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# UNIT 4 LIBERTY

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## Structure

- 4.1 Introduction
- 4.2 Negative Liberty
- 4.3 Positive Liberty
- 4.4 Recent Debates on Liberty
- 4.5 Summary
- 4.6 Exercises

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## 4.1 INTRODUCTION

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The concept of liberty captures a relationship between three terms: it refers to the freedom of an individual X, from an obstacle A, to do B. In other words, Ms. X is not restrained by A from doing B, or in the absence of restraint A, Ms. X is free to do B. Gerald MacCallum who offered us this understanding of the meaning of freedom, argued that it was specious to want to divide analysts of liberty into advocates of negative liberty or of positive liberty, since all theorists of liberty used these three terms (MacCallum, 1967). We feel, however, that conceptions of liberty can still be differentiated by the contrasting emphasis they place on A or B. Negative conceptions of liberty use B to denote an infinite set, (starting from the act of doing nothing), whereas they use A for a much narrower set, sometimes counting intentionally imposed physical barriers alone as restraints, and more frequently allowing laws as well to be included in the set of restraints. Positive liberty theorists do the opposite: they do not allow every action under B - it is not freedom to sell oneself into slavery - whereas their set of restraints is defined as much wider to include not only physical barriers and laws but also incapacities, whether in the form of a lack of material or psychic resources.

Let us, before we look at the two specific conceptions of liberty in more detail, make some general observations about the concept of liberty. Sometime ago, specially among critical theorists, there was widespread disappointment at liberty not being able to deliver on its promise. Discussions of the value of freedom were often hedged with caveats and warnings. Some writers extended the Marxist criticism that the freedom of capitalists is based on the lack of freedom of the working class to argue that in all of human history, the freedom of some has required the domination of the many: the freedom of male Greek and American citizens was the lack of freedom of slaves, that of men is based on the domination of women, and the freedoms enjoyed by populations of the rich Northern countries result from their control over poorer Southern nations. This historical evidence yields the general principle that “the freedom of some makes the dependence of others both necessary and profitable; while the unfreedom of one part makes the freedom of another possible”. (Bauman, Z, 1988, p.19) If freedom has the meaning of being free to subjugate others, then as such it is not of any normative value.

Critics also disparaged the existing emancipatory traditions as masks hiding the reality of the modern society as a system of increasing controls. Modernity has seen not only the large scale expansion of coercive state apparatuses, but also many regulatory institutions like schools and bureaucracies, which require citizens to act in ways which extend not their freedom, but their subjection. Modernity’s intellectuals were faulted for using conceptions of freedom glossing over this hidden domination. (See Foucault, *Discipline and Punish*)

Finally, some feminists attacked the prevalent theories of freedom as infected with a masculine bias and therefore, problematic for enlarging the freedom of women. Freedom has been conceptualised so far, they argued, solely on the basis of male experience and circumstances. Accepting this conception of freedom means ignoring a large part of the activities of women, and so applying this conception to women cannot be in their interests. It has even been said that concentration on the value of freedom can have anti-women implications: to see freedom, defined as absence of restraints, as “the hallmark of humanity provides another means of asserting women’s non-human status”. (N.J. Hirschmann, 1989, p. 1236)

These misgivings about freedom did not, of course, result in its rejection. It is evident that throughout the world today, opposition movements continue their struggles in the name of freedom and it remains the inspiration behind many movements against oppression. The task for theorists, then, is to use their critical stance towards freedom to come up with such a notion of freedom that is able to meet each of the earlier objections: that the freedom of some always requires the lack of freedom of others; that modernity, in insidious ways, makes everyone less free; and that current conceptions of freedom just cannot apply to both sexes. It is interesting to note that the search for an adequate conception of freedom is no longer conducted by joining either one of the two camps - of negative and positive freedom - in which supporters of freedom have traditionally been divided. It used to be that discussions of freedom after accepting its core idea to be self-determination, would then generally define and contrast negative and positive conceptions of freedom and take a position defending one, or a qualified version of one theory of freedom. Recent discussions, on the other hand, actually seek to question the internal structures and problematic of both conceptions of liberty, and want to replace both of them with another conception of freedom.

