

**Liberty and Justice
From the Collection of
William F. Campbell**



**The Philadelphia Society
Indianapolis, April 5, 2013**

The print on the cover shows the symbols of liberty and justice. The liberty cap of the lady on the right is combined with the scales of justice and the sword to protect them both. It is a small portion of the larger print below: a female personification of Britain seated under a canopy at centre, the rape of Europa in right foreground.



Print engraved by Cornelis Vermeulen after a painting by Adriaen van der Werff
Published in Amsterdam by Jan Covens and Cornelius Mortier. Frontispiece to Isaac de Larrey's *Histoire d'Angleterre, D'Ecosse, et D'Irlande*" (Rotterdam: 1697-1723)

Solon
(c. 638 BC – 558 BC)



"We can have justice whenever those who have not been injured by injustice are as outraged by it as those who have been."

Adam Smith observed in *The Wealth of Nations* (Book IV, Chapter 5) said: "With all its imperfections, however, we may perhaps say of it what was said of the laws of Solon, that, though not the best in itself, it is the best which the interests, prejudices, and temper of the times would admit of. It may perhaps in due time prepare the way for a better."

"Revenge is a kind of wild justice, which the more man's nature runs to, the more ought law to weed out; for the first wrong, it doth offend the law, but the revenge of that wrong, putteth the law out of office."

--- Francis Bacon

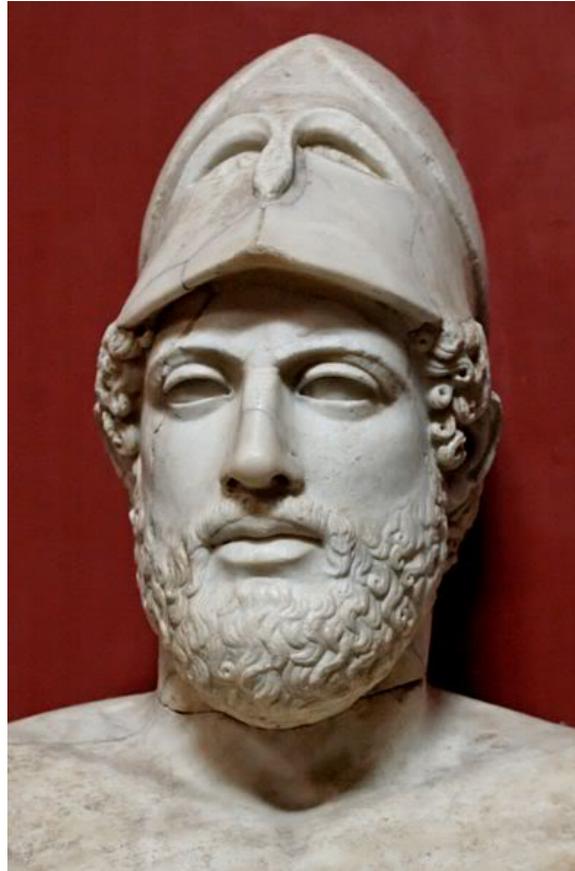
“Our western legal system evolved from the need to tame wild justice that was tearing apart early civilization. Justice as we know it dates back to sixth century B.C. Athens with the genius of Solon. Poet, philosopher, soldier, merchant, practical economist as well as social critic he came to power in revolutionary times with a mission to put an end to the cycles of retaliatory violence that had plagued Greece for centuries. Athens wanted peace and order, and turned to the man who had communicated his vision of social order and the need for justice through his poetry.

Solon laid the foundation for a democratic system of justice through the first of a series of constitutions that gave birth to democracy. He instituted changes and established a legal code that brokered a non-violent social revolution and transformed the passion for vengeance into a justice system. This system was based on rule of and equality before the law, a redistribution of power through law, and resolution of conflict through a public court system with juries of peers in an adversarial process before the presiding judge. Religion was separated from the administration of justice for the first time in human history. Solon converted private revenge into public justice. He harnessed wild justice and made it a central part of democracy.

These developments occurred in the context of the birth of science that recognized emotional human nature as a part of nature, to be understood by natural means. Psychological concepts were incorporated into the law. Understanding what was in the mind of the accused became a priority. Manslaughter and intentional homicide had been differentiated even earlier under Draco, but intent and motive became more important issues under Solon - long presaging and laying the foundation of the *mens rea* concept. Instead of absolute liability the law looked to specific underlying differentiating factors and punishment was proportional. Preventing violence and maintaining public order were stated purposes of law. This was 6th century B.C. Athens.

The influence of Athenian democratic justice can be seen today in every courtroom in our land. However, we would not have that influence but for the genius of another man coming some 100 years after Solon. Aeschylus was also poet, philosopher, soldier, and like Solon, a fighter for justice, but his genius lay in drama. As Solon was creator of democracy, Aeschylus was creator of tragic drama and he used his art form as a weapon for democracy, law, and the peaceful resolution of conflict. During his time political upheaval threatened to sweep away democratic justice.” Walter A. Bordenn, MD.

Pericles
(c. 495 – 429 BC)



Bruno Leoni's analysis of Greek law in *Freedom and the Law* (1961, Reprinted by Liberty Press, 1991): "The Greek conception of the certainty of the law was that of a written law. Although we are not directly concerned here with problems of historical research, it may be interesting to recall that the Greeks, especially in earlier times, also had a conception of customary law and generally of unwritten laws. Aristotle himself speaks of the latter. These were not to be confused with the more recent concept of the law as a complex of written formulae in the technical sense that the word *nomos* assumed in the fifth and fourth centuries before Christ. But the ancient Greeks, in a more mature period of their history, also had an opportunity to become tired of their usual idea of the law as something written and enacted by such legislative bodies as the Athenian popular assembly.

The example of the ancient Greeks is particularly pertinent in this respect not only because they were the originators of the political systems later adopted by the countries of the West, but also because most of the Greek people, particularly the Athenians, were sincerely fond of political freedom in a sense perfectly understandable to us and comparable with our own. What, for instance, Thucydides has Pericles say in his famous Funeral Oration for the Athenian soldiers and sailors who were the first to fall in the

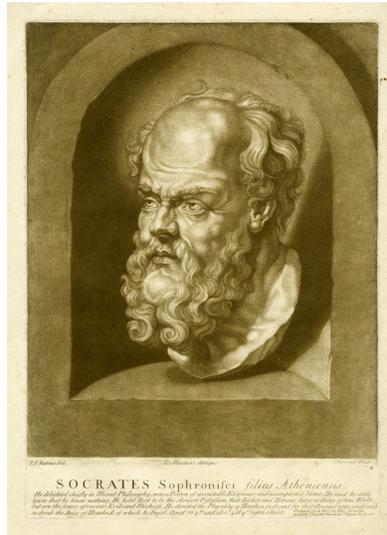
Peloponnesian War could be repeated quite literally by such modern representatives of the political ideal of freedom as Jefferson, De Tocqueville, John Stuart Mill, Lord Acton, or Spencer. The authenticity of the records that Thucydides made use of in order to reconstruct Pericles' speech is still an open question. But even if we imagine that Thucydides himself wrote this speech instead of Pericles, the authority of Thucydides, as far as the feeling of the Athenians and the conditions of his times are concerned, would not be inferior to that of Pericles in this respect. Thus, in the English translation of Crawley, Pericles, as quoted by Thucydides, uses these words to describe the Athenian political and civil system in the middle of the fifth century before Christ:

Our constitution does not copy the laws of neighboring states. We are rather a pattern to others than imitators ourselves. Its administration favors the many instead of the few; this is why it is called a democracy. If we look to the laws, they afford equal justice to all in their private differences; if to social standing, advancement in public life falls to reputation for capacity, class considerations not being allowed to interfere with merit. Nor again does poverty bar the way. If a man is able to serve the state, he is not hindered by the obscurity of his condition. The freedom which we enjoy in our government extends also to our ordinary life. There, far from exercising a jealous surveillance over each other, we do not feel called upon to be angry with our neighbor for doing what he likes, or even to indulge in those injurious looks which cannot fail to be offensive, although they inflict no positive penalty. But all this ease in our private relations does not make us lawless as citizens. Against this, fear is our chief safeguard, teaching us to obey the magistrates and the laws, particularly such as regard the protection of the injured, whether they are actually on the statute books or belong to that code which, although unwritten, yet cannot be broken without acknowledged disgrace.

