

Liberalism: *Freedom*s

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1

THEY REALLY SAID THAT?

“ Some people will catch [COVID-19]. Some people will tragically die from it. That's inevitable and we have to accept it. What we should never accept is a systematic removal of our freedoms based on a zero risk health advice from a bunch of unelected medical bureaucrats. Open society back up. Restore our freedoms. End this madness.

— *George Christensen*

The backbencher downplayed the seriousness of COVID-19, saying masks and lockdowns did not work. He was roundly condemned in Federal Parliament for his misinformation — including by **Scott Morrison**. In June, the Netherlands scrapped most of their restrictions, and the country's daily cases jumped eightfold, from 500 to more than 10,000 cases a day. The Dutch PM said he was wrong to do so, and regretted his decision.

2

Consider a different example, from France:

“The [Yellow Vest] movement was extremely volatile. And, ideologically speaking, it was all over the map with one rallying cry, which was a very strong opposition to Macron as a person and a President. Today, **we see some of the leaders of the movement back in the streets to oppose what they call anti-liberties and antisocial restrictions.** There is this vaguely libertarian aspect to it, with *liberté* as one of the slogans that has been used by many, whether they are on the far left or the far right” (Chotiner, 2021).

3



And another example – from Anti-mask and Anti-vaccination rallies

4

Freedom of Choice

“When anti-maskers adopted ‘my body, my choice’ as their rallying cry, miming the language of pro-choice activists, critics on the left were quick to note the nonsensical associations at play: a person making a decision about her own pregnancy is poles apart from someone who risks exposing their community to a disease.

The reproductive rights movement’s most famous phrase, ‘my body, my choice,’ fails to capture a vision of collective bodily freedom.

But the adoption of the phrase by conservative and libertarian protestors reveals deeper issues in the language itself. Indeed, the reproductive rights movement’s most famous phrase has long been criticized for its failure to capture a vision of collective bodily freedom. ‘Choice,’ writes legal scholar Michele Goodwin in her landmark new analysis *Policing the Womb*, ‘was not intended for the women thought unworthy of childbearing.’ Instead, what leaders of the early twentieth-century birth control movement intended for poor and otherwise unworthy women was sterilization. Choice – or really, a very narrow set of choices – was reserved for married women, white and non-immigrant women, and women with the means to ‘choose’ the kind of family we still recognize as normative” (Minor, 2021).

5

“What does it mean to be an individual while belonging to a social body?”

“The pursuit of freedoms for one class of people has often meant treading heavily upon the freedom of others. This puzzling flaw is perhaps built into the notion of the Western individual himself, that swashbuckling figure critic Karen Weingarten describes as “the autonomous, self-reliant, individual citizen whose singular rights must be protected above all.” To the extent that demands for “choice” bank on the kinds of rights afforded to ostensibly self-reliant citizens, it might not be so nonsensical to hear echoes of strident liberalism in the pro-choice catchphrase” (Minor, 2021).

6

“Restore our freedoms”

- It is important to stress that ‘freedom’ or, rather, freedoms, in this instance, are freedoms tied to the *empirical* conditions of living in a state, where those ‘freedoms’ are (or should be) guaranteed by a *particular* state.
- However, in the first place, to speak of *freedom*, or, rather the *idea* of freedom, means that we are in the modern domain of ideas: to *be* free is an *ontological* condition of being human.

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From individual freedom to ...

“...one ... goes from particular ends to general ends and then to universal ends. The moral question par excellence is thus the following: under what circumstances can I think the ends I propose are not only my subjective ends, but also ends that are objectively valid, meaning admissible by everyone? Morality thus presupposes that one goes beyond his own point of view, beyond his egoism and selfish interests to consider the common good; this effort in turn presupposes freedom understood as the faculty of not being completely determined by one’s selfish inclinations”

(Ferry and Renaut, 1992, 67).

8

Liberalism, Freedom and Morality

So, let us ask a historical question:
What is a 'connection' between
freedom and morality in liberalism?

9

...from particular ends to general ends and
then to universal ends...

- Speaking about 'ends', we are in the modern idea of reasoning, which we usually define as 'instrumental reason'
- The idea of instrumental reasoning is complicated. The assumption here is that **knowledge has an instrumental value** because it proves imperative in our drive to discover the causes of things **to our advantage**. New types of instrumental knowledge allow us to change the world around us and thus enable us to 'outlaw' things or conditions that are undesirable in society. **Knowledge helps us to better our lives**

10

Liberalism

“Liberalism has a core commitment to rationality. ‘All that man is and all that raises him above animals’, said Ludwig von Mises, ‘he owes to his reason. **Why should he forgo the use of his reason ... in the sphere of social policy and trust to vague and obscure feelings and impulses?’**”

(Gaus, 2000, 186).

11

On the other hand, for Isaiah Berlin:

Reason is not an unmitigated ‘good’, especially in relation to ‘freedom’.

According to Berlin, **the positive concept of liberty is connected with self-mastery, which is further tied to the notion of reason. In turn, reason makes liberty tyrannical. By his account, the problem is the idea of a transcendental self or higher self, as he calls it, which is rational and therefore free from causality, desires and passions.** If we were all rational, there would be no problem. However, what happens if people are ignorant or superstitious? Then, it seems, **to act rationally can be achieved only according to Rousseau’s dictum to force people to be free.**

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For Isaiah Berlin:

The empirical selves are forced to act 'freely' according to an enforced idea of reason forged by the noumenal or transcendental self. Berlin suggests that this is a blueprint for tyranny. