

## I. THE PHILOSOPHY OF STATE INTERFERENCE

### 86. T. H. GREEN: *Liberal Legislation or Freedom of Contract*, a Lecture given at Leicester, 1881

[T. H. Green (1836–82), the leading representative of the English idealist school of philosophy, was a Fellow of Balliol, 1860–78, and then, until his death in 1882, Whyte Professor of Moral Philosophy.]

We shall probably all agree that freedom, rightly understood, is the greatest of blessings; that its attainment is the true end of all our efforts as citizens. But when we thus speak of freedom, we should consider carefully what we mean by it. We do not mean merely freedom to do as we like irrespectively of what it is that we like. We do not mean a freedom that can be enjoyed by one man or one set of men at the cost of a loss of freedom to others. When we speak of freedom as something to be so highly prized, we mean a positive power or capacity of doing or enjoying something worth doing or enjoying, and that, too, something that we do or enjoy in common with others. We mean by it a power which each man exercises through the help or security given him by his fellow-men, and which he in turn helps to secure for them. When we measure the progress of a society by its growth in freedom, we measure it by the increasing development and exercise on the whole of those powers of contributing to social good with which we believe the members of the society to be endowed; in short, by the greater power on the part of the citizens as a body to make the most and best of themselves. Thus, though of course there can be no freedom among men who act not willingly but under compulsion, yet on the other hand the mere removal of

compulsion, the mere enabling a man to do as he likes, is in itself no contribution to true freedom. In one sense no man is so well able to do as he likes as the wandering savage. He has no master. There is no one to say him nay. Yet we do not count him really free, because the freedom of savagery is not strength, but weakness. The actual powers of the noblest savage do not admit of comparison with those of the humblest citizen of a law-abiding state. He is not the slave of a man, but he is the slave of nature. Of compulsion by natural necessity he has plenty of experience, though of restraint by society none at all. Nor can he deliver himself from that compulsion except by submitting to this restraint. So to submit is the first step in true freedom, because the first step towards the full exercise of the faculties with which man is endowed. But we rightly refuse to recognise the highest development on the part of an exceptional individual or exceptional class, as an advance towards the true freedom of man, if it is founded on a refusal of the same opportunity to other men. The powers of the human mind have probably never attained such force and keenness, the proof of what society can do for the individual has never been so strikingly exhibited, as among the small groups of men who possessed civil privileges in the small republics of antiquity. The whole framework of our political ideas, to say nothing of our philosophy, is derived from them. But in them this extraordinary efflorescence of the privileged class was accompanied by the slavery of the multitude. That slavery was the condition on which it depended, and for that reason it was doomed to decay. There is no clearer ordinance of that supreme reason, often dark to us, which governs the course of man's affairs, than that no body of men should in the long run be able to strengthen itself at the cost of others' weakness. The civilisation and freedom of the ancient world were shortlived because they were partial and exceptional. If the ideal of true freedom is the maximum of power for all members of human society alike to make the best of themselves, we are right in refusing to ascribe the glory of freedom to a state in which the apparent elevation of the few is founded on the degradation of the many. . . .

If I have given a true account of that freedom which forms

the goal of social effort, we shall see that freedom of contract, freedom in all the forms of doing what one will with one's own, is valuable only as a means to an end. That end is what I call freedom in the positive sense: in other words, the liberation of the powers of all men equally for contributions to a common good. No one has a right to do what he will with his own in such a way as to contravene this end. It is only through the guarantee which society gives him that he has property at all, or, strictly speaking, any right to his possessions. This guarantee is founded on a sense of common interest. Every one has an interest in securing to every one else the free use and enjoyment and disposal of his possessions, so long as that freedom on the part of one does not interfere with a like freedom on the part of others, because such freedom contributes to that equal development of the faculties of all which is the highest good for all. This is the true and the only justification of rights of property. . . .

Our modern legislation then with reference to labour, and education, and health, involving as it does manifold interference with freedom of contract, is justified on the ground that it is the business of the state, not indeed directly to promote moral goodness, for that, from the very nature of moral goodness, it cannot do, but to maintain the conditions without which a free exercise of the human faculties is impossible. . . .

Now we shall probably all agree that a society in which the public health was duly protected, and necessary education duly provided for, by the spontaneous action of individuals, was in a higher condition than one in which the compulsion of law was needed to secure these ends. But we must take men as we find them. Until such a condition of society is reached, it is the business of the state to take the best security it can for the young citizens' growing up in such health and with so much knowledge as is necessary for their real freedom. . . .

And the question is whether without these laws the suffering classes could have been delivered quickly or slowly from the condition they were in. Could the enlightened self-interest or benevolence of individuals, working under a system of unlimited freedom of contract, have ever brought

them into a state compatible with the free development of the human faculties? No one considering the facts can have any doubt as to the answer to this question. Left to itself, or to the operation of casual benevolence, a degraded population perpetuates and increases itself. Read any of the authorised accounts, given before royal or parliamentary commissions, of the state of the labourers, especially of the women and children, as they were in our great industries before the law was first brought to bear on them, and before freedom of contract was first interfered with in them. Ask yourself what chance there was of a generation, born and bred under such conditions, ever contracting itself out of them.

*Works of T. H. Green*, ed. by R. L. Nettleship,  
vol. iii (1888), pp. 370-6.