conflict are not less in relation to the connected right of liberty in religion. That this liberty is absolute cannot be contended. No modern state would tolerate a form of religious worship which should include cannibalism, human sacrifice, or the burning of witches. In point of fact, practices of this kind—which follow quite naturally from various forms of primitive belief that are most sincerely held—are habitually put down by civilized peoples that are responsible for the government of less developed races. The British law recognizes polygamy in India, but I imagine it would not be open either to a [Pg 29] Mahomedan or a Hindu to contract two marriages in England. Nor is it for liberty of this kind that the battle has been fought.

What, then, is the primary meaning of religious liberty? Externally, I take it to include the liberties of thought and expression, and to add to these the right of worship in any form which does not inflict injury on others or involve a breach of public order. This limitation appears to carry with it a certain decency and restraint in expression which avoids unnecessary insult to the feelings of others; and I think this implication must be allowed, though it makes some room for strained and unfair applications. Externally, again, we must note that the demand for religious liberty soon goes beyond mere toleration. Religious liberty is incomplete as long as any belief is penalized, as, for example, by carrying with it exclusion from office or from educational advantages. On this side, again, full liberty implies full equality. Turning to the internal side, the spirit of religious liberty rests on the conception that a man's religion ranks with his own innermost thought and feelings. It is the most concrete expression of his personal attitude to life, to his [Pg 30] kind, to the world, to his own origin and destiny. There is no real religion that is not thus drenched in personality; and the more religion is recognized for spiritual the starker the contradiction is felt to be that any one should seek to impose a religion on another. Properly regarded, the attempt is not wicked, but impossible. Yet those sin most against true religion who try to convert men from the outside by mechanical means. They have the lie in the soul, being most ignorant of the nature of that for which they feel most deeply.

Yet here again we stumble on difficulties. Religion is personal. Yet is not religion also eminently social? What is more vital to the social order than its beliefs? If we send a man to gaol for stealing trash, what shall we do to him whom, in our conscience and on our honour, we believe to be corrupting the hearts of mankind, and perhaps leading them to eternal perdition? Again, what in the name of liberty are we to do to men whose preaching, if followed out in act, would bring back the rack and the stake? Once more there is a difficulty of delimitation which will have to be fully sifted. I will only remark here that our practice has arrived at a [Pg 31] solution which, upon the whole, appears to have worked well hitherto, and which has its roots in principle. It is open to a man to preach the principles of Torquemada or the religion of Mahomet. It is not open to men to practise such of their precepts as would violate the rights

of others or cause a breach of the peace. Expression is free, and worship is free as far as it is the expression of personal devotion. So far as they infringe the freedom, or, more generally, the rights of others, the practices inculcated by a religion cannot enjoy unqualified freedom.

#### 4. *Social Liberty.*

From the spiritual we turn to the practical side of life. On this side we may observe, first, that Liberalism has had to deal with those restraints on the individual which flow from the hierarchic organization of society, and reserve certain offices, certain forms of occupation, and perhaps the right or at least the opportunity of education generally, to people of a certain rank or class. In its more extreme form this is a caste system, and its restrictions are religious or legal as well as social. In Europe it has taken more than [Pg 32] one form. There is the monopoly of certain occupations by corporations, prominent in the minds of eighteenth-century French reformers. There is the reservation of public appointments and ecclesiastical patronage for those who are "born," and there is a more subtly pervading spirit of class which produces a hostile attitude to those who could and would rise; and this spirit finds a more material ally in the educational difficulties that beset brains unendowed with wealth. I need not labour points which will be apparent to all, but have again to remark two things. (1) Once more the struggle for liberty is also, when pushed through, a struggle for equality. Freedom to choose and follow an occupation, if it is to become fully effective, means equality with others in the opportunities for following such occupation. This is, in fact, one among the various considerations which lead Liberalism to support a national system of free education, and will lead it further yet on the same lines. (2) Once again, though we may insist on the rights of the individual, the social value of the corporation or quasi-corporation, like the Trade Union, cannot be ignored. Experience shows the necessity of [Pg 33] some measure of collective regulation in industrial matters, and in the adjustment of such regulation to individual liberty serious difficulties of principle emerge. We shall have to refer to these in the next section. But one point is relevant at this stage. It is clearly a matter of Liberal principle that membership of a corporation should not depend on any hereditary qualification, nor be set about with