

Introduction

EDWARD B. MCLEAN

Western man's pursuit of liberty has been constant. Indeed, the concept of liberty is central to Western political thought and history. The following essays, which were the first of the Goodrich Lecture Series at Wabash College, examine the concept of liberty as it has been understood from antiquity through the twentieth century. Since they were delivered, some of the essays have been modified, but the original thrust of the lecture series has been preserved. It is fitting that these lectures focused on this concept which was so important to Mr. Pierre Goodrich, in whose honor this lecture series was created. Mr. Goodrich founded Liberty Fund Inc., a foundation given over to the programmatic and philosophic study of society made up of free and responsible individuals. The value of such studies reflects Mr. Goodrich's understanding of the difficult problems raised in advancing and defending human liberty.

These essays examine the meaning given to the concept of liberty in selected periods of Western history. They demonstrate that Western man, in the pursuit of liberty, has concerned himself in every historical epoch with this concept as he attempted to define, implement, and, most importantly, understand it.

Free will, that quality which characterizes the uniqueness of human beings, is evidenced in their acts, behaviors, and choices. However, this fact does not mean that human behavior, thought, and choice have unchanging purpose or

content since such free choices are within the power of the individual and are conditioned by the circumstances in which individuals operate. Consequently, historical examination of this concept provides an outline for the inquiry made regarding the nature of liberty—its definition, its implementation, and its value.

Professor Rufus Fears's essay opens this unique collection by examining the concept of liberty in Republican Rome and its transformation from the period of the Republic to the Empire. In the Republic, liberty was a religious tenet reserved exclusively for Romans. Juridically protected, it was considered necessary to preserve Roman morality. After the collapse of the Republic, the concept of liberty remained as a rhetorical support for the emperor, but its substantive meaning had changed.

One development in this period, however, enhanced both the value and future success of liberty, for:

Out of the political wasteland of the collapse of the Roman Republic there came birth as well as death. There was death for a narrowly defined ideal of republican Liberty based upon a concept of collective political authority. Yet in hard and bitter agony there was also the birth of a new and more noble conception of Liberty. It was this more exalted, more inclusive vision of Liberty which would be invoked so many centuries later by a bold group of men willing to justify revolution by an appeal to the self-evident truth that all men are created equal and endowed by their creator with the inalienable right to Liberty.

The idea of liberty received its greatest impetus and universal appeal from Christianity, which breathed life into it by revealing its connection with the providence of God. The implications for this revelation were refined in the course of the Middle Ages and are here examined by Professor Ralph McInerny.

McInerny observes that in modernity, liberty is considered as “immunity from obstacles and impediments,” so that one may fulfill the choices made by his own will, while in the Middle Ages scholars believed liberty’s proper meaning referred to one’s capacity *for* something. Medievals maintained that since man chooses deliberate actions he is different from other living things and must be held responsible for those actions. Man alone knowingly directs himself to the good.

The good man seeks to act in accordance with a good which is not self-determined, but exists independently of his choosing. In order to achieve that good, man is compelled to make choices to pursue the good in proportion to his being and to conduct himself well in that pursuit. The full goodness men should pursue is the ultimate good—God, who “is not just another good thing.”

Therefore, the authentic meaning of man’s liberty, which requires him to act in ways that serve his true good, contrasts sharply with modern notions that goals and means are good because they are desired. The medieval conception of rights bears no resemblance to modern beliefs and the claims derived from them. When these claimed rights conflict, force is the only resolution. As McInerny demonstrates, the modern shibboleths of pluralism and tolerance—honorable and meaningful in their own ways—have practical value *only* if they are made

operative within a context that allows prudent and constructive meaning to be ascribed them. To embrace relativism is to bring about the end of liberty generally and of free society particularly.

The sixteenth century witnessed the emergence of philosophies of liberty opposed to those found in antiquity and the Middle Ages. Professor George Martin addresses the sources and nature of these changes.

The clearest sixteenth-century defender of the older concepts of liberty was Richard Hooker, who maintained that liberty, properly exercised, requires men to act in conformance with the traditional social, political, and religious orders, which enable them to serve ends proper to their being. Mankind's true end is to "live virtuously" so that he may approach God.

Shakespeare also believed that liberty, obtained through right reason, was necessary for the acquisition of virtue. For both men, genuine liberty was found in a community based on tradition and right reason. While Shakespeare believed familial institutions best provided such a condition and Hooker looked to the use of positive law, both men resisted the radical transformation of society through religious zealotry. "[B]oth men," Martin writes, "would affirm [liberty], but liberty within the context of authority."

Such views were challenged by those who denied that liberty was a means by which men served ends that were properly human. Pico della Mirandola illustrates this "spirit of the Renaissance." He maintained that man is "liberated from superstitions and unnatural social restraints,...[and]...could recover the lost image of God within himself." Machiavelli identified liberty as man's self-assertion

in the fulfillment of his own aspirations and desires. Both rejected the idea that liberty was to be used by men to accommodate themselves to a higher order. Rather, liberty allowed individuals to pursue their desires absent objective external measures of rightness or purpose.