This Greek idea of freedom, as reflected in Pericles' speech, is quite similar to our contemporary idea of freedom as maximum independence of constraint exercised by others, including the authorities, over our individual behavior. The old notion held by some scholars like Fustel de Coulanges that the ancient Greeks would not have given to the word 'freedom' a sense similar to the one we now give to it in most instances has been successfully revised in recent times. There is, for example, a book entitled *The Liberal Temper in Greek Politics* (1957), written by a Canadian scholar, Professor Eric A. Havelock, with the purpose of evidencing the splendid contribution that many Greek thinkers less famous than Plato and Aristotle gave to the ideal of political freedom as contrasted with bondage in all senses of the word. One of the conclusions emerging from this book is that Greek freedom was not 'freedom from want,' but freedom from men. As Democritus pointed out in a fragment that has been preserved to the present day, 'poverty under a democracy is as much to be preferred above what an oligarchy calls prosperity as is liberty above bondage.' Liberty and democracy come first in this scale of values; prosperity comes after. There is little doubt that this was also the scale of values of the Athenians. Certainly it was that of Pericles and of Thucydides. We also read in the Funeral Oration that those Athenians who had died in the war ought to be taken as a model by their fellow citizens, who, 'judging happiness to be the fruit of freedom and freedom of valor, never would decline the dangers of war.'"

Socrates
(c. 469 BC – 399 BC)

Socrates never published and he perished. The idea of justice was spread throughout Plato's dialogues and formed the basis of *The Republic*. How delightful it would be to have Socrates interrogate modern-day proponents of "Social Justice." We can only speculate how the conversation might go.



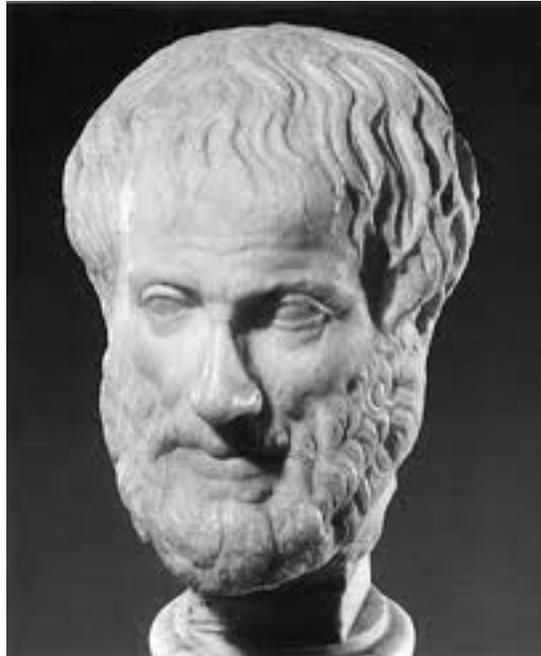
Peter Paul Rubens, Engraved by Paul Pontius, 1638.
Possibly a marble bust that Rubens had in his studio



Socrates and Xantippe
Henri Gascar, Painter
Engraved by John Smith

An unflattering portrayal of Socrates and probably flattering portrayal of Xantippe his wife. Similar prints and paintings were done of Aristotle and Phyllis.

Aristotle
(384 BC – 322 BC)

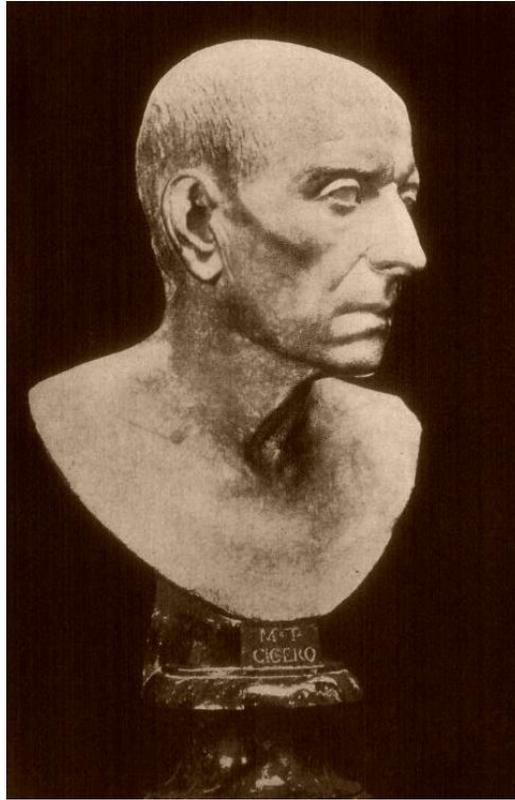


Aristotle's discussions of justice have influenced almost all later thinkers from Cicero, the Scholastics of the Middle Ages, and modern thinkers. Aristotle's "distributive justice" was intermixed with "social justice" in the 19th century. Distributive justice has little to do with equality, but, rather inequality. The same kinds of conservative interpretations can be found in the earliest uses of the concept "social justice."

Our panelists Patrick Burke and Joseph Johnston have discussed these confusions in their writings and books. Alex Chafuen has provided clarity on the stream of ideas: "Nobel Laureate F.A. Hayek was correct in pointing out that the term became widely used after a noted Jesuit, Luigi Taparelli d'Azeglio (1793-1862), used it in what was the most important Natural Law treatise during the 19th century in the Latin language world.

Taparelli's book was translated into Spanish and French, but never into English. Perhaps that explains why Hayek made a mistake by implying that Taparelli used the term in the same corrupted, but popular, interpretation that sees social justice as 'taking from the rich and giving to the poor.' As Thomas Patrick Burke has noted in a recent article and book, Taparelli belonged to a rich tradition where social justice has little or nothing to do with redistribution by government. It has more to do with order in society and with the justice that goes beyond courtroom justice."

Cicero
(106 BC- 43 BC)



Marcus Tullius Cicero

John Adams said of him, “All ages of the world have not produced a greater statesman and philosopher combined.” Thomas Jefferson said the Declaration of Independence was based on “the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc.”

Particularly influential was Cicero’s idea of natural law, echoed in John Locke and other enlightenment thinkers: Human nature included reason, which could be used to discover justice, which was the basis of law. Murray Rothbard wrote that he was “the great transmitter of Stoic ideas from Greece to Rome — Stoic natural law doctrines — helped shape the great structures of Roman law which became pervasive in Western civilization.”

Cicero stayed loyal to the Roman Republic against Julius Caesar. His defense of that ideal also led to his murder by Antony, who had his head and hands nailed to the Senate speaker’s podium as a warning to others. Therefore, revolutionary leaders also found him a model of determined resistance against tyranny.

Cicero’s ideas, particularly on justice, law, and liberty, still merit consideration, over two millennia later.

Brutus
(85 BC-42 BC)



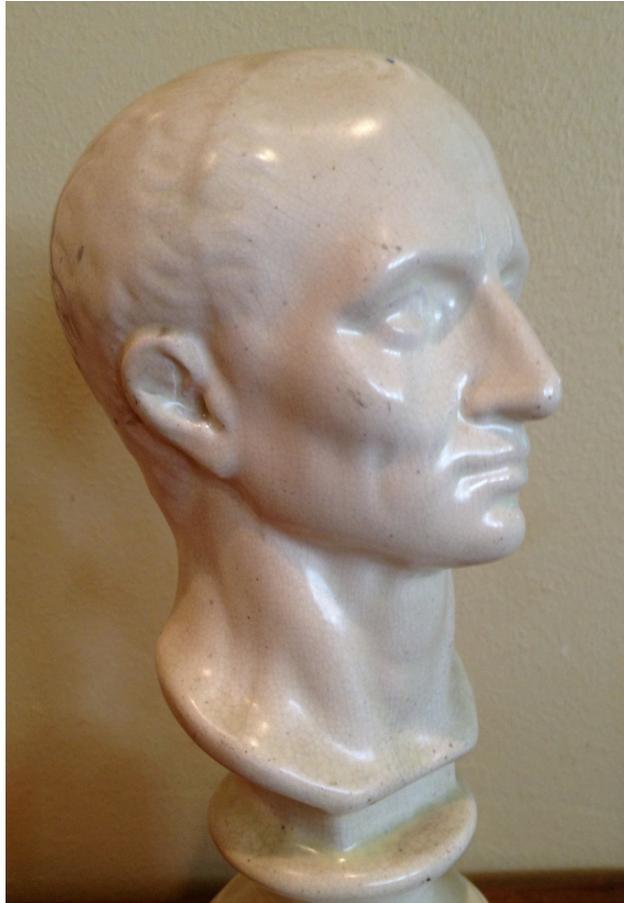
“O Fair Britannia Hail”
Commissioned by Thomas Hollis, 1760
Engraved by J.B. Cipriani

Brutus is a standard fixture in the prints and works inspired by Thomas Hollis. On Britannia’s left we see the cornucopia, the symbol of plenty and material prosperity. This kind of figure was widely used as a figure of Florentia during the Italian Renaissance.

