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Classic Liberal Philosophers and their Contributions to Democracy & Justice: Discourses on Freedom, Equality, Reason, and Law

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Classic Liberal Philosophers and their Contributions to Democracy & Justice: Discourses on Freedom, Equality, Reason, and Law

Between the 17th and 18th centuries, the Enlightenment was crucial for the institutionalization of liberal philosophy in Western civilization and the growth of the social sciences within the university system. This period's philosophers were interested in human nature, the foundations of civil society, and the factors that would compel a free individual in nature to enter into a social contract with other individuals. They came to the conclusion that unrestricted freedom in the state of nature also meant that one's self-preservation would be perpetually at risk. According to the classic liberal tradition, it is our desire to live that has led us to civil society.

The Enlightenment philosophers supported social, economic, and political changes, pushing for the rights to liberty and freedom while combating superstition, prejudice, and intolerance (Zeitlin, 2001). Liberal philosophy was an ideology of social change and progress, with the goal being the perfectibility of humankind through the empirical study of natural laws. Social change would be driven by reason and presented harmoniously in a society of equals. Liberal philosophers strongly believed that through the rational/logical pursuit of knowledge, individuals would be enlightened beyond religious superstition. These beliefs impacted the development of the social sciences, including sociology, as it set a method for uncovering the natural laws of our society (Collins, 1994; Westby, 1991; Zeitlin, 2001). The Enlightenment movement paved the way for the establishment of democratic nations founded on the principles of “life, liberty, and the pursuit of happiness” (Locke, 1952, p. 5).

It is our goal to revisit some of the key classic liberal philosophers who provided the foundation for democratic ideals of freedom and equality, as well as their contributions to the development of the social sciences. The classic liberal tradition has been forgotten in today's

political rhetoric and we must remind our students of the classic values which guided the writers of the U.S. Constitution, as well as established the methods and values of the social sciences. Students of criminology and criminal justice tend to cite Cesare Beccaria as the founding philosopher for the study of criminal justice and forget the contributions of classic liberal philosophers. Therefore, we begin with a review of John Locke, who is considered one of the founding philosophers of classic liberal thought, as well as an English revolutionary hero. We then proceed to review Montesquieu, Rousseau, Wollstonecraft, and Condorcet. For each of the following classic liberal philosophers, we highlight their thoughts on freedom, equality, the state of nature vs. civil society, and the relationship between reason, law and human progress.

Locke

John Locke [1632–1704] the most influential political philosopher of the Enlightenment influenced scholars in Europe and the British colonies of the Americas. The United States of America was formed on the ideals articulated by John Locke and reaffirmed by Thomas Jefferson in the Declaration of Independence. John Locke impacted not just the American Revolution of 1776, but also the English Revolution of 1688, for which he is called the “the theorist of the English Revolution of 1688” (Locke, 1952, p. vii).

The *Essay Concerning Human Understanding* and *The Second Treatise on Government* are two of the most influential and important works that led to the development of the social sciences (Locke, 1952; Parsons et al., 1961; Westby, 1991; Zeitlin, 2001). Locke (1952) saw human nature as being directed by reason and moved humans toward civil society. John Locke reasoned that in the state of nature, individuals were endowed by nature with the rights to ‘life, liberty, and property,’ but since they lacked security, they were more likely to submit to a social contract or civil law based on majority rule.

Locke (1952) explained the condition of nature is regulated by the law of nature, which is directed by reason. It is essential to understand that, according to Locke, reason was a natural law. This reason, “teaches all mankind who will but consult it that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions...” (Locke, 1952, p. 5). The same rules that control nature also regulate civil law, since they are the manifestation of reason. Accordingly, the same principles must be used to the punishment of crimes, which should be proportional to their severity and serve as a deterrent. In addition, the natural principles of punishment extend over into civil society. Locke (1952) added further:

Each transgression may be punished to that degree and with so much severity as will suffice to make it an ill bargain to the offender... Every offense that can be committed in the state of nature may in the state of nature be also punished equally and as far forth as it may in a commonwealth... (p. 9)

Moreover, Locke (1952) recognized, “...even with death itself in crimes where the heinousness of the fact in his opinion requires it...” (p. 49). These themes are addressed in the state of nature, where laws allow the individual the ability to save their own lives and to judge and punish anybody who has caused them harm, however, under the social contract, the individual is no longer the judge and/or jury. Locke (1952) emphasized that the authority to punish is the responsibility of the community, which must “set down what punishment shall belong to the several transgressions” (p. 49). Consequently, it is the responsibility of the Commonwealth to safeguard its residents and their property, as well as “the power to punish any injury done unto any of its members...” (Locke, 1952, p. 49). The state is then authorized or vested through its legislative and executive authorities to enact permanent rules governing “how far offenses are to be punished when committed within the commonwealth...” (Locke, 1952, p. 49).