The theory of negative freedom, for instance, has been criticised on the basis of its starting point, an individual with given desires and preferences. Defining freedom as non-interference in the fulfillment of a person’s possible preferences, this theory fails to consider that the notion of freedom as self-determination requires an examination of whether the formation of these preferences is autonomous or not, given the existing social circumstances. A theory of freedom must include an analysis of such circumstances not only with respect to the absence of physical and legal interference, but also to make autonomously formed desires and preferences possible.

The positive conception of freedom, it is admitted, does not assume individuals with given desires, and goes beyond viewing freedom as merely non-interference. Since it defines freedom as the following of self-given rational rules, it analyses the process of the creation of an individual’s selfhood, which becomes the basis of that person’s freedom as self-determination. In addition, it also recognises the necessity of the availability of external resources, over and beyond the lack of physical and legal obstacles, for self-determination. This conception has been faulted, however, for formulating the formation of autonomous selfhood, or autonomous preferences and purposes as an act of individual reason with no link with social conditions, as “an act largely independent of any social context”.(P. Patton, 1989, p. 263) This can certainly be said of some theorists of positive freedom, like Kant.

Dissatisfied with the two traditionally dominant conceptions of liberty, the theorists of freedom today are struggling to formulate certain crucial social conditions of freedom. These social conditions of freedom are not exhausted by the publicly guaranteed protection of certain areas of life from physical and legal impediments, and the social provision of resources like income, education and health to individuals. In addition, they are said to include two other provisions on which there is less consensus than on the first two. The third social condition of freedom consists of one’s cultural context being valued in the society in which one lives. This cultural

context is part of the process by which an individual forms autonomous preferences, and its importance lies behind the demand for cultural rights; that is, it underlies the claim that individuals are not equally free in any society in which different cultures are unequally valued. The fourth social condition of freedom is some notion of collective freedom, which is more than the political freedom of everyone having the vote, or the right to freedom of expression. In order to counter the objection that freedom will always mean the freedom of some to dominate others, we have to look at, and develop arguments making the freedom of some dependent on the freedom of others.

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## 4.2 NEGATIVE LIBERTY

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The classic defence of negative liberty remains Isaiah Berlin's *Two Concepts of Liberty*, first published in 1958. Berlin defined 'being free' as "not being interfered with by others. The wider the area of non-interference, the wider my freedom." (Berlin, 1969, p. 123) This definition is a throwback to Hobbes' presentation of liberty in the *Leviathan* as the absence of 'external impediments'. For Hobbes, "a free man, is he, that in those things, which he by his strength and wit he is able to do, is not hindered to do what he has a will to." (Hobbes, 1968, p.262) In Hobbes' view, these hindrances included the laws of the sovereign, framed after civil society had been created by the social contract, since liberty depended on the 'silence of the law'. The absence of civil laws in the state of nature should have translated into more freedom for its denizens, but in its very absence, every individual acted as an external impediment to another's freedom of action. By his laws the sovereign ensured that his citizens were free from interference from one another. It is good to keep in mind here how Hobbes, one of the earliest advocates of negative liberty, saw no contradiction between the 'needful' laws of an absolute sovereign and his subjects' liberty. To judge whether an individual was free, it was irrelevant to check whether she had any say in the laws under which she lived. The absolute sovereign alone made the laws. What was crucial was whether the sovereign left as large an area of her life as possible unregulated by his laws. Berlin makes the same point: liberty in its negative sense "is principally concerned with the area of control, not with its source...there is no necessary connection between individual liberty and democratic rule. The answer to the question 'Who governs me?' is logically distinct from the question 'How far does government interfere with me?" (Berlin, 1968, pp. 129-130)