In her skirts, one sees embroidered four figures on the right marching toward the altar of liberty with a sacred flame and a female head.

Cipriani and Hollis modeled this print on a Roman Coin issued by Marcus Junius Brutus. The reverse side of the coin, issued in 44 B.C., shows the four men, presumably the earlier Brutus, Lucius Junius Brutus, who resisted the Kings of Rome and established the Republic.

Julius Caesar
(100 BC-March 15, 44 BC)



Julius Caesar has been claimed by contemporary defenders of “Social Justice.” Michael Parenti, author and activist, asks, “why did a coterie of Roman senators assassinate their fellow aristocrat and celebrated ruler, Julius Caesar? An inquiry into this incident reveals something important about the nature of political rule, class power, and a people's struggle for democracy and social justice---issues that are still very much with us. The assassination also marked a turning point in the history of Rome. It set in motion a civil war, and put an end to whatever democracy there had been, ushering in an absolutist rule that would prevail over Western Europe for centuries to come.”

Even more strained is The Justice Theater Project (JTP). It is an advocacy and activist theater company whose “mission is to use the performing arts to bring to the fore of public attention the needs of the poor, the marginalized, and the oppressed. Each year JTP presents a diverse combination of original works, main stage productions, and community outreach events focusing on issues of social justice.” They are performing Shakespeare’s *Julius Caesar* this year.

Winston Churchill put Alfred's contribution to legal development in judicious terms, "The Laws of Alfred, continually amplified by his successors, grew into that body of customary law administered by the shire and hundred courts which, under the name of the Laws of St. Edward (the Confessor), the Norman kings undertook to respect, and out of which, with much manipulation by feudal lawyers, the Common Law was founded." (Winston Churchill, *The Birth of Britain*, New York: Dodd, Mead & Company, 1966, p. 120)

He may not have been responsible for the technical development of the common law, but his personal involvement in judicial cases is a Solomonic precursor of equity courts. Blackstone's eloquent prose states the claim:

"We are next to consider the several species and distinctions of courts of justice, which are acknowledged and used in this kingdom. And these are either such as are of public and general jurisdiction throughout the whole realm; or such as are only of a private and special jurisdiction in some particular parts of it. Of the former there are four sorts; the universally established courts of common law and equity; the ecclesiastical courts; the courts military; and courts maritime. And first of such public courts as are courts of common law of equity.

THE policy of our antient constitution, as regulated and established by the great Alfred, was to bring justice home to every man's door, by constituting as many courts of judicature as there are manors and townships in the kingdom; wherein injuries were redressed in an easy and expeditious manner, by the suffrage of neighbours and friends. These little courts however communicated with others of a larger jurisdiction, and those with others of a still greater power; ascending gradually from the lowest to the supreme courts, which were respectively constituted to correct the errors of the inferior ones, and to determine such causes as by reason of their weight and difficulty demanded a more solemn discussion. The course of justice flowing in large streams from the king, as the fountain, to his superior courts of record; and being then subdivided into smaller channels, till the whole and every part of the kingdom were plentifully watered and refreshed." William Blackstone, *Commentaries on the Laws of England*, Book III, Chapter IV.

In the same book Blackstone warns us about attributing too much to Alfred, "Just as we are apt to impute the invention of this, and some other pieces of juridical polity, to the superior genius of Alfred the great; to whom, on account of his having done much, it is usual to attribute every thing: and as the tradition of antient Greece placed to the account of their one Hercules whatever achievement was performed superior to the ordinary prowess of mankind."

The legal codes that culminated in Alfred reflected a concern for the poor and disadvantaged. The arbitrary behavior of the nobility was restrained to some degree by the rule of law. Predictability replaced revenge as the foundations of justice.

John Milton
(1608-1674)



DRAWN AND ETCHED MDCCLX BY I. B. CIPRIANI A TUSCAN AT THE DESIRE OF THOMAS HOLLIS F. R. AND A. S. S. FROM A PICTURE IN THE COLLECTION OF THE RIGHT HON. ARTHUR ONSLOW SPEAKER OF THE COMMONS HOUSE OF PARLIAMENT

HOW SOON HATH TIME THE SVTLE THEEF OF YOUTH
STOLN ON HIS WING MY *ONE* AND TWENTIETH YEER
MY HASTING DAYES FLIE ON WITH FVLL CAREER
BVT MY LATE SPRING NO BVD OR BLOSSOM SHEW' TH
PERHAPS MY SEMBLANCE MIGHT DECEIVE THE TRVTH
THAT I TO MANHOOD AM ARRIV' D SO NEAR
AND INWARD RIPPENESS BOTH MCH LESS APPEAR
THAT SOM MORE TIMELY-HAPPY SPIRITS INDV' TH
YET BE IT LESS OR MORE OR SOON OR SLOW
IT SHALL BE STILL IN STRICTEST MEASVRE EEV' N
TO THAT SAME LOT HOWEVER MEAN OR HIGH
TOWARD WHICH TIME LEADS ME AND THE WILL OF HEAV' N
ALL IS IF I HAVE GRACE TO VSE IT SO
AS EVER IN MY GREAT TASK MASTERS EYE

Drawn and etched MDCCLX by G. B. Cipriani,
A Tuscan at the Desire of Thomas Hollis

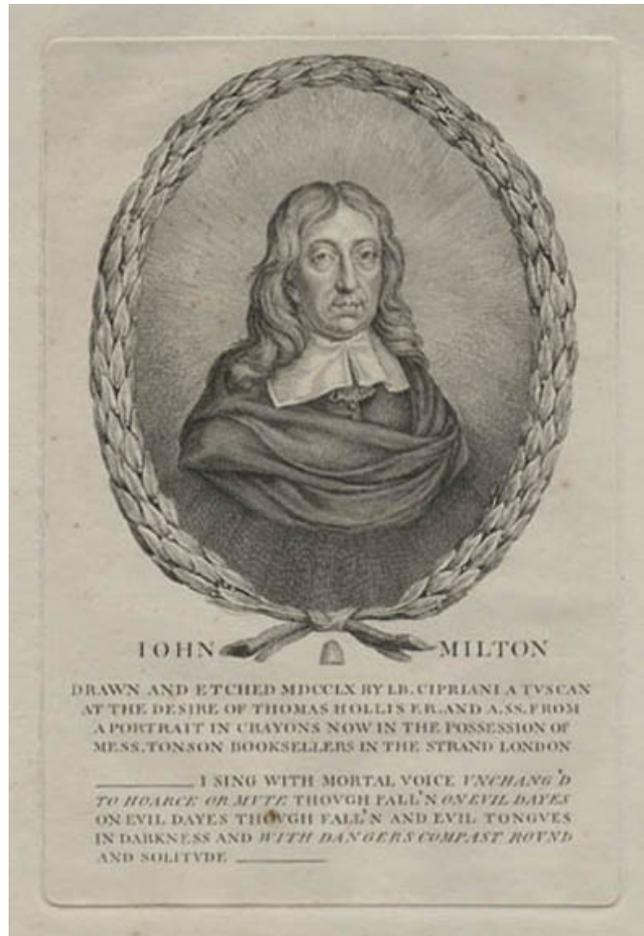
The verse underneath this portrait is from John Milton's Sonnet VII:

How soon hath Time, the subtle thief of youth,
Stol'n on his wing my three and twentieth year!
My hasting days fly on with full career,
But my late spring no bud or blossom shew'th.
Perhaps my semblance might deceive the truth
That I to manhood am arriv'd so near;
And inward ripeness doth much less appear,
That some more timely-happy spirits endu'th.
Yet be it less or more, or soon or slow,
It shall be still in strictest measure ev'n
To that same lot, however mean or high,
Toward which Time leads me, and the will of Heav'n:
All is, if I have grace to use it so
As ever in my great Task-Master's eye.

The Liberty Fund's summary: "Milton (1608-1674) ranks among the greatest poets of the English language. He is best known for the epic poem *Paradise Lost* (1667), but he also wrote prose works on history, religion, and contemporary politics. Although his academic talents marked him for a career in the Anglican church, Milton turned away from the Church of England at an early age and was a consistent supporter of the Puritan cause. He spent most of his life in academia or as a civil servant working for the Puritan Commonwealth. Many consider him a transitional figure between the Renaissance and the Reformation.

The essence of Milton's work is the theme of human freedom: It is individual choice and decision that bring value to the life given by God. Milton therefore opposed censorship, arguing in *Areopagitica* (1644) that freedom of expression is the first condition of morality and virtue; no person can be certain he has found the right way unless he can compare it with the multitude of errors in the world and do battle with falsehood. Milton opposed political as well as religious tyranny. This theme of a testing of good by evil, or knowing good by knowing evil, is the thread that ties all of his works together. The idea is most notably worked out in his epic poems, *Paradise Lost*, *Paradise Regained*, and *Samson Agonistes*. In *Paradise Regained*, for instance, Christ's triumph over Satan is offered as an example of proper moral aspiration. In *Areopagitica* the theme is revisited."

