The Tradition of Liberty in England and America

Though most people shy away from talk of liberty, fearing, amid the confused uses of the term, that whatever they hear will be somebody's propaganda, they all know at what point liberty begins. It is the point at which they resent being shoved about. Simply, then, liberty can be defined in biological terms: "All living organisms abhor restraint," or, "Whenever any situation or any force stops an organism from doing what it has convinced will and ability to do, it does not feel free until the restraint is removed." There are by this definition as many forms of liberty for the individual as there are possible situations which he thinks restrain him, or possible objectives which he may wish to attain. In this broad sense there can be no one particular thing which is liberty, no state of affairs which represents the absolute and true liberty, no mystic reservoir of liberty which we must try to keep full. Nor is liberty something to be defined and caught by someone within a formula and imposed upon the rest of us. Liberty is an abstract term standing for the sum of all separate liberties, just as Man is an abstract term standing for the sum of all separate men. There is no one man who
is Man; there is no one liberty which is Liberty. In this sense liberty has been one of the driving forces in history, and history's persistent conflicts have always been between your liberty and mine.¹

In America and England one widely-held interpretation of liberty, in the course of the last three centuries, can be said to have conformed fairly closely to that broad definition. We have more and more tended to call only that state a free one where as many individual liberties as possible are permitted expression, where every individual has reasonably wide scope to define and work out his particular form of liberty. That tradition is the child of the seventeenth century. In the course of the seventeenth century, in pain and in fumbling and largely by accident, we found a solution to its social conflict, embodied it in institutional form, and managed to retain it. What men did during that century was to boil down all possible liberties into four that were considered essential. Customarily we define these four liberties thus: 1) liberty to acquire and hold private property; 2) liberty of conscience, to worship, speak, write and believe as each chooses; 3) liberty to have some voice in the management of political affairs; 4) liberty of the person, to act under a law which lays the same impartial restraints upon everyone, governors and governed alike. Not one of these specific liberties implies that the only true liberty is belief in a Catholic or an Anglican or a Presbyterian God, though to many people such belief does really constitute true liberty; not one of them avows that true liberty consists in following a ruler best fitted, by God or by nature, to rule, though many people find their true liberty in uncritical service to a man or an institution. None of these liberties states explicitly that the reason why preference is allowed the individual to choose his way of life is that he may arm himself with moral armor, though it is perfectly true that this concept of individual self-growth, in the varying expressions of it by the most gifted of American and British writers, has ever furnished a chief inspiration for the continuance of our belief in the capacity of the

¹ Dorothy Fosdick, *What is Liberty* (1939) analyzes the term in this biological sense. A recent symposium, edited by Ruth Nanda Anshen, *Freedom: its meaning* (1940), gives definitions by some of our ablest living writers and scholars. Benedetto Croce, *History as the story of liberty* (1941), magnificently argues for another meaning of liberty in history than the biological one alone.
individual to choose well. These four liberties, as such, say nothing about choosing well; they allow wide latitude to a great many forms of individual liberty; they have had as object the creating and maintaining of a situation where individual preferences have opportunity for expression.

These four liberties are man-made. They grew as compromise from the conflict both of organized groups and of individuals with the authoritarian bodies which professed, being especially entrusted by God with the mission, to impose a rule, that is a definition of liberty, of their own. The parliamentarians of the 1620's wanted freedom from certain restraints. They objected to the divine-right concepts of Stuart kings because they did not want their property endangered by taxation without consent; because they did not want to be led into a war they disapproved; because they wanted, as a group, management of their own affairs; because, being Protestants, they feared the re-establishment of Catholicism. Innovators, even revolutionists, they were, but they had to couch the arguments by which they supported their fight in terms that conformed to the accepted arguments of the times, to tradition and to God. They therefore discovered new interpretations of precedents to justify their efforts to control the administration, and later in the century, when the lawyers had given way to divines and political theorists, these latter found sweeping philosophical sanction in the word "nature." Man has natural rights, they said, to his property, to his life, to a fair trial, to his opinions. They appealed to that vague term "nature" because they needed something as divine and as authoritative as the law of God, to which their opponents, with the books and evidence well in hand, were appealing.

In the same way those Separatists who founded Massachusetts to be a theocracy of the elect, and attempted to turn the colony into a sovereign commonwealth, were seeking liberty in no wide sense, but as a group appealing to the Bible against the church, and to the saints against the king. The merchants who wanted to make money either urged that the state utilize its powers, in the laying of tariffs and bounties, so that the trading groups would profit, and invoked

In the last war Robert Bridges edited a famous little anthology, *The Spirit of man* (1916); the equivalent volume today is Bruce L. Richmond, *The pattern of freedom in prose and verse* (1940).
the idea of the nation against the local and traditional interests of
guild or feudal survivals; or they urged that the trading privileges
reserved by patent to the great companies be thrown open to all, and
brought as witness the law of nature to justify this early form of
"free trade."