Luther's and Calvin's views contributed further to the development of more modern ideas of liberty. The individuality of conscience and the self-determination of the right exercise of liberty espoused by both men created conditions in which "men...cannot live peacefully together except under conditions of religious freedom or tyranny."

Professor Timothy Fuller focuses on the writings of Thomas Hobbes. Fuller maintains that Hobbes has left us two legacies that most affect the degree to which we understand and value liberty. The first relates to the "estrangement" of people under the impersonal rule of the state; the second rejects the idea of the rule of law in the belief that a repudiation of such formalism ends the estrangement of individuals from one another.

In the seventeenth-century, liberty was seen as freedom from restraint; thinkers rejected the previously held belief that liberty is to be used to achieve the good. The seventeenth-century liberal concept of liberty, Fuller maintains, would be "hard pressed to defend itself in light of the necessary indeterminacy that liberty in this sense seems to require." Furthermore, Hobbes's notion of liberty is descriptive of the value of liberty in the modern affairs of man.

Dean William B. Allen, a scholar of Enlightenment thought, maintains that Montesquieu's concept of liberty is compatible with that found in antiquity and the

Middle Ages. Allen considers the Enlightenment's impact on America during the Revolutionary period. He notes that the oft-stated idea that Americans' attitudes relied mainly on certain "Whiggish" notions of the "rights of Englishmen" is only partially correct, for one must acknowledge Montesquieu's influence.

Montesquieu's ideas contrast sharply with those of Rousseau who, Allen argues: "opened the modern assault on nature as a moral standard and natural rights as a source of political principles." Rousseau argued that man is separated from other living creatures by historical developments rather than human nature—a relativistic fallacy which provides the foundation for those elements of modern thought directly opposed to the ideas of human liberty advanced by Montesquieu. Jefferson temporarily employed Rousseau's idea that the absence of constancy in man's history reveals liberty as a matter of development rather than a principled right. Although Rousseau's influence overshadowed Montesquieu's in European thought, the latter's influence in America was substantial. Daniel Fowle, who advanced the notion that legislative authority and power derived from the liberty of the people, the exclusive guardians of their Constitution, was particularly influenced by the illustrious Frenchman.

Professor George Carey contrasts the Founders' idea of liberty with those of modern scholars. He observes that modern views are numerous and diverse compared to the period of the Founding, when there was general agreement regarding the meaning of liberty. For the Founders, the maintenance of liberty required the rule of law to protect against arbitrary and capricious government. Rights provide protection against oppressive government action, and the rights

protected by the law must be considered in terms of “civil” and not “natural” liberty. Civil liberty could not be so expansive that it would permit licentiousness nor so restrictive that it would lead to subjection to an oppressive government.

The colonists believed England had deprived them of their liberty, since men should only be subject to laws to which they assented, and a virtuous people would determine the extent of liberty sufficient to serve the common good. Such virtue results from the operation of the extended society—families, education, and religion—which induces morality and enables men to restrain their unruly and selfish passions.

Contemporary conceptions of liberty, Carey argues, illustrate the full implication of Popper’s notion of an open society, and are revealed in the relativism that characterizes contemporary American notions of morality, manners, responsibilities, and duties. For Carey, the U. S. Supreme Court has been the primary means by which our understanding of liberty has been turned away from the views of the Founders. The Court has constructed a “national standard” for free speech that provides only the weakest and ineffectual restraints on it, even as they developed a whole panoply of “rights” that include deviant behaviors and lifestyles. Society is even required to view each individual as a separate moral universe devoid of allegiance to any conception of the common good. This new definition of liberty flows naturally from the concept of equality. To assure this linkage governmental programs are created to achieve greater equality—primarily economic equality. This linkage of liberty and equality further defines the common good as best served by autonomous individuals who

are permitted to act in conformance with their own notions of morality without reference to those of the community of which they are a part.

In contrast, Carey observes, the Founders did not believe liberty should be so defined as to become detrimental to the common good. Liberty's value is anchored in virtue and protected by deliberative self-government. The Founders would reject utterly the contemporary view of free speech, for their commonsense view of the world and man's place in it, which required acceptance of his responsibilities and duties, rejects the view of individuals as isolated atoms who can be restrained *only* when they threaten physical harm to others.

Leonard Liggio examines the concept of liberty in eighteenth-century French thought. France's mercantilist economic system involved massive intrusions of state power into the economy of the country. However, this use of state power was opposed and challenged by those who exalted human reason and held an optimistic view of human nature. Archbishop Fenelon and Abbé Fleury, for example, maintained that although human nature involved original sin, men could still make moral choices and act in conformance with God's plan for the universe, and both believed that a market economy provided men with the chance to act morally. Opposition to such views was obvious in Rousseau's idea of the "general will." In accepting an active and intrusive state, Rousseau's thought, Liggio notes, "became a virulent source for the creation of the modern bureaucratic state," the emergence of which was supported by both Jacobin thought and ideas supporting enlightened despotism.