In *Areopagitica*, "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties."



John Milton as Old Man

"Drawn and etched MDCCLX by G. B. Cipriani, A Tuscan at the Desire of Thomas Hollis F. R. AND A.SS. from a portrait in crayons now in the possession of Mess. Tonson Booksellers in the Strand London

_____ I Sing with mortal voice unchang'd
To hoarce or mute, though fall'n on evil dayes,
On evil dayes though fall'n, and evil tongues;
In darkness, and with dangers compast round,
And solitude; _____"
Milton's *Paradise Lost*, Book VII



Engraved by John Simon, after painting by William Faithorne
Mezzotint, circa 1725-1750

**Thomas Hollis
(1659–1731)**



I am indebted to David Hart's detailed comments on the Hollis print which shows another link to the earlier discussion of Julius Caesar and Brutus. David Hart is the director of Liberty Fund's *Online Library of Economics and Liberty*.

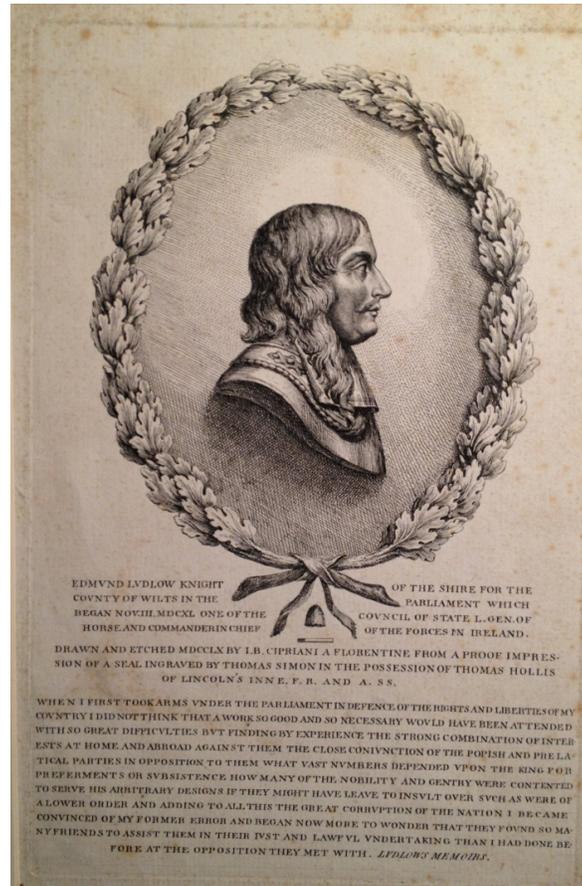
“Thomas Hollis (1720-1774) came from a wealthy English family who spent much of his time promoting the cause of liberty in England, Europe, and the American colonies. He was most influenced by the theorists and politicians of the English Revolution in the mid- and late-17th century, such as John Milton, John Locke, Algernon Sidney, Andrew Marvell, and Edmund Ludlow. He reprinted their works in the 1750s and 1760s and distributed them to libraries across Europe and the Americas, especially the library of Harvard University with which his family had had a long relationship. Hollis' edition of John Locke's *Two Treatises of Government* (1764) was widely distributed and read in the American colonies and is regarded as an important mechanism for the transmission of Lockean ideas before the American Revolution.

The special twist Hollis gave to his book-publishing venture was to make beautifully bound volumes which included expensive and subtle design work (such as embossed emblems of Phrygian or ‘liberty’ caps and daggers representing Brutus's assassination of the tyrant Julius Caesar). He also had elaborate frontispieces made to his specific design. Some of these were turned into ‘postcards’ which he distributed separately in order to promote these ideas of republican and individual liberty. We include a couple of them here.

The etching on the left was drawn by Hollis's regular artist Giovanni Battista Cipriani and probably engraved by James Basire. It shows a monument or obelisk to Hollis dated 1767 with several of his favourite symbols. In the background we can see clouds and possibly rain over a valley with a river. On the front face of the pyramid structure we can see the owl of wisdom and peace holding a palm branch with its wings outstretched; beneath this is the head of Hollis shown in the Roman style thus suggesting a connection to Brutus; below his head are two daggers on either side of a cap of liberty. On the right face of the pyramid there is an oak leaf branch. On the square base we can see an engraving in Latin which says ‘Thomae Hollis Angli R. Et Ant. SS. Lond. Sodalis MDCCLXVII’ (Thomas Hollis, Fellow of the Royal Society, Member of the Society of Antiquaries 1767) and an oak leaf decoration. On the right face of the base we can see Britannia seated in her chariot holding a trident and a staff with possibly another phrygian cap on the top. In the lower section of the print is a lengthy Latin quotation from Plutarch's *Parallel Lives* (Marcus Brutus’) with a statement which probably sums up Hollis's opinion of himself “You have always found me on the best and justest side.” Next to the quotation is another oak leaf branch and the head of Hollis facing right dressed as an 18th century gentleman.

The quote states: This same Strato, Messala, a friend of Brutus, being after reconciled to Cæsar, brought to him once at his leisure, and with tears in his eyes said, “This, O Cæsar, is the man that did the last friendly office to my beloved Brutus.” Upon which Cæsar received him kindly; and had good use of him in his labors and his battles at Actium, being one of the Greeks that proved their bravery in his service. It is reported of Messala himself, that, when Cæsar once gave him this commendation, that though he was his fiercest enemy at Philippi in the cause of Brutus, yet he had shown himself his most entire friend in the fight of Actium, he answered, “You have always found me, Cæsar, on the best and justest side.”

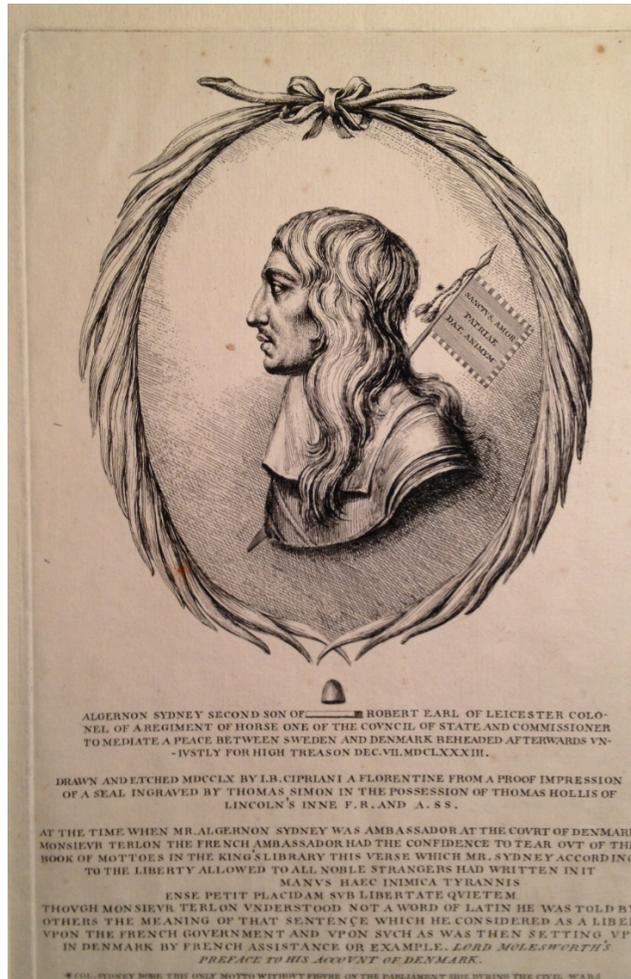
Edmund Ludlow
(c. 1617-1692)



Drawn and etched MDCCLX by I. B. Cipriani a Florentine from a proof impression of a seal engraved by Thomas Simon in the possession of Thomas Hollis of Lincoln's Inn E.F.R. and A.SS.

Quote from bottom half of picture: "When I first took arms under the parliament in defence of the rights and liberties of my country, I did not think that a work so good and so necessary would have been attended with so great difficulties: but finding by experience the strong combination of interests at home and abroad against them, the close conjunction of the popish and prelatical parties in opposition to them; what vast numbers depended upon the king for preferments or subsistence; how many of the nobility and gentry were contented to serve his arbitrary designs, if they might have leave to insult over such as were of a lower order; and adding to all this the great corruption of the nation, I became convinced of my former error, and began now more to wonder that they found so many friends to assist them in their just and lawful undertaking, than I had done before at the opposition they met with."