Montesquieu

Another prominent philosopher of the time was Montesquieu [1689–1755], who made a significant contribution to the field of social science with the publication of *The Spirit of the Laws* (1748), which was one of the first historical-comparative analyses of society. Montesquieu influenced the future work of Cesare Beccaria and that of penal law overall (Richter, 1990; Zeitlin, 2001). Beccaria, the founding father of the Classical School of Criminology lived at the latter end of the Enlightenment and was influenced by Montesquieu to engage in the discourse about the government and public affairs while attempting to develop a logical, systematic, and consistent penal system (Burke, 2009). Montesquieu suggests that “law in general is human reason, to the extent that it governs all the peoples of the earth. The political and civil laws of each nation ought to be only particular cases of the application of human reason” (Richter, 1990, p. 114).

In his historical-comparative study *The Spirit of the Laws*, Montesquieu utilized ideal types to describe civilizations by detailing their laws, traditions, and traits. As per Zeitlin (2001), Montesquieu considered all societal institutions as being “interdependent and correlative relationship to one another and as depending on the form of the whole” (p. 8). The institutions of education, justice, marriage, and family, as well as politics, are shaped by the customs and environment of their people. The society then transforms into a monarchy, republic, or dictatorship. As a result, the spirit of the laws is reflected in the varied types of governance.

Further, Montesquieu defines two kinds of laws: natural laws and positive laws. Natural laws are generated from our existence. When people enter society, they submit to positive or civil laws, sacrificing some freedom and equality from their natural condition in order to strengthen themselves via solidarity. The connection between ruler and citizen is controlled by

public laws, whereas the interactions between citizens are governed by civil laws. To elaborate, each state is bound by a law of nations, sometimes known as international law (Richter, 1990). “The so-called ‘Affirmative Age’ of government has transformed the way in which we approach constitutional rights by emphasizing entitlements over responsibilities, equality over liberty, and positive over natural law” (Office of Legal Policy et al., 1986, p. iii). The function of law is to prevent injustice by guarding natural rights that existed pre-constitutionally.

The Declaration of Independence invoked natural law with the quote, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights...” (U.S. 1776). These words make it clear that the U.S. Constitution did not grant rights to the people but established a government of laws to secure their preexisting rights to life, liberty, and property “to which the Laws of Nature and of Nature's God entitle them...” (U.S. 1776, para. 1). The Preamble of the Constitution contains the phrase “securing the blessings of liberty” (U.S., 1787), which indicates that the founders clearly viewed that liberty preceded the government.

In addition, Montesquieu described the qualities of a republican government as well as the laws that endorse democracy (Richter, 1990). In such a government, all citizens are treated equally, and their well-being is the first concern. A successful republic, according to Montesquieu, must be distinguished by political virtue. He defined political virtue as the affection for one's nation and for equality, which results in affection for its laws. To ensure the success of a republican democratic government, education laws must equip individuals to become citizens. Through education, political virtue must be developed so that citizens love their nation above their personal self-interest. As a result, a good citizen, “loves the laws of his land and is moved to act by them” (Richter, 1990, p. 106). As a member of a democracy, a loyal/good

citizen can exercise his or her right to vote. Laws are established to control a citizen's involvement as a voter and to provide its citizens with the authority to pass laws. In addition, Montesquieu stated, “In republics, everything depends upon establishing such love. To inspire it ought to be the concern of education. The surest means of instilling love of country among children is for their fathers themselves to possess it” (Richter, 1990, p. 34).

In light of this, it is the responsibility of the state to offer political liberty, which Montesquieu describes as “tranquility of mind which derives from [a] sense of security” (Richter, 1990, p. 182). The citizen must be fearless in the presence of fellow citizens. A system of checks and balances is required to safeguard political liberty by preventing the misuse of power. A republican government should possess legislative, executive, and judicial authority. To maintain justice, as the judiciary is responsible for punishing criminals and resolving disputes between parties, “judgements... should be determined only by the precise text of the law” (Richter, 1990, p. 184).

Rousseau

Jean-Jacques Rousseau [1712-1778], one of the most popular philosophers of the Enlightenment, focused on freedom, equality, the perfectibility of man, the laws of nature, and the social contract. His main concern “was to find a social order whose laws were in greatest harmony with the fundamental laws of nature” (Zeitlin, 2001, p. 18). His two most notable works are the *Discourse on the Origin of Inequality* and *The Social Contract or Principles of Political Right*.

Rousseau (1974) noted that individuals have two conditions: the natural and social. In the state of nature, individuals hold a perfect balance between their wants and their resources, but they lack security. Individuals will voluntarily join into a social contract governed by the General Will of the People or majority rule in order to defend their life, freedom, equality, and property.