In explaining the concept of liberty, Hobbes distinguished between freedom and ability: "But when the impediment of motion, is in the constitution of the thing itself, we can not say, it wants the Liberty, but the Power to move; as when a stone lies still, or a man is fastened to his bed by sickness." (Hobbes, 1968, p. 262) Most exponents of negative liberty echo this distinction between power or ability and liberty. What they disagree about is when a certain condition is to be characterised as a lack of ability and when as a lack of liberty. Not being able to fly because of a lack of wings is, in the case of human beings, a clear case of the lack of an ability, and not of being unfree. But what about the case of a man who is too poor to afford "something on which there is no legal ban - a loaf of bread, a journey round the world." Berlin argues that given a social theory in which this poverty is the result of "other human beings having made arrangements" whereby some men lack material resources while others enjoy an abundance of them, the poor man should be described not as being unable to buy bread, but as being unfree to do so: "The criterion of oppression is the part that I believe to be played by other human beings, directly or indirectly, with or without the intention of doing so, in frustrating my wishes." ( See Berlin, 1968, pp. 123-4) This is certainly a far cry from the work of Hillel Steiner, according to whom, only physical barriers intentionally placed on someone's action can allow that person to claim that she is not free. We see then that there is a wide range in the

understanding of what is to count as impediments/obstacles to action, even among the advocates of negative liberty.

Another classical defence of negative liberty was John Stuart Mill's 1859 essay, *On Liberty*. Here is Mill's position in brief: "...the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection...the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant...The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute." (J.S. Mill, 1989, p. 13)

Insisting that there is a line, however faint, between self-regarding and other regarding action, Mill argued that the principle of liberty brooked no interference with the sphere of one's self-regarding action. Discussing three specific areas - of thought and its oral and written expression, of taste and pursuits, and of combination or association with other individuals - Mill claimed that except to prevent 'direct material harm' to others, society had no other justification for interfering with the liberty of the individual in these areas. "No society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government, and none is completely free in which they do not exist absolute and unqualified." (J.S. Mill, 1989 p. 16).

For Mill, the goal of social theory was to further the improvement of mankind. Mill saw his contribution in showing the world that individual liberty is an essential means to this improvement: "... the only unfailing and permanent source of improvement is liberty, since by it there are as many possible independent centres of improvement as there are individuals." (J.S. Mill, 1989, p. 70) Mill explained this in the following terms: "The human faculties of perception, judgement, discriminative feeling, mental activity, and even moral preference, are exercised only in making a choice." (Mill, p. 59) But if the value of liberty is that it improves mankind, what is one to do with the possibility of individuals always choosing to act in wrongful ways in their sphere of self-regarding action? This brings us to the conception of positive liberty.

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### 4.3 POSITIVE LIBERTY

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If the advocates of negative liberty look to protect at least some area in which an individual is free to do as she wishes, positive liberty advocates are much more ambitious - they look to enlarge this area of self-determined action as much as possible. They do this in two ways, the first being their inclusion of internal restraints in the conception of constraints to action. Rousseau, for instance, saw being a slave to one's desires or passions as the very opposite of being free. Our desires are heterogamous, they come to us because of the environment we live in, or perhaps because of our upbringing. To give in to our desires, is for Rousseau, structurally similar to giving in to another's wishes. We have to consciously and rationally choose to fulfil our desires, that is, those wants that we see as really our own, and as reflective of our self. In his own words in 'The Social Contract', "the impulse of mere appetite is slavery, while obedience to a self-prescribed law is liberty." (Rousseau, 1967, p. 23)

Kant had a similar argument - how can one's freedom be evinced in actions that are the product of brute nature working through one by prompting desires which one blindly follows? Instead, to count as free, one must choose or select amongst one's desires according to some rational principle that one has oneself endorsed.