**Algernon Sidney
(1623-1683)**



“At the time when Mr. Algernon Sidney was ambassador at the court of Denmark Monsieur Terlon the French ambassador had the confidence to tear out of the book of mottoes in the king's library this verse which Mr. Sydney according to the liberty allowed to all noble strangers had written in it

‘manus haec inimica tyrannis,
ense petit placidam sub libertate quietem’

Though Monsieur Terlon understood not a word of Latin he was told by others the meaning of that sentence which he considered as a libel upon the French government and upon such as was then setting up in Denmark by French assistance or example. *Lord Molesworth's preface to his account of Denmark.*



The engraver here uses again the motto,
“manus haec inimica tyrannis,
ense petit placidam sub libertate quietem”

The motto translates as "this hand, hostile to tyrants, seeks with the sword a quiet peace under liberty." Ironically it is the official motto of Massachusetts.

John Locke
(1632-1704)



JOHN LOCKE

From the title page of the Hollis edition of John Locke's *Two Treatises of Government* (London, 1689; reprinted 6th time London: A Millar et al., 1764). The text is in Hollis' standard classical format - simple capital letters to replicate the look of a Roman inscription.

The head of Locke surrounded by a single wreath of oak leaves and a liberty cap below centre. Locke's most famous work of political philosophy began as a reply to Filmer's defense of the idea of the divine right of kings and ended up becoming a defense of natural rights, especially property rights, and of government limited to protecting those rights. This 1764 edition is famous for being the edition that was widely read in the American colonies on the eve of the Revolution.



John Locke Esq. In the Possession of the Rev.d Dr. William Geekie.
Painted by Godfrey Kneller, 1697; Engraved by George Vertue, 1738.
Illustration to Nicholas Tindal's *The Continuation of Mr Rapin's History of England*,
published by John and Paul Knapton

Portrait, half-length to front, with head turned to look towards right; wearing a loose gown over shirt with high collar; in an oval frame decorated with shell, scroll, Acanthus leaf and ribbon on top, placed over a pedestal, with cartouche in front, featuring a figure seated behind a globe and shield, holding a laurel branch, leaning on books; three volumes of books on left, lettered with "Lock. Vol. III.", "Lock I", and "Vol II". John Locke F.R.S. (1632-1704), the 'Father of Liberalism' and the English philosopher and physician. He was regarded as one of the most influential of the Enlightenment thinkers. His contributions to classical republicanism and liberal theory are reflected in the American Declaration of Independence.



My small mezzotint is obviously taken from this larger mezzotint of four interrelated persons. [From top left, clockwise:] Wm. Chillingworth; A.A. Cooper, Earl of Shaftesbury; John Lock Esq; Wm. Wollaston Esq.

Engraved by Francis Kyte. Printed for John Bowles at the Black Horse in Cornhill (c. 1740). William Chillingworth (1602-1644), theological controversialist; William Wollaston (1659-1724), philosophical writer, author of *The Religion of Nature Delineated* (1722); Anthony Ashley-Cooper, 3rd Earl of Shaftesbury (1671-1713), philosopher and writer on the fine arts; and John Locke (1632-1704), the philosopher.

**Samuel von Pufendorf
(1632–1694)**



Engraving comes from an edition of Pufendorf's *Jure Naturae et Gentium* of 1744.

Samuel Pufendorf was born in Saxony in 1632, the son of a Lutheran clergyman. He studied at Leipzig and Jena and held the first modern professorship in natural law, at the University of Heidelberg. Pufendorf was successively professor of natural law at Lund in Sweden and Swedish historiographer royal. He ended his career as Prussian court historian and died in Berlin in 1694. In addition to fundamental works in Protestant natural law, much admired by Locke, Pufendorf contributed importantly to German constitutional theory and wrote major historical works.

Christian Freiherr von Wolff
(1679-1754)



Based on Engraving by Johann Martin Bernigeroth

Description from the Liberty Fund's Natural Law and Enlightenment Classics: "Christian Wolff's natural law theory was founded on his rationalist philosophy and metaphysics, which were strongly influenced by the philosophy of Gottfried Wilhelm Leibniz. Like Leibniz, Wolff was convinced that justice and morality were based on universally valid principles of reason and that these principles were accessible to human understanding without the aid of religious revelation. Wolff did not therefore follow the voluntarist tradition of natural law, which was characteristic of Germany's two other famous natural jurists of the early Enlightenment--Samuel Pufendorf and Christian Thomasius. The laws of nature, Wolff argued, were not just because God had willed them; rather, God had willed them because they were just.

According to Wolff, this natural law was the foundation of the law of nations. Wolff's work considered central issues such as the duties of nations toward themselves and other nations, the laws of war and peace, and the laws governing the treatment of diplomatic representatives."

Robert, Lord Viscount Molesworth
(1656 –1725)

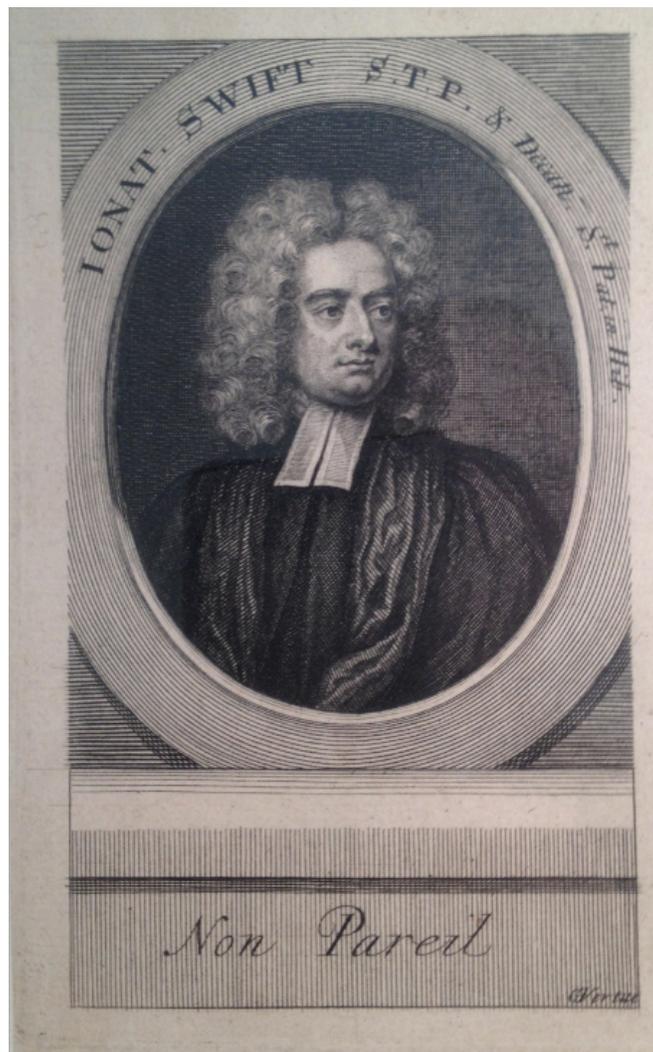


Liberty Fund description: "The Liberty Fund edition of *An Account of Denmark*, with its related texts, is the first modern edition of Molesworth's writings. This volume presents not only *An Account*, a text that for most of the eighteenth century was recognized as one of the canonical works of Whiggism, but also his translation of *Francogallia* and *Some Considerations for the Promoting of Agriculture and Employing the Poor*. These texts encompass Molesworth's major political statements on liberty as well as his important and understudied recommendations for the application of liberty to economic improvement, all presented here with editorial apparatus to provide historical and contextual background for the reader.

In *An Account of Denmark*, "Robert Molesworth famously diagnosed the causes of a disordered commonwealth," writes Champion in the introduction. "Unlike the reception of Locke, Molesworth's writings provided insight into processes of corruption rather than simply a set of prescriptive juristic values. In the *Account of Denmark*, especially, Molesworth established how tyranny worked, identifying the contaminating ideologies and institutions."

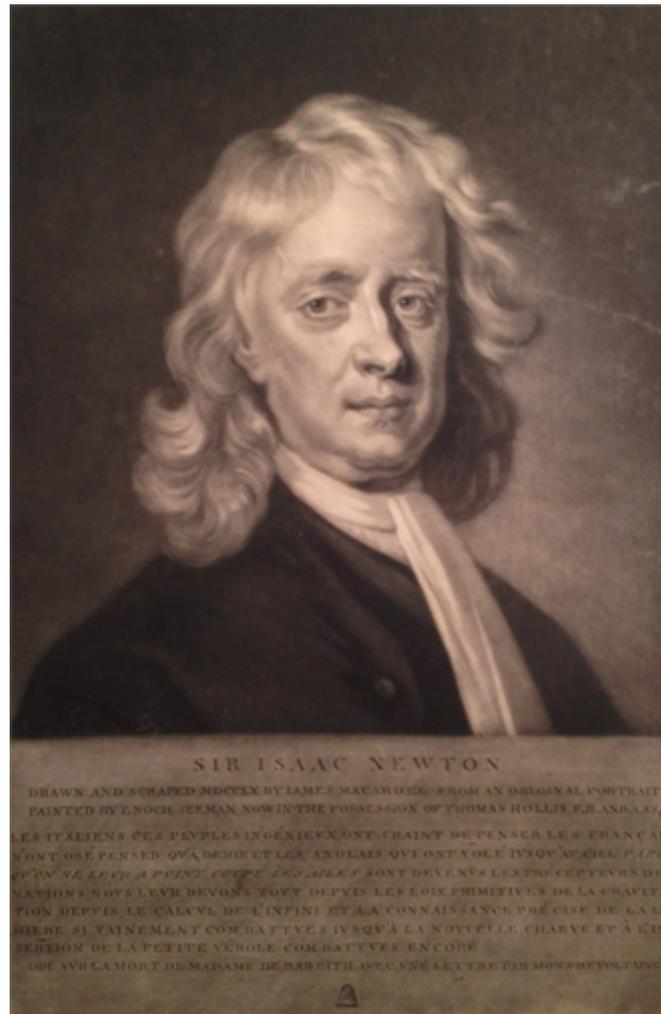
In his later years he established the "Molesworth Circle", a group of eminent scientists, philosophers and thinkers who met at Brackenstown and are said to have introduced the spread of "politeness" in 18th century Ireland. Molesworth himself earned the respect of Sir Isaac Newton when he invented a chronometer for calculating longitude. Other members of this Whig-minded intellectual circle included Anthony Ashley Cooper, 3rd Earl of Shaftesbury, Francis Hutcheson, James Arbuckle, John Toland and Jonathan Swift. Molesworth's pamphlet *Considerations on the Agriculture and Employment of the Poor of Ireland* prompted Swift to address the last of his celebrated *Drapier's Letters* to Molesworth in 1724.

Jonathan Swift
(1667-1745)



Jonathan Swift, "By the laws of God, of nature, of nations, and of your country you are and ought to be as free a people as your brethren in England."

Sir Isaac Newton
(1642-1727)



Isaac Newton was not only the great figure of English physics and astronomy, but was also an important Whig. He was heavily involved in the recoinage schemes as Master of the Mint. Some have even gone so far as to argue that "the triumph of Newtonian science represents another victory for the Whig constitution." Margaret Jacob pointed to the role that Newton's philosophy played as a bulwark against the Radical Enlightenment based on materialism and occultism. His great treatise, *Mathematica Principia* was published in 1687. But it is also true that Newton spent a considerable part of his energy on matters millennial and magical.

Newton was close personal friend to Montagu, Somers, and Locke. On the human side it is interesting to notice that his niece, Catherine Barton, who looked after his domestic affairs became Montagu's mistress. He saw to it that Montagu took proper care of her.

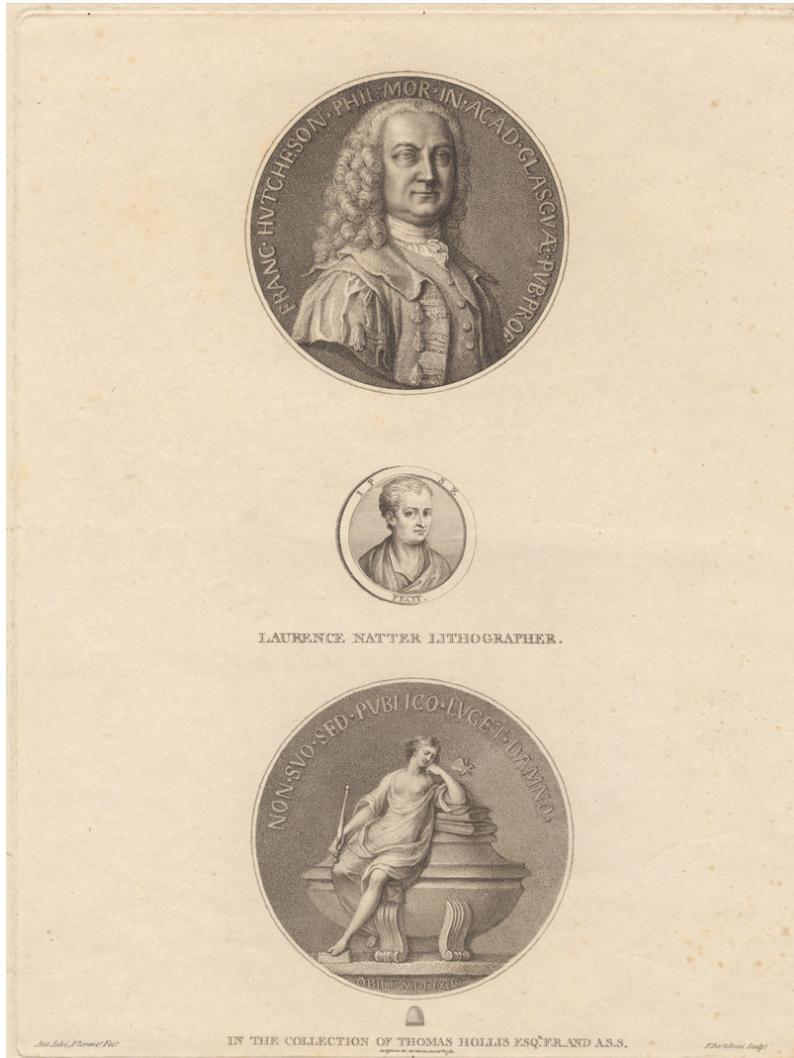
**Archibald Campbell, 3rd Duke of Argyll
(1682-1761)**



Painted by Allan Ramsay, Engraved by John Faber Jr. (1744)

One of the more important sponsors of the Scottish Enlightenment was one of my putative relatives, the 3rd Duke of Argyll. The *Cambridge Guide to the Scottish Enlightenment* described his influence: “The 3rd Duke, Lord Islay until 1743, was a book collector and omnivorous reader, a competent amateur scientist, an improver and banker, a botanist and gardener and a moderate, tolerant and secular minded lawyer who had little use for evangelicals in the Church. Handling first the political interests of his family and then those of the Walpolean government in Scotland, he was, with the exception of a period of about four years, the chief patron of the country from about 1723 until his death in 1761. He filled Scottish institutions not only with his own nominees but with men of whom he approved, men who, as time went on, became increasingly like himself. Among those whom he and his friends helped to offices were law lords like the younger Andrew Fletcher of Saltoun, Charles Erskine and Henry Home; men of letters such as Francis Hutcheson and Adam Smith; clerics like William Wishart, William Robertson, John Home, Adam Ferguson, William Wilkie and George Campbell; and medical men, like the founders of the Edinburgh medical school and such successors as William Cullen and Joseph Black. Argyll also patronized artists like William Adam and Allan Ramsay, senior and junior, and scientists and businessmen like Alexander Wilson and James Hutton. If anyone was the father of the Scottish Enlightenment, the 3rd Duke of Argyll deserves the title, because he did more than any other person to open careers to men of talent who then institutionalized enlightened ideas.”

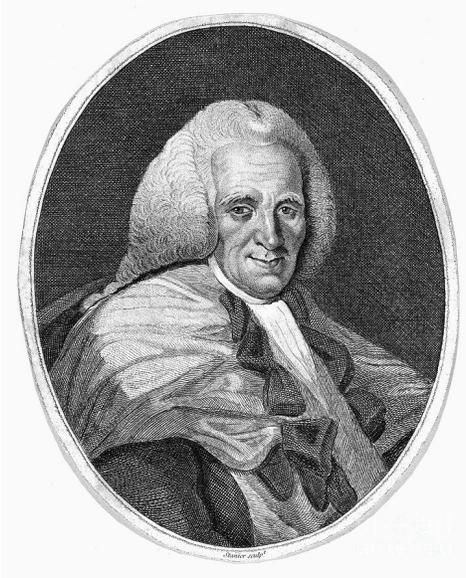
**Francis Hutcheson
(1694-1746)**



Medal done by Laurence Natter, (1705-1763), a German medallist and gem engraver.
Engraved by F. Bartolozzi for *Memoirs of Thomas Hollis* (London: 1780).

Overall description of Hutcheson in the Liberty Fund Natural Law and Enlightenment Classics series: “Francis Hutcheson was a crucial link between the continental European natural law tradition and the emerging Scottish Enlightenment. Hence, he is a pivotal figure in the Natural Law and Enlightenment Classics series. A contemporary of Lord Kames and George Turnbull, an acquaintance of David Hume, and the teacher of Adam Smith, Hutcheson was arguably the leading figure in making Scotland distinctive within the general European Enlightenment.”

**Henry Home, Lord Kames
(1696-1782)**



Engraved by R. Stainier
J Sewell, Publisher, *European Magazine*, July 1, 1790

His *Essays on Principles of Morality and Natural Religion* is part of the Natural Law and Enlightenment Classics. He was a Law Lord who wrote significant treatises on law; he was also a sponsor and close friend of Adam Smith and his relative David Hume. Hume changed his name from Home to Hume because no one could pronounce Home correctly. Lord Kames was the patron of Adam Smith's early lectures in Edinburgh, 1748-1751.

According to Mary Katherine Moran, "Lord Kames's *Essays on the Principles of Morality and Natural Religion* is at once a typical example of and an original contribution to the Scottish Enlightenment's distinctive attempt to construct a moral science based on the principles of natural law. From Gershom Carmichael in the 1690s to Thomas Reid and Adam Ferguson in the 1780s, the teaching and writing of moral philosophy in eighteenth-century Scotland drew upon a tradition of natural jurisprudence derived from Grotius, Pufendorf, and Locke. If its contractarian account of the bases of government provided a suitably whiggish explanation for the emergence of civil society, natural law also offered insights into what Hutcheson called 'mankind as a system,' which was governed by the fundamental 'law of sociality' that entailed various rights and duties to God, to self, and to others. To this natural law framework of rights and duties ordained by providence but knowable through reason, the Scottish thinkers typically applied a new moral psychology which emphasized the role of the passions and sentiments. The attempt to synthesize an objectively grounded law with a subjectivist account of moral and social exchange had an enormous influence on the Enlightenment's science of man and society."

David Hume
(1711-1776)

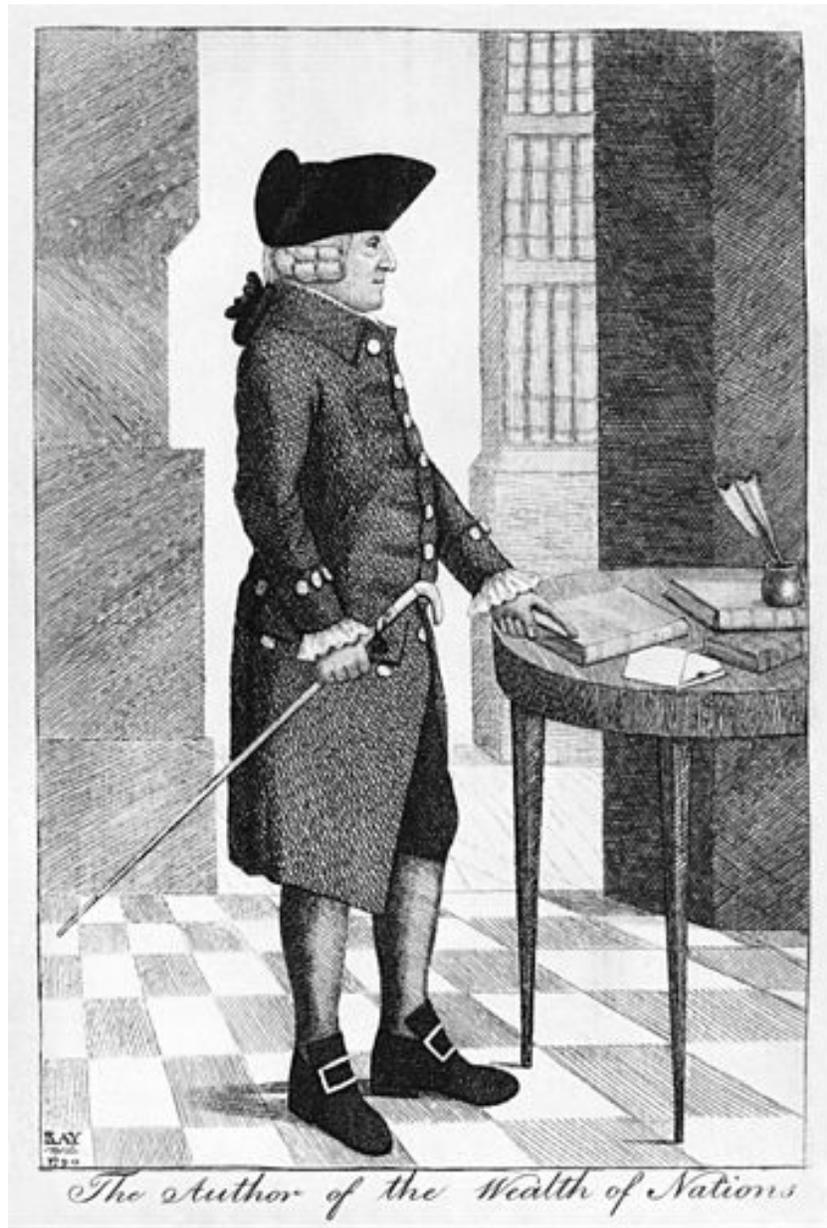


Tassie Medallion

Hume locates justice in the category of utility, not subjective marginal utility, but simple usefulness. “And were each human being totally self-sufficient and isolated from any possibility of social involvement and there were no need for him to depend upon or to love anyone but himself: such a solitary being would be incapable of being just for justice would serve no purpose. But suppose a family arose, but without further contact; there would be no larger circle of justice than that needed. Suppose contact was limited to several families in one community, equally limited would be the rules of justice. Enlarge the circle further, only then would the rules of justice have greater boundaries.”

Hume was a firm believer in justice and liberty, “Liberty is a blessing so inestimable, that, wherever there appears any probability of recovering it, a nation may willingly run many hazards, and ought not even to repine at the greatest effusion of blood or dissipation of treasure.” But, at the same time, he recognizes the problems of egalitarianism, “Perfect equality is seen as pernicious to human society because the differing degrees of art, care and industry break that equality. Whatever a person produces should be preserved for him to give encouragement to his useful habits and for the same reason it should be passed on to his children and relations: for the same useful purpose.

**Adam Smith
(1723-1790)**



John Kay (1790)

“When we thus despair of finding any force upon earth which can check the triumph of injustice, we naturally appeal to heaven, and hope, that the great Author of our nature will himself execute hereafter, what all the principles which he has given us for the direction of our conduct, prompt us to attempt even here ... And thus we are led to the belief of a future state, not only by the weaknesses, by the hopes and fears of human nature, but by the noblest and best principles which belong to it, by the love of virtue, and by the abhorrence of vice and injustice.” Adam Smith, *Theory of Moral Sentiments*, 1759



Portrait of Adam Smith by Norma Lipsett,
Wife of Don Lipsett, the Founder of The Philadelphia Society

In Dugald Stewart's account of Smith's lectures, he summarizes: "Little else is requisite to carry a state to the highest degree of opulence from the lowest barbarism, but peace, easy taxes, and a tolerable administration of justice; all the rest being brought about by the natural course of things. All governments which thwart this natural course, which force things into another channel or which endeavour to arrest the progress of society at a particular point, are unnatural, and to support themselves are obliged to be oppressive and tyrannical."

In *The Wealth of Nations*, (IV.9.51) Smith argues, "All systems either of preference or of restraint, therefore, being thus completely taken away, the obvious and simple system of natural liberty establishes itself of its own accord. Every man, as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry and capital into competition with those of any other man, or order of men. The sovereign is completely discharged from a duty, in the attempting to perform which he must always be exposed to innumerable delusions, and for the proper performance of which no human wisdom or knowledge could ever be sufficient; the duty of superintending the industry of private people, and of directing it towards the employments most suitable to the interest of the society. According to the system of natural liberty, the sovereign has only three duties to attend to; three duties of great importance, indeed, but plain and intelligible to common understandings: first, the duty

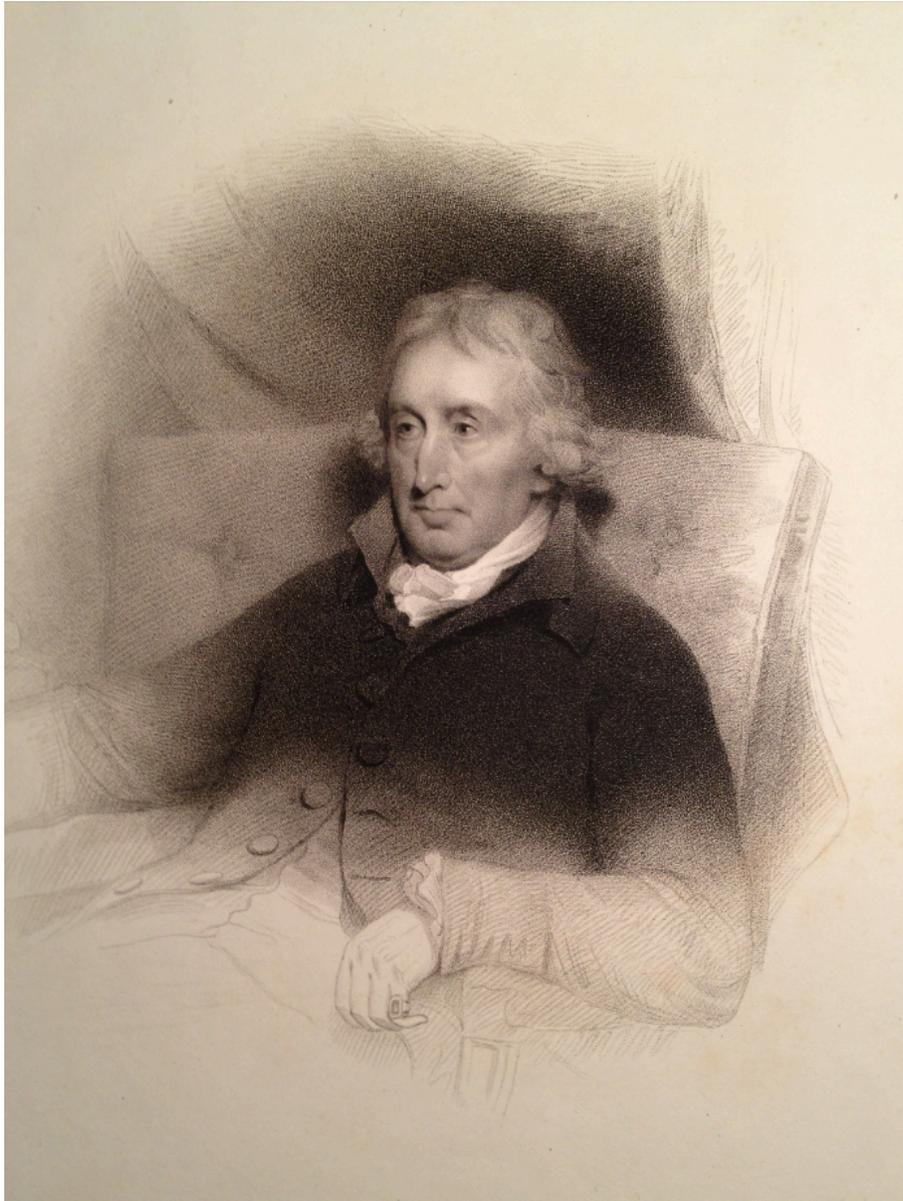
of protecting the society from violence and invasion of other independent societies; secondly, the duty of protecting, as far as possible, every member of the society from the injustice or oppression of every other member of it, or the duty of establishing an exact administration of justice; and, thirdly, the duty of erecting and maintaining certain public works and certain public institutions which it can never be for the interest of any individual, or small number of individuals, to erect and maintain; because the profit could never repay the expence to any individual or small number of individuals, though it may frequently do much more than repay it to a great society.”

Adam Smith was also careful in distinguishing between the different virtues of prudence, justice, and beneficence. Justice was the central pillar of civilized society. Beneficence, the other regarding virtues, was the fruit of opulence. “Before we can feel much for others, we must in some measure be at ease ourselves. If our own misery pinches us very severely, we have no leisure to attend to that of our neighbour: and all savages are too much occupied with their own wants and necessities, to give much attention to those of another person.” *Theory of Moral Sentiments*



Adam Smith, James Tassie enamel paste Medallion

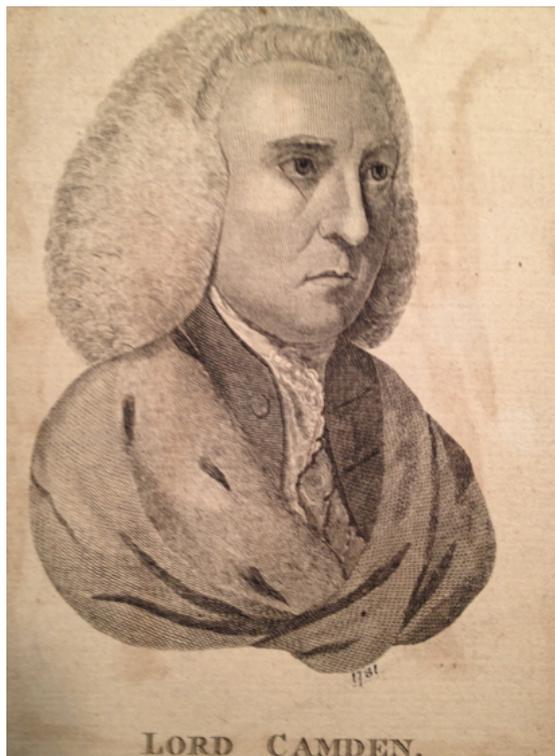
Adam Ferguson
(1723-1816)



Adam Ferguson is the ultimate fusionist or perhaps traditional conservative who believed that concern with virtue was compatible with praise of a commercial society. Individuals had to give up their total independence in order to provide liberty and justice. He was a member of Edinburgh's Select Society and the Poker Society that included Adam Smith and other of the Edinburgh literati.

F.A. Hayek, the philosopher of "spontaneous order" was fond of quoting Ferguson's observation that social institutions arise as the "results of human action but not of human design."

**Charles Pratt, Lord Camden
(1713-1794)**



The London Magazine, 1781 (December)

On June 20, 1766, Richard Henry Lee, wrote a letter about the Subscription for Portrait of Lord Camden:

“We who subscribe this paper highly venerating the character of the right honorable Charles Pratt Lord Camden Chief Justice of the Court of Common Pleas in Great Britain for his virtuous attachment to the cause of justice and public liberty and being particularly affected with gratitude for the noble and disinterested firmness with which this great Man supported America’s just rights in the house of Lords against the Act for imposing Stamp duties here and from the wish we entertain that all future Judges may be induced from a contemplation of this worthy Judges picture to recollect those virtues the possession of which procures Lord Camden the love of his Country Do oblige ourselves to pay on demand into the hands of Richard Henry Lee esquire one of our representatives in General Assembly the sum of money by each of us subscribed in order that the said Lee may be enabled to employ the most excellent Portrait Painter of Great Britain to take a picture of Lord Camden to be placed in the most conspicuous part of the Court house of Westmoreland County. And we the Subscribers do also desire that the said Lee may by letter present the thanks of the Subscribers to his Lordship for his protection of their just rights and to entreat that his Lordship will be pleased to permit his picture to be taken for the purposes aforesaid Given under our hands in Westmoreland Country Virginia this 20th day of June 1766.”

The Ends of Social Justice from the French Revolution to Marx and Hitler



The print is James Gillray's *The New Morality;--Or--The Promis'd Installment of the High-Priest of the Theophilanthropes, with the Homage of Leviathan and His Suite*. August 1, 1798, for the *Anti-Jacobin Magazine & Review*. It was based on a Poem by George Canning, the future Prime Minister, who in his turn based it on Edmund Burke's defense of his life against the attacks of the Duke of Bedford. We see William Godwin portrayed as a donkey, Thomas Paine as a tailor, and the Rev. David Williams as a marvelous snake.



This detail from Gillray's "The Progress of Leviathan" captures the essence of the French Revolution and the thought of Rousseau. Here we have the three "anti-graces" of justice, philanthropy, and sensibility shown for what they are. Justice is on the left with the sagging breasts and Medusa type locks. She carries daggers in both hands, has Egalite wrapped around her waist while her foot tramples the scales of justice.

Philanthropy squeezes the world in a mad embrace with the Ties of Nature and love of country at her feet. And finally Sensibility sheds big tears over a dead bird in her hand and a copy of Rousseau by her side. Her foot rests securely on the severed head of Louis XVI. The unitary state has reached its theoretical apogee, and the symbol of Leviathan has undergone its full transformation. The horrors of totalitarianism of the Nazi and Soviet types in the 20th century are only a more successful version of the French Revolution.

**Erik Ritter von Kuehnelt-Leddihn
(1909-1999)**



The Modern World

Painting by Erik Ritter von Kuehnelt-Leddihn, Author of numerous books, but especially *Liberty and Equality: The Challenge of Our Time*, (1952) and *Leftism Revisited: From de Sade and Marx to Hitler and Pol Pot* (1990), which is captured in the above painting.