Out of the clash of these more or less well-organized groups, the
court, the church of England, the country gentry, the merchants,
and the sects—some of them surviving from feudal times, some the
product of the commercial revolution and the Reformation—there
came by the end of the century a definition of the liberties which
were to safeguard the particular form of liberty which each group
desired. The bill of rights and the revolution settlement wrote into
law the concept that the government itself was bound by laws which
propertied groups had a share in making. The act of toleration
guaranteed that no punishment would be imposed on men because
they were members of a Protestant faith other than the Anglican.
The failure to reimpose censorship, largely because no censor could
be found whom all would accept, began a free press. The crop of
statutes relating to trade widened the avenues within which the
individual merchant could seek his markets. By such acts the interests
of every group powerful enough to make its weight felt were pro-
tected, and in every case the arguments justifying such protection
were couched in terms which embraced more than the group itself,
in terms of the nation, as in mercantilism or the theory of balanced
government, or in terms of mankind. And for every group the
final working settlement meant something less than it had hoped.

Up to this point the biological definition of liberty serves ade-
quately to let us understand the seventeenth century. Put in this
way, as the result of a compromise between conflicting groups, no
one of which was strong enough to dominate all the others, these
four liberties seem no more heroic than expediency usually seems.

But the biological interpretation, by itself, misses an essential
feature of this settlement and these liberties. To the men who
engineered the settlement, who could, like Halifax, call themselves
trimmers, these liberties did in point of fact rest upon the conviction
that the groups to which they were extended would choose, if not
well, at least not badly. Anglicans and non-conformists were safe;
Catholics, atheists, and Jews were not. Propertied groups could be
entrusted with government; unpropertied ones were dangerous. Business men were safe, but they had to be kept from too much meddling in statecraft. Free speech could be checked by the laws of libel from becoming too extravagant. In the colonies, too, similar limitations of these liberties existed, perhaps to a lesser degree, and to a lesser degree in some than in others, but for the same reasons. The point is worth emphasizing, that while the public arguments for them were couched in universal terms, these liberties were in reality confined to those groups who had more or less agreed, however reluctantly, to live together and to share power.

At the same time there was a handful of men in the seventeenth century who took the arguments about universals at their face value. When Roger Williams or William Penn or William Chillingworth or even Lord Baltimore talked about religious toleration, they considered all religious opinion to be safe. When the men in Cromwell’s army, like Colonel Rainborow, used the argument from nature, they thought of all men as having a right to share in government and to make a living. To John Pym justice was a principle to be followed wherever it led, and not to be invoked in any interest less than that of the whole of mankind. Milton believed in free speech because he believed that only through free speech would truth emerge. Such men provided the emotional and intellectual food for the future. They thought that under the right conditions all men might be trusted to choose well.

The history of liberty in the next two hundred years, from the end of the seventeenth century to the end of the nineteenth, from Penn, say, to the time Carnegie sold out to U. S. Steel, has been the broadening of the base upon which the four liberties rested to approach the universal speculations concerning them. Two great economic forces in England and America, having the same social effects, were at work in these two centuries. The expanding frontier and the expanding forces of the industrial revolution were alike in this, that they altered the social structure of a comparatively static, agrarian society molded in feudal forms. Today in both countries we have a society mainly composed of entrepreneurs, rentiers, professional and salaried men, workers, and farmers. Yet in spite of the shifting social complexion, we have managed in both countries to continue and to enlarge the successful compromise of 1689,
which, in all its essentials, not basically altered by a federal republican form, the American constitution of 1787 repeated.

Each liberty of the four broadened. All men who have property, said Locke, have a natural right to its protection, and therefore to a voice in government; all men, said Paine, have that right; all men, said the Populists and the Socialists, have a right to make that voice effective in economic matters where alone it counts. The wealth of England will be enhanced, said the mercantilist, if the economy is put on a national basis; the Wealth of Nations, said Adam Smith, will be enhanced if every man is allowed to dig for gold in the hills of an expanding economy; wealth will increase, echoed everyone on the make in mid-nineteenth century America, pioneer and industrialist alike, if we all are permitted to exploit the country as quickly as our skills and energies let us. Liberty of conscience, except for the limitations which the social conventions of Victorian morality in England, and even more in frontier America, imposed upon it, was undeniably broadened. The religious outcasts of 1689 were freed from all liabilities by the end of the nineteenth century, and there was no question and no point of view which one could not discuss, in print or aloud. The scope of the law widened, as it extended the concept of impartiality to larger groups.