The second way of widening the domain of self-determined action in the conception of positive

liberty is through democratic mechanisms of taking collective decisions. The emphasis is not so much on leaving as wide an area of one's life as possible untrammelled by laws, but since freedom is distinguished from license and defined as living under self-made laws, the emphasis is on ensuring that one has a voice in framing all the laws one lives under. Coming back to Rousseau, the principle of liberty entails not only that we determine our wants, it also means that we frame the laws under which we live. Rousseau's advocacy of democracy is famous: there is no other form of government which is compatible with freedom. How can we be said to be self-determined unless we have a say in framing the rules that govern our actions. This is Rousseau's conception of civil freedom, in contrast to the moral freedom which prevents us from being a slave to our appetites.

Rousseau connected his conceptions of moral and civil freedom in the following manner: he saw the legislation framed collectively by the people when they keep the general interest in mind (by the general will) as a means of each individual being in control over his or her desires. In place of a person's own weak will, these laws, in the framing of which all participate, ensure that one leads a life chosen by oneself. Where the compulsion of the laws in the case of Hobbes, increased one's freedom by preventing others from interfering with one's action, in Rousseau, the interference of collectively made laws becomes a form of freedom. After Rousseau, T.H. Green was an important advocate of positive liberty. In his 1881 essay, Green said: "We shall probably all agree that freedom, rightly understood, is the greatest of blessings; that its attainment is the true end of all our effort as citizens. But when we thus speak of freedom, we should consider carefully what we mean by it. We do not mean merely freedom from restraint or compulsion. We do not mean merely freedom to do as we like irrespectively of what it is we like. We do not mean a freedom that can be enjoyed by one man or one set of men as the cost of a loss of freedom to others. When we speak of freedom...we mean a positive power or capacity of doing or enjoying something worth doing or enjoying, and that, too, something that we do or enjoy in common with others...the ideal of true freedom is the maximum of power for all members of human society alike to make the best of themselves..." (Green, 'Liberal Legislation and Freedom of Contract', 1881, pp. 199-200)

Both J.S. Mill and T.H. Green concurred in seeing the value of liberty in allowing individuals 'to make the best of themselves'; yet they disagreed about the definition of liberty. This is the point that bears thinking about - why is it important for individuals to be free? Why does agreement on the value of liberty still lead to differences on its meaning?

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## **4.4 RECENT DEBATES ON LIBERTY**

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Now that we have covered the traditional debate over freedom between the negative and positive liberty advocates, let us look at some ideological positions which are tangential to this debate. We will now look at how feminism has grappled with the value of freedom.

It has been claimed that "[f]reedom began its long journey in the Western consciousness as a woman's value".(O. Patterson, 1991, p. 51) Women constituted the first slaves in the period of rudimentary state formation in late ninth and eighth century B.C. Greece. During the constant warfare between the aristocratic clans of that period, male prisoners of war were killed, while women were enslaved. As the first slaves in early Greek society, women, both those who were actually slaves, and those who lived in dread of capture and enslavement, thought of, and valued the condition antithetical to that of slavery - that of freedom.

Patterson calls this ideal of freedom that emerged in the consciousness of the women of ancient

Greece a conception of personal freedom; he points out however, that it is different from the idea of negative freedom now familiar in the West: “ancient women were never satisfied with a purely negative view of personal freedom, not only because they recognised its potential nihilism and moral vacuity but because they could see how an emasculated negative liberty easily sublated into liberty as power over others.” (Patterson. p. 398) As slaves, ancient Greek women imagined being able to assert their own will once they were free, but as women-slaves, they visualised the state of freedom not as the domination of the will of others, but as a state to be shared with others. For them, freedom was love, a condition of being restored to their kin’s folk and families.