Liggio contends that the most significant French theorist in this period was Benjamin Constant, whose break with Enlightenment ideas laid the foundation for nineteenth-century liberal thought and who, therefore, “speaks to and for modern man.” Constant rejected all ideas of system building; rather, he believed that religion is necessary for human liberty since it provides a moral bulwark against state oppression. In contrast to ancient liberty, which related only to man’s participation in collective decisions, modern liberty, Constant maintains, is a product of commercial society and is based on Christian thought and human rights. Consequently, he criticized Rousseau’s belief in the rightness of collective decisions and pointed out that such ideas were erroneous, dangerous to liberty, and would lead to all manners of despotism.

Professor Jeffrey Wallin examines the concept of liberty in the period before the War between the States and in the latter part of the nineteenth century. Since the issue of slavery was not resolved at the time of the Founding, it would occupy all discussions about liberty in the first half of the century. Wallin argues that the Republic’s founding was based on the belief in the equality of men, government with the consent of the governed, and government action for the common good. In this context, government could succeed as long as everyone obeyed its rightful acts. Such a premise, however, suggests two possible dangers: that those who hold power act only in their own interest; and that those out of power reject their obligation to those in office. These dangers surfaced in the early part of the nineteenth century when the issue of slavery pitted the belief in the

equality and rights of man against the obligation of obedience to laws made by those in power in the South.

The industrialization in the second half of the nineteenth century that transformed the very nature of American society again raised questions about the nature of liberty. The great concentrations of wealth which affected government and society posed a major challenge to the Republic's ability to deal effectively with ensuing problems. Response to this issue instituted the growth of a powerful national government which, in theory, would protect both the market's role of creating and distributing wealth as well as the public interest.

John Gray's essay provides an examination and critique of contemporary liberal concepts of liberty and focuses particularly on the thought of F. A. Hayek. Hayek is considered in many circles as the definitive writer in the "classical liberal" tradition, a school of thought most frequently assumed to reflect the most thoroughgoing and complete definition of liberty in the context of modernity. Gray sees significant problems in using Hayek's formulations as a foundation for liberal thought and particularly for liberty. What Gray considers to be the "instability" and "incoherences" of Hayek's formulation are attributable to one "single conception," i.e., Hayek's "idea of a spontaneous order in society." Gray acknowledges some value in this belief for the examination of economic activity, but he believes Hayek stretched it beyond credibility in his attempt to construct a complete social theory based on his "illicit generalization from [these] market processes and exchanges to legal rules, political institutions, and cultural traditions."

Such attempts diminish greatly the value of Hayek's thought as well as the theories of the Virginia School and John Rawls, who maintain that "market institutions can be legitimated by an appropriate constitutional framework or contract whose justice has sufficient general acceptance to assure support for liberal institutions." This legalism ignores the fact that liberal regimes are fostered by particularistic cultural traditions which sustain the liberal policies of a civil society. Talismanic ideas such as those presented in these various versions of liberalism cloud and distort a proper understanding of liberal thought, institutions, and practices. Gray asserts that "prudence and wisdom" require an abandonment of the classical liberal infatuation with a "universal...doctrine of liberty," and an understanding that the existence of "free peoples" is only one form of life among many alternatives that reflect complex and disparate cultural sources.

Certainly Gray's essay provides a challenging conclusion to this collection. The record set forth in this book demonstrates the magnitude of the task required for the defense of liberty. As the title *An Uncertain Legacy* suggests, liberty can, in effect, disappear. Given shifts in the cultural values of a society, it can be replaced by either benevolent or malevolent despotism in which the concept of liberty describes a condition of serfdom or worse. Liberty cannot be defended unless one understands what it is and what it is not.

The long historical struggle to obtain and secure liberty is one of the great contributions of the Western world. As typified by the struggles that resulted in the collapse of the Soviet Empire, history proves that the task of providing

circumstances wherein men can enjoy liberty fully is not a matter of merely pronouncing that it shall be so. A long arduous journey faces all of us in meeting this challenge, and whatever the problems abroad, our attention must not turn from the threats to our own liberty. Such awesome tasks present challenges and opportunities as well as danger. Honor and duty require our meeting the task resolutely and realistically. Fictions will neither advance nor defend liberty. Thus one of the chief contentions of the book is that the fruits of man's centuries-long struggle for liberty are by no means guaranteed into the twenty-first century.

The need for a careful examination of the history of liberty is clear. Recent American history reveals trends destructive to both the American constitutional order and to individual liberty. The cumulative effects of these developments are not unlike a *coup d'état*. The absence of a vigorous, committed, and steady resolve by the populace to restore a Republic characterized by virtue and devoted to preserving liberty has had disastrous results. Today we live in a non-constitutional regime, where, as in the days of the Roman Empire, many people claim only those liberties granted by their present rulers. They hope, as did the Romans, to be ruled by an Augustus, yet they know they may be dealt a Caligula. It is hoped that *An Uncertain Legacy: Essays on the Pursuit of Liberty* will continue the renewal of interest in the nature, value, and protection of human liberty so that we may live fully as human beings.