
UNIT 1: LIBERTY – AS ABSENCE OF EXTERNAL INTERVENTION*

Structure

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1.0 OBJECTIVES

Liberty is considered a core concept and a fundamental democratic value in modern political and social theory. The notion of liberty emerged in the context of the formation of modern civil society and political authority. While the concept is intimately associated with liberal thought, liberals have looked at the notion in different ways. Marxists are critical of liberal notions of liberty and would refashion the concept on entirely different assumptions of individual and society. In this unit, we shall look at different perspectives on liberty, and try to understand the meanings, justifications and limits of the notion. The unit has been divided into different sections, each dealing with a specific aspect of the notion. There are a set of questions at the end of the unit for self-assessment, and a list of readings to help enhance your understanding.

1.1 INTRODUCTION

The idea of liberty as a core principle of liberal thought is most commonly understood as 'absence of restraints'. The notion of liberty emerged in the context of the establishment of new socio-economic and political relationships in modern Europe. At the basis of the notion was the idea of a rational individual, capable of taking reasoned decisions. The rational individual, it was thought, was capable of self-determination; in other words, capable

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of taking decisions which concerned his or her self. In order to develop his capacities, the individual required freedom from all kinds of social, political and economic constraints. Thus, the idea of liberty as absence of restraints, or a *sphere of autonomy* of the individual, developed. At the same time, however, the fact that within a social organization the individual is not alone and exists in relation with other individuals, required that an equal claim of other individuals to their spheres of autonomy should be recognized. In order that the respective claims of all individuals to autonomy can be realized with *minimum conflict*, it was imperative that a system of restraints and regulation was worked out and adhered to by everyone. The theories of *social contract* put forward by philosophers like Hobbes, Locke and Rousseau put forth the idea of liberty as absence of constraints. At the same time, they also proposed the framework within which individual freedom was to unfold. Thus, the idea of political community was based on a simultaneous recognition of the capacities and autonomy of individuals and the imperatives that all should be subjected to a common set of constraints on their liberty. Thus, it must be understood that liberty, which in common understanding means freedom, or absence of constraints and obstacles to individual action, and is considered a democratic ideal, has always been conceived as occurring within a *set* of specific constraints in social relationships. There are always limits to what is seen as acceptable forms of liberty in modern democratic societies. In the section which follows, we shall look at the meaning of liberty, focussing on its elements and the justifications for constraints on liberty.

1.2 THE MEANING OF LIBERTY

As mentioned in the introduction, liberty means freedom from, or absence of restraints. A person may be considered free or at liberty to do something when his or her actions and choices are not hindered or constrained by those of another. It is important to understand that constraints refer to impediments imposed by political and other authorities. Thus, imprisonment, bondage or slavery, subjection to laws, etc., may be seen as referring to conditions of unfreedom or absence of liberty. While states of unfreedom like imprisonment or subjection to laws may appear as constraints on liberty, we know that modern democratic social and political organisations are founded on legal and institutional structures, which aim at ensuring *equal consideration* of each individual's liberty. No society will, therefore, have an unlimited 'right to liberty'. Each society will have a set of restrictions on liberty, which are justified by the fact that people accept these restrictions as the best possible conditions in which liberty could be maximised.

The understanding of liberty as 'absence of restraints' or 'absence of external constraints' is generally described as negative. The negative nature of liberty appears in *two* different senses:

- a) In the first, *law* is seen as the *main* obstacle to freedom. Hobbes, for instance, described freedom as the 'silence of the laws'. Such a view

sees freedom as limited only by what others deliberately prevent individuals from doing. This understanding would, therefore, appear to imply a definite *limit* upon both *law* and *government*. Philosophers like John Locke have, however, pointed out that a commitment to liberty does not mean that the law should be abolished. Rather, it means that law should be restricted to the protection of one's liberty from encroachment by others. Locke suggested therefore, that law does not restrict liberty, it rather enlarges and defends it.

- b) The second view sees liberty as 'freedom of choice'. *Milton Friedman*, for example, in his work, *Capitalism and Freedom* (1962) proposes that 'economic freedom' consists of freedom of choice in the marketplace – the freedom of consumer to choose what to buy, the freedom of the worker to choose his job or profession and the freedom of the producer to choose what to produce and whom to employ. 'To choose' implies that the individual can make *unhindered* and *voluntary* selection from a range of different options.

While talking about liberty, a distinction is often made between negative and positive notions of liberty i.e., between the idea of 'absence of external constraints' and 'the existence of conditions which enable or facilitate'. In other words, the *distinction* between 'freedom to do' something and *actually being able* to do it. To be free or at liberty to do something is not to be restrained or prevented from doing it. While to be able to do is to have the *capacity*, financial or otherwise, to do something. For example, one may be free or unrestrained to take up any job, yet, one may not have the qualifications or the economic resources which may make one's candidature worthwhile. Political theorists often make this distinction between liberty as an absence of restraints and the conditions which make liberty worthwhile. A starving person who is legally free (not prevented from) to eat in an expensive restaurant, may in fact, enjoy *no* liberty on the basis of the *legal freedom*. The freedom to eat in this case will require some positive action by the state. It is this reasoning that has been used to justify social legislation designed to increase opportunities for individuals. By such positive action, the state is said to be not only decreasing inequality, but increasing liberty.

The negative conception of liberty is a characteristic of a strand of English political thought represented by *Jeremy Bentham*, *James Mill*, *John Stuart Mill*, *Henry Sidgwick*, *Herbert Spencer* and the *classical* and *neo-classical economists* who supported the claims of individuals to break free from unnecessary restraints of *arbitrary* government. The main political axiom of negative liberty was that 'everyone knows his own interest best' and that the *state* should *not* decide the individual's ends and purposes. Essential to the doctrine was the sanctity of the contract. Implicit in this assumption of sanctity was the understanding that the act of entering into a contract, even if the terms of the contract were restrictive of individual freedom, was an expression of liberty, of the exercise of individual choice. Thus,

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to this strand of thinkers, a person's liberty was a function of that area in which he was left *alone* and *not* related to the *quality* of action. The concept of negative liberty is best understood as a *doctrine* about the meaning of liberty. Although negative liberty is often condemned as the 'freedom to starve', this understanding is somewhat *misleading*. It does *not* necessarily put a prohibition on state intervention, but merely holds that this cannot be justified on the ground that it increases freedom, although arguments from the arena of inequality may be called into force for justification. However, the historical connection between negative liberty and the *laissez-faire* economics cannot be denied, and most of its advocates favoured a minimal state. The concept is neutral in the sense that it is compatible with a wide range of politics, and describes a condition of liberty without indicating whether it is good or not.

Criticisms of the negative notion of liberty have come from modern liberals, social democrats and socialists. The liberals in the nineteenth century, primarily *T H Green* and to some extent *J S Mill*, developed some of the earliest critiques of negative freedom. They felt that capitalism had done away with feudal hierarchies and legal restrictions (especially of economic pursuits), but it had also subjected large masses of people to poverty, unemployment and disease. Such circumstances were seen as hindering liberty as much as legal restraints and social controls. One of the first liberals to embrace the positive notion of liberty was T H Green (1836-82), who defined freedom as the ability of people 'to make the most and best of themselves'. This freedom consisting not merely of being left alone, but in having the *power to act*, shifting attention thereby to the opportunities available to each individual. The concept of positive liberty has been at the basis of the *Welfare State*. The idea has acted as the moving force behind social welfare provisions taken up by states, combining thereby freedom with equality.

In the section, which follows, Mill's notion of liberty will be taken up for study. Mill appears to endorse a negative conception of freedom, or the individual's sovereign control over his/her body and mind. In the ultimate analysis, however, Mill's notion of 'individuality' brought him closer to a positive notion of liberty.

Check Your Progress Exercise 1

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Distinguish between positive and negative conceptions of liberty.

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1.3 J.S. MILL'S NOTION OF LIBERTY

J S Mill's *On Liberty* was influential in the academic debates in the 1960s. Mill's work is seen as an exposition of the negative concept of liberty. At the basis of Mill's arguments for individual freedom lay a strong sense of contempt for custom, and for legal rules and norms which could not be rationally justified. It is also sometimes argued that for Mill any free action, no matter how immoral, had some element of *virtue* in it, by the fact that it was freely performed. While Mill considered restraint on individual's actions evil, he did *not* consider restraints to be entirely unjustifiable. He felt, however, that within the society there was always a presumption in favour of liberty. Any constraints on liberty, therefore, had to be justified by those who applied them.

For Mill, the purpose of liberty was to encourage the attainment of 'individuality'. Individuality refers to the distinctive and unique character of each human individual, and freedom means the *realisation* of this individuality, i.e., personal growth or self-determination. It was the property of individuality in human beings that made them active rather than passive, and critical of existing modes of social behaviour, enabling them to refuse to accept conventions unless they were found reasonable. Freedom in Mill's framework, therefore, appears not *simply* as the absence of restraints but the *deliberate cultivation* of certain desirable attitudes. It is because of this that Mill is often seen as gravitating towards a positive conception of liberty. Mill's conception of freedom is also rooted in the notion of *choice*. This is evident from his belief that a person who lets others 'choose his plan of life for him' does not display the faculty of 'individuality' or self-determination. The only faculty he or she seemed to possess was the 'ape-like' faculty of 'imitation'. On the other hand, a person 'who chooses to plan for himself, employs all his faculties'. In order to realise one's individuality, and attain thereby the condition of freedom, it was essential that individuals resist forces or norms and customs which hindered self-determination. Mill, however, was also of the view that very *few* individuals possessed the capacity to resist and make free choices. The rest were content to submit to 'ape-like imitation', existing thereby in a state of 'unfreedom'. Mill's conception of liberty can be seen for this reason as *elitist*, since individuality could be enjoyed only by a minority and not the masses at large.

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Mill, as other liberals, emphasised a *demarcation* of the boundaries between the individual and society. While talking about reasonable or justifiable restrictions on individual liberty, Mill distinguished between *self-regarding* and *other-regarding* actions, i.e., actions, which affected the individual only, and actions which affected the society at large. Any restriction or interference with an individual could be justified *only* to prevent harm to others. Over actions that affected only himself, the individual was sovereign. Such an understanding of legal and societal constraints conveys the idea of a society in which the relationship between individual and society is not 'paternal', i.e., the individual being the best judge of his interests, law and society could not intervene to promote a person's 'best interests'. Similarly, the idea that an act can be constrained only if it harmed others, rules out the idea that some acts are intrinsically immoral and therefore, must be punished irrespective of whether they affect anyone else. Further, Mill's framework *rules out* 'utilitarianism', as enunciated by Bentham, which would justify interference if it maximized the general interest. Yet, the demarcation between the individual and the society is *not strict* in Mill in the sense that all acts do affect others in some way, and Mill believed that his principle did *not* preach a moral indifference towards the self-regarding behaviour of others, and felt that it was permissible to use persuasion to discourage immoral behaviour. Also, Mill strongly believed in the *instrumental* value of liberty in the promotion of social goods. This is especially true of his arguments for the complete liberty of thought, discussion and expression and the right to assembly and association. Mill felt that all restrictions on *free* discussion should be removed because truth would emerge from a free *competition* of ideas. It may be pointed out that in today's catalogue of liberties, freedom of expression is valued perhaps more than economic liberty as a democratic ideal. Free exchange between individuals is undoubtedly an important exercise of liberty and a society, which forbade all kinds of liberty and allowed *this* would still be relatively free.

1.4 ISAIAH BERLIN AND THE TWO CONCEPTS OF LIBERTY

In his now classic, *Two Concepts of Liberty* (first published in 1958) Isaiah Berlin tries to *reconcile* the negative and positive notions of liberty, i.e., the notion of liberty as the absence of restraints with the various views pertaining to its operation within the social context. For Berlin, the 'negative' notion of liberty can be understood by addressing the following question: 'What is the area within which the subject – a person or group of persons - is or should be left to do or be what he is able to be, without interference by other persons?' (1969, p.121). On the other hand, the positive sense is concerned with the answer to the question: 'what, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?' (1969, p.122).

Positive liberty, on the other hand, does *not* interpret freedom as simply

being *left alone* but as ‘self-mastery’. The theory involves a special theory of the *self*. The personality is divided into a higher and a lower self. The higher self is the source of an individual’s genuine and rational long-term goals, while the lower self caters to his irrational desires which are short-lived and of transient nature. A person is *free* to the extent that his higher self, is in command of his lower self. Thus, a person might be free in the sense of not being restrained by *external* forces, but remains a *slave* to irrational appetites; as a drug addict, an alcoholic or a compulsive gambler might be said to be unfree. The main feature of this concept is its openly evaluative nature, its use is specifically tied to ways of life held to be desirable. The idea of positive liberty involves a special interpretation of the self and assumes not just that there is a realm of activity towards which the individual ought to direct herself/himself.

The notion suggests that the individual is being liberated when he or she is directed towards it. Critics of Berlin’s notion of positive liberty feel that a belief in positive liberty may involve the idea that all *other* values, equality, rights, justice etc., are *subordinate* to the supreme value of higher liberty. Also, the idea that the higher purposes of the individual are equivalent to those of collectivities such as classes, nations and race, may lead to the espousal of totalitarian ideologies.

Check Your Progress Exercise 2

- Note: i) Use the space given below for your answer.
ii) See the end of the unit for tips on your answer.

1) Discuss J S Mill’s views on liberty.

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1.5 MARXIST CRITIQUE AND THE IDEA OF FREEDOM

The Marxist concept of freedom is different from the liberal views, which have been discussed above. The main points of difference emerge from the Marxist understanding of the individual and society, the relationship between

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the individual and society, and the Marxist critique of capitalist society. While the liberal view is based on the centrality of the individual and his freedom of choice, the Marxists would see the notion of liberty based on the liberal notion of individual and society as conditions of *unfreedom*. For Marxists, the individual is not separated from other individuals in society by boundaries of autonomous spaces for the free exercise of choice. They are rather bound together in *mutual dependence*. The notion of individuality is likewise transformed into a notion of *rich* individuality, which emphasises the *social embeddedness* of the individual, the idea that individuals can reach a state of creative excellence and develop their capacities only in a society which seeks the development of all its members. For the Marxists, therefore, freedom lies in the development of creative individuality, and cannot be achieved in a capitalist society where individuals are separated by boundaries of self-interest and where they can only imagine themselves to be free when in reality they are bound by structures of exploitation. It is only in a society, which is free from the selfish promotion of private interests that a state of freedom can exist. Freedom, thus, cannot be achieved in a *capitalist* society.

These views have been articulated in Friedrich Engel's *Anti-Duhring* and Karl Marx's *Economic and Philosophic Manuscripts of 1844*. Engels discusses the notion of freedom as a state of *transition* from *necessity* to *freedom*. The state of necessity is defined by a situation in which the individual is subjected to another's will. Engels points out that man has the capacity to identify and understand the forces, which condition and determine his life. Man has, thus, obtained scientific knowledge about the laws of nature, which determine his existence and also learnt how to live with these laws in the best possible way. Ironically, man has not been able to break free from the *bondage* of the forces of production, which have historically kept him under subjection, or in other words, confined him to the realm of necessity. In order to reach a state of freedom, man not only has to have knowledge of human history, but also the capacity to change it. It is only with the help of *scientific socialism* that man can hope to leave the realm of necessity and enter the realm of freedom. Freedom is a significant component of the idea of communist society laid down by Marx and Engels in *Communist Manifesto*. It was only in a communist society where there will be no class exploitation that freedom will be achieved.

In his work, *Manuscripts*, Karl Marx avers that the capitalist society is *dehumanizing*. It not only alienates the individual from his true self, it separates him from the creative influences of society. Marx proposes that it is only by transforming those conditions in which alienation takes place, can freedom be restored. Thus, it was only in a communist society where the means of production were socially owned, and each member of society worked in cooperation with the other for the development of all, that true freedom could be achieved. Thus, in Marx's framework, freedom is seen

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required the state to give up its concern for welfare and social security and devote itself to maintaining law and order, protecting property rights, implementing contracts etc. For Friedman, not only was liberty essential for free and voluntary exchange among individuals, it was only within a capitalist society that this freedom could be achieved. Moreover, it was economic freedom that provided the opportune and essential condition for political liberty.

In his work, *The Constitution of Liberty* (1960), *F A Hayek* has propounded a theory of liberty, which emphasises the negative role of the state. For Hayek, a state of liberty is achieved when the individual is not subject to the arbitrary will of another individual. Hayek calls this *individual freedom* and distinguishes it from other forms of freedom, establishing at the same time the primacy and independence of individual liberty from other forms of freedom, including political freedom. Hayek recommends that the original meaning of liberty as the ‘absence of restraints’ should be preserved. The enlargement of state intervention in the name of freedom would mean the demise of real liberty which consists in the freedom of individual from restraints.

Another group of thinkers evidently influenced by the *Marxist* notion of freedom emphasised that liberty as practiced in modern capitalist societies breeds *loneliness*. *Eric Fromm* (1900-1980) explained that in modern societies, aloofness was brought about owing to the separation of the individual from his creative capacities and social relations. This separation generated physical and moral aloofness in the individual affecting his mental well-being. It was only through creative and collective work that the individual could restore himself to society. *Herbert Marcuse* in his work *One Dimensional Man: Studies in the Ideology of Advanced Industrial Society* (1968), also explored the nature of alienation in capitalist societies. Marcuse asserts that the creative multidimensional capacities of the individual get thwarted in capitalist societies. Man is able to express himself only as a consumer constantly engaged in the satisfaction of his physical needs.

Check Your Progress Exercise 4

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Discuss some of the other contemporary ideas on liberty.

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1.7 LET US SUM UP

The idea of liberty is at the core of liberal thought, which places the rational individual at its center and draws a boundary between the individual and his/her sphere of autonomy, the state and society. Liberty in its common understanding means an ‘absence of constraints’. In other words, it signifies a condition in which an individual who is capable of taking reasoned decisions pertaining to his/her own affairs is free to take any action without and restraints from outside, including state and society. At the same time, however, the notion of liberty, evolved at the same time as the idea of a political community and political authority. This simultaneous evolution has meant an *equal recognition* of the liberties of all individuals and the understanding that reasonable restrictions on individual liberty could be justified on the grounds that they provided the conditions in which individual liberty could be enjoyed without conflict. The idea of liberty as the absence of restraints is associated with a ‘negative’ notion of liberty. A ‘positive’ notion of liberty was articulated by thinkers like T H Green who took into account the conditions, which enabled an individual to be actually free. Thus, liberty as a positive notion consisted in having the power to act, and the opportunities which enabled action. The idea of the welfare state was premised on this idea which required the state to take positive steps to provide the conditions within which individuals could actually be free to act and develop themselves. While philosophers like J S Mill and Isaiah Berlin attempted to reconcile the two notions, Marxists felt that freedom could not be experienced in a capitalist society. A capitalist society, they emphasized separates an individual from his/her social contexts and from his/her own nature. Liberty as can be seen, has been understood differently by different strands of thought. It remains, however, a fundamental concept in democratic thought.

1.8 REFERENCES

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1.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress Exercise 1

- 1) Highlight following points:

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- Negative liberty means absence of external constraints
- Positive liberty means existence of conditions which enable or facilitate better development

Check Your Progress Exercise 2

1) Highlight following points:

- Mill highlighted negative concept of liberty
- Opposed restriction on individual liberty
- Distinction between self-regarding and other-regarding actions

Check Your Progress Exercise 3

1) Highlight Following points:

- Unlike liberals, Marxists see mutual dependence between individuals and society
- Capitalism alienates individuals from their true self and creative influences of society
- Freedom can be restored in a communist society only
- Example of Robinson Crusoe

Check Your Progress Exercise 4

1) Highlight ideas of Milton Friedman, F A Hayek, Eric Fromm and Herbert Marcuse