By submitting to the General Will, humans lose their natural freedom but acquire civil freedom and property rights. Rousseau contends that the civil state also guarantees moral freedom since humans require civil law to restrain their inherent appetites, which can enslave them to their desires. Rousseau (1974) remarked an additional benefit that arises from civil society is, "... moral freedom, which alone makes man truly his own master, for impulsion by appetite alone is slavery, whereas adherence to self-imposed law is freedom" (p. 20-21).

Rousseau (1974) in *Book 2* discusses two types of rules that govern humans: laws of the state and laws of nature. The laws of the state are a declaration of the General Will and are necessary to combine "rights to duties and direct justice toward its object" (Rousseau, 1974, p. 33). Like the laws of nature, the laws of the state must be grounded in reason and logic.

Rousseau concurred with Montesquieu that the formation of the state resulted from its social interaction with the environment. The environmental and sociological characteristics/factors of people influence the laws in the spirit of their needs. These civil laws are an expression of their people and can exist only with the people being in an agreement. Rousseau (1974) suggested that the laws are: "... only the terms of the civil association. A people bound by laws should be the author of them; only those who come together to form a society are entitled to specify the conditions under which they do so" (p. 35).

Rousseau further discusses that if a system of laws seeks to provide the greatest good, it must include freedom and equality. Rousseau (1974) stated, " If we seek to determine precisely what constitutes the greatest good of all, which should be the goal of every system of law, we find that it can be reduced to these two main elements: [civil] freedom and equality..." (p. 45). Rousseau's notion of equality was based on the principles of moderation and balance, which are reinforced and maintained by the force of law. The citizens in positions of authority were to

refrain from misusing their influence and wealth, while those in humble positions were to refrain from “avarice and covetousness” (Rousseau, 1974, p. 45). In addition, Rousseau (1974) elaborated on equality:

As for equality, the word must not be taken to imply that power and wealth are to be exactly the same for everyone, but rather that power shall not reach the point of violence and never be exercised except by virtue of rank and law, and that, so far as wealth is concerned, no citizen shall be rich enough to be able to buy another, and none poor enough to be forced to sell himself. (p. 45)

And for the constitution of the state to remain “strong and durable,” there must be a strict adherence or “close observance of what is proper that natural relations are in harmony with the law on every point and law serves only... to assure, accompany and rectify them” (Rousseau, 1974, p. 46). Observing the existing relationships in a commonwealth are in harmony with reason and law brings order to the state.

Furthermore, Rousseau (1974) categorizes three types of laws: political, civil, and criminal. Political laws are foundational laws that establish the government as an intermediary body responsible for executing the law and preserving civil and political freedom. Civil laws govern the citizens while criminal laws govern the relations between the individual and the law. Criminal laws also include sanctions and punishment for violations against property, individuals, and the state. Rousseau (1974) describes a fourth law that is not a law but is “in the hearts of the citizens” and constitutes the “real constitution of the state” (p. 47). Rousseau (1974) argues that morality, customs, and public opinion are essential to keeping people “... in the spirit of the institutions” (p. 47). Similarly, to Montesquieu's education of political virtue, the morality and character of the citizen form the heart and true constitution of the state.

Wollstonecraft

Mary Wollstonecraft [1759-1797] was the first liberal philosopher to advocate and call for the equality of the sexes. Her advocacy for equality and education, regardless of sex, is one of the most significant contributions to the ideological development of the social sciences, as well as to democratic values (Zeitlin, 2001). She held that men and women were innately rational beings that could perfect themselves through the accumulation of knowledge. Even though she was influenced by Rousseau, she criticized his religious prejudices and classical Greek ideals-based views on the education of women. In protest of Rousseau and other contemporaries who neglected the situation and plight of women, Wollstonecraft published the *Vindication of the Rights of Woman* (1792) in which she stated that women were entitled to and deserved equal rights and in opposition to the principle of natural subordination.

Mary Wollstonecraft was influenced by the work of English historian, Catharine Macaulay, who wrote a *History of England* and *Letters on Education*, bringing to the forefront women's rights to education (Zeitlin, 2001). Wollstonecraft felt that women's social and political equality could be built upon a foundation of education. According to Wollstonecraft, women's social inferiority resulted from their subjugation and lack of educational opportunity to develop their physical and intellectual potential and capability. She advocated for a nationwide public education that would encourage both boys and girls to think independently, with the aim of producing rational citizens. Wollstonecraft (1985) proposed that we:

Let an enlightened nation then try what effect reason would have to bring them back to nature, and their duty; and allowing them to share the advantages of an education and government with man, see whether they will become better, as they grow wiser and become free. (p. 286)

As part of their education, Wollstonecraft (1985) stated that we would be taught “humanity by the exercise of compassion to every living creature” (p. 291). She said children should be taught compassion for animals and highlighted that civilization with its class system had taught boys “habitual cruelty” towards the disadvantaged. This lack of sympathy for all beings in early education would eventually lead to “domestic tyranny over wives, children, and servants” (Wollstonecraft, 1985, p. 292).

