

**THE DECLINE OF  
LIBERTY  
IN ENGLAND**

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The decline of liberty in England by E. S. P. Haynes

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DECLINE OF LIBERTY  
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BY

E. S. P. HAYNES

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"MODERN TOLERATION AND MODERN MORALITY"



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TO THE MEMORY OF  
MY FATHER  
EDMUND CHILD HAYNES  
SOMETIME FELLOW OF  
QUEEN'S COLLEGE, CAMBRIDGE

"The worth of a State in the long run is the  
worth of the individuals composing it."

J. S. MILL.

"It is better for a man to go wrong in freedom  
than to go right in chains."

HUXLEY.





## PREFACE

A SENSE of real urgency in regard to the question of Liberty is my principal apology for the obvious defects of this book. It is (to say the least) bold to embark on the subject of Liberty without having read all the works enumerated by the late Lord Acton in his library catalogue, the preparation of which absorbed the time that he might have devoted to a treatise of his own. But we are in grave danger of altogether losing that unique tradition of individual liberty which was once the boast of England; and the principal cause of that danger is our still persistent admiration of the German Empire. Even before the war we had our laws imported from Berlin, and after the war the legend of Teutonic glory and efficiency will be industriously promulgated by those who cherish with equal enthusiasm the traditions of Martin Luther and the Prince Consort.

Unfortunately it is only too obvious that Liberty has declined in England since 1880, and that it is likely to decline more and more unless a different climate of opinion sets in.

The war has caused endless misery. Shall it also be allowed to achieve the death of British freedom? I may as well say at once that I do not object to war measures *as such*. I do not (for instance) object in theory to conscription as we have come to know it,

though I gravely question its expediency. Little can be said, in principle, against the Great Charter and the Habeas Corpus Act being temporarily eclipsed in order to detect spies, though there is perhaps reason to doubt whether the Executive has always exercised its extraordinary powers with the wisdom of the serpent. But the problem of the hour is to guard against the danger of what is to happen *after the war*, and to see that we do not then cut off our noses to spite our faces by imitating precisely those qualities that provoked us to an unprecedented sacrifice of life and of all that makes life worth living.

I have dedicated this book to the memory of my father because he was one of the few men I have intimately known who profoundly loved and understood all that Liberty means, and also never suffered from any of the illusions about Germany that befogged his contemporaries. He had none of that instinct for compartmental Liberty which is so common in England. This country contains innumerable societies, each of which wants Liberty for its own purposes but will have nothing to do with Liberty as a principle in itself—the principle for which our soldiers and sailors have for the most part unconsciously, though in a few cases as, for example, Rupert Brooke, consciously, risked death and mutilation.

Critics of my other books have occasionally suggested I am "advanced"; there is nothing I detest so much as that imputation. In search of ideal marriage laws I go to the Roman Empire and find there perhaps the nearest approach to the ideal.

For Liberty itself I find no more substantial sanction than the venerable traditions of our Common Law. For sound morality I prefer the works of Fielding and Voltaire to the thinly tyrannical maxims of the modern philanthropist.

In so far as this book follows in the track of any living writer, it follows, however lamely, in the track of my friend Mr Belloc. For nearly twenty years his books and conversation have given me whatever grasp I have gained of reality in contemporary history. I have often at times doubted his conclusions ; but have always in the end been convinced that on the main issues he was right. It is perhaps unusual for a free-thinker to accept a Catholic prophet ; but apart from ultimate issues, Mr Belloc has always been my guide and philosopher as well as my friend, profoundly as he disagrees with me on certain subjects.

Mr Belloc has been occasionally criticised for his uncompromising remarks about politicians. But these remarks are mild compared to those of an anonymous writer in the seventeenth century concerning two hundred members of the Parliament which sat from 1661 to 1678. An edition of this work (entitled *Flagellum Parliamentarium*) was printed in London in 1827, and a copy of it was the treasured possession of my great-grandfather Sir Harris Nicolas. Among the milder portraits is one of a Lincolnshire member, Sir Robert Carr, of whom it is recorded : " Married first his mother's maid, to whom he gave £1000 that she should not claim him, because he was married to Secretary Bennett's sister. He had a list of his debts given in to Bribe-