This concern with an alternative women’s conception of freedom has become dominant in the writings of the post 1960s women’s movement in the west, specially in the work of some women psychoanalytic thinkers on the differential impact of mother dominated parenting on little boys and girls. The mother who is the primary caretaker, represents the entire world outside the self, that is, the object world, to all infants, and the relationship with his or her mother determines a child’s response to others in the world: the infant’s stance toward itself and the world-all derive in the first instance from this earliest relationship. In their first few years of life human infants go through different phases - symbiosis, separation and individuation - in their relationship with their mother. Male and female infants in a patriarchal culture, experience these phases differently because their mothers, for psychological and sociological reasons, respond to them differently. Mothers are able, for instance, to more easily encourage the separation and individuation of their sons, while being less willing to give up the symbiotic phase with respect to their daughters. In addition little boys soon learn to fear their primary identification with their mothers because they realise that their male identity is defined as not being like a female. These psychological processes have an effect on their relationships with others in general: the attainment of masculine gender identity involves denial of attachment or relationship. This process of psychological development in childhood has been used to explain adult male responses, for example, the apparent male perception of all relationships as threatening, and their sense of freedom as the absence of the (m) other. By doing so, it also problematises the prevalent norms for selfhood and autonomy, which are supposed to be based on the experiences of men. It is misguided to conceptualise the realisation of autonomy or freedom as requiring the absence of others. The development of autonomy takes place in interaction with other selves, and therefore freedom needs to be conceptualised in terms other than non-interference.

Another leading feminist scholar, Carole Pateman, also seeks to tell a new story of freedom. Critical of American sociologised psychoanalytic theory, she nevertheless shares its concern with constructing an alternative conception of freedom, a possibility she argues, that depends on our giving up the lure of social contract theory with its myth of the individual as owning property in his person. Efforts to construct women’s freedom have remained unsatisfactory, she explains, because most feminists failed to see that modern society is based not only on a social, but also a sexual contract. The original contract created not just a civil society, but a patriarchal civil society because the contract was between men to, among other things, “enjoy equal sexual access to women.” This resulted in “[m]en’s freedom and women’s subjection”; civil freedom remains a “masculine attribute”(C. Pateman, 1988, p.2). The original contract was simultaneously a social-sexual-slave contract, and if one focuses merely on its social aspect, one cannot see how women cannot be free in a society based on it.

Pateman is thus a critic of contract and claims that women’s freedom can be constructed only

by giving up the language of contract. This language encourages a conception of individuals as having property in their person, and its corollary is to see freedom as independence, specially the independence of participating in the labour market. Pateman continues this argument in a later piece, arguing that 'freedom as independence' should be transformed into 'freedom as autonomy', a freedom that is secured through the recognition of the interdependence of all citizens. The above discussion referred to the treatment of freedom in one specific ideological tradition. If we, however, look at another ideological position, for instance, the liberal-communitarian debate, we can see similar controversies about the meaning of individual liberty.

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## 4.5 SUMMARY

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The idea of liberty as everyone's birthright is certainly the gift of modernity, no matter how far it may be from being realised. The recent discussions of liberty have focussed on the relationship between individual liberty and our social interdependence. It is not by ignoring this social interdependence, but by acknowledging it, that we can construct an adequate conception of individual liberty.

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## 4.6 EXERCISES

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1. What do you think of the attempt to present the concept of liberty as a triadic concept, that is, as a concept with three terms. What are these three terms?
2. How can you differentiate between conceptions of liberty by changing the domain of A and B? Give some examples.
3. What is the difference between the concept of liberty and various conceptions of liberty?
4. Do you see any difference between theorists of freedom who focus on its social conditions, and advocates of negative and positive liberty? What are some of these differences?
5. How do advocates of negative liberty differ in defining external impediments to action? How does this affect their distinction between power/ability and liberty?
6. What does Berlin mean when he argues that what is pertinent to the issue of liberty is the area of control over one's actions, and not the source of this control?
7. How is Mill's distinction between self-regarding and other-regarding action pertinent to his conception of liberty?
8. Why does Mill think that individual liberty is an essential pre-requisite of social progress?
9. What is meant by saying that 'slavery to mere appetite is not freedom'? Give some examples.
10. How does Rousseau try to link his conceptions of moral and civil freedom with each other?
11. Do you think that the content of what we do when we act should be part of our definition of the liberty of action?

12. Why is freedom valuable? Why is it important for individuals to be free?
13. Why do feminists argue that the negative conception of freedom is a typically male view of freedom?
14. How do prevalent parenting practices affect an individual's sense of self, and his or her relationship to others?