Condorcet

As a late Enlightenment philosopher, Nicolas de Condorcet [1743-1794] bridges liberal philosophy to the social sciences by using historical-comparative methods and noting causal relationships (Collins, 1994; Westby, 1991). A key element in the continued advancement of liberal philosophy was Condorcet’s notion that humans were perfectible. It was this line of thought that gave to the need to study the past, in order to understand and master human nature. By examining the history of civilization, multiple scholars concluded that humanity was gradually moving toward an ideal condition of order and peace (Condorcet, 1795; Rousseau, 1974; Turgot, 2011; Wollstonecraft, 1985). It was believed that inequality in society could be remedied using reason and science by revealing the natural laws which could guide humanity towards an ideal state. Condorcet observed that the disparities in wealth and education could be addressed through reforms. He believed that the advancement of ideas would “culminate in complete material security and equality, international peace, and individual liberty for everyone” (Westby, 1991, p. 9).

From 1780 to 1820, there was an intellectual revolution that established philosophy as one of the major sciences (Collins, 1994). The religious wars and church-state conflict in Europe had a negative impact on intellectual life, as governments attempted to sever links with the

Papacy and shifted their focus/concerns towards mercantilism/capitalism. As a result of the period's socioeconomic and political context, the demand for civil servants/government workers increased, and more students turned to universities for training.

As a result of the revived interest in intellectual life, there was a need for liberal arts faculty. As the new intellectual instruments, reason, and empiricism were then deployed to meet the demands of the state. The institutionalization of liberal philosophy and methodology was facilitated by scholars such as Condorcet (1795), who contributed to the development of concepts such as social facts, comparative studies, and the belief that humans may find and master natural laws. These same ideas had been set forth by the early classic liberal philosophers and became institutionalized towards the end of the Enlightenment.

In his *Sketch for a Historical Picture of the Progress of the Human Mind*, Condorcet elaborated on Anne-Robert Jacques Turgot's concept of historical progression to the perfection of the human race. After Condorcet's death, his work was published, and he was credited with establishing the first theory of progress, which analyzed history into ten periods. In the ninth period, from Descartes to the French Republic, Condorcet discovered that human reason gradually emerged from the natural progression of civilization to disclose our fundamental nature—equality (Condorcet, 1795). Condorcet (1795) remarked:

After ages of error... writers upon politics and the law of nations at length arrived at the knowledge of the true rights of man, which they deduced from this simple principle: that he is being endowed with sensation, capable of reasoning upon and understanding his interests, and of acquiring moral ideas. (p. 185)

Condorcet also stated that through the study of pain and pleasure, humanity developed morality, as well as the principles to the laws of justice. Condorcet argues for the importance of educating

persons in the fundamentals of the rules of justice to ensure legal behavior. Condorcet (1795) recognized,

In the same manner, by analyzing the faculty of experiencing pain and pleasure, men arrived at the origin of their notions of morality, and the foundation of those general principles which form the necessary and immutable laws of justice; and consequently discovered the proper motives of conforming their conduct to those laws, which, being deduced from nature of our feeling, may not improperly be called our moral constitution. (p. 194)

Conclusion

The Enlightenment's classic liberal philosophers contributed to the establishment of democratic values and the institutionalization of the social sciences. We have examined the ideas of the most influential classic liberal philosophers in order to educate students and other scholars of the classic principles that continue to impact today's society and education. Reason, not religious superstition, has been the driving force behind the development of human rights and international humanitarian laws. Through the application of reason, liberal philosophy affected the path of knowledge development. Focusing on the study of society as a tool to comprehend our natural and civic states, liberal philosophers contributed to eliminating religion from education.

Universities opened their doors to philosophy and the objective study of social phenomenon as European society distanced itself from the Papacy. Although liberal thinkers had an impact on the formation of the republican government in the U.S., liberal values gradually infiltrated the university system. One hundred years after the ratification of the U.S. Constitution, Johns Hopkins University abandoned its conventional curricula in favor of German-style models. Having produced the first social science in economics, the German university model was among

the leaders of Western civilization. In 1892, curriculum revisions in the United States aided in the establishment of schools such as the University of Chicago, which would become a leader in sociological and criminological research and thought (Collins, 1994). From these early classic liberal philosophers, their ideals and understanding of law have shaped criminal justice and social justice to this day.

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