Likewise there sprawled on into the nineteenth century that grand but woefully incomplete assumption of the seventeenth, the notion that there is a law of nature in political matters and that men have natural rights under it. Of all the well-known political thinkers of his time, Hobbes alone avoided the pitfall. Hobbes said that where every man seeks his own liberty without regard for the liberties of others, he actually has no liberty and is wretched. If he is to have any measure of liberty, he must set some limits to his pursuit of it. Hobbes advocated compromise, therefore, and the adherent to the biological definition of liberty can rightly say that its history in England and America since his time has been pure Hobbes. He took no truck in a law of nature or natural rights, any more than in any morality not built on expediency. But belief in a law of nature continued; it led in the next century to the concept of the great chain of being, with all life keeping its appointed place in the God-given order of things, and in the nineteenth century to the doctrine of progress, as irresistibly ordained by God and nature.
Those seventeenth-century men who interpreted liberties in universal terms had so increased in numbers by the nineteenth that they could take to themselves the name of Liberals, and give that name to the century. A nineteenth-century liberal not only believed in change; he believed in change towards a goal. The goal was the eventual making flesh of all the universals, so that every man should be as free as possible. But so obsessed was the liberal with the effort to make men free to choose, that, as his many critics pointed out, he spent little time in teaching them to choose well. He either forgot or took for granted the second essential feature of these four liberties, that they work only when a common morality underlies them.

By the end of the nineteenth century a few observers saw that, as its earlier critics had prophesied, something had actually gone wrong with liberalism. Some saw that the organized workers, instead of merely sharing in government, might gain enough voting strength to overbalance the rest. Democracy seemed to be marching towards dictatorship. Others saw that the broadening of the liberty to accumulate property without any very marked restrictions had led through laissez-faire to the modern corporation. The corporation seemed to be well on the way to accumulating all the property which meant power, and therefore effectually to be destroying the liberty to accumulate property. Liberty of conscience, which for Mill as for Milton meant that truth need not fear the test of the market-place, had been so broadened through the spread of semi-education that the wildest and most half-baked statement often seemed to contend, having equal credence and equal effect, with those which had the sanction of experience and disciplined thought. In a welter where all values become equal, the notion of value itself, even the value of liberty, must be lost. The disintegrating attack upon the keystone of these four liberties, the supremacy of the law, had not begun by the end of the century, but it began in America some fifteen years later. By such processes liberty seemed to be about to kill liberty.

It is a black enough picture, blacker than any we have ever faced as a nation, but perhaps not more dark than the seventeenth century seemed to Sir Thomas Browne: "the uncertainty and ignorance of things to come." When to Hoover the only true liberty is economic
individualism, and to Philip Murray the right of the worker to a secure means of livelihood—both definitions resulting from the broadening of the old mercantilist argument—the difference between them is not greater than between Cavalier and Roundhead, court and parliament, Massachusetts "saint" and Catholic. Compromise between one freedom and another, in which lies all the merit of our English and American heritage, between the organized groups of government, managers, professionals, workers and farmers, is as possible as not. Yet, if it is to be compromise, its precise form hidden in the future, to every group that has power must be left something satisfying as well as something less than each had hoped. The biological definition of liberty shows us that. While the external forms of our institutions may change beyond our recognition, if compromise is the eventual outcome, it is difficult to see how it can be on any ground other than those of the four liberties. All groups will want a share in government; all will want to argue their own case; all will want economic security; and all will see that only an impartial law can save each's particular desire. The biological definition of liberty shows us that, also. And perhaps, for it is equally necessary in any compromise, we are on the way to redefining the liberty which underlay the seventeenth-century one, which the nineteenth-century liberals overlooked, the liberty not only to choose, but to choose not too badly. If, as is perfectly possible, not compromise, but the victory of one dominant group, whether of government, managers, labor, or Nazis, proves to be the outcome, then we return to the authority from which we once escaped. In an economy that has ceased to expand rapidly, it will be an authority much more unpleasant and much less human than that either of church or of king. There would still be liberty under it, the rare kind of liberty which the philosopher and the religious mystic know, or the liberty to use one's capacities in deliberate serving of the new order, but it will be less than that which we have had, liberty to exercise an individual preference in the choice of a group or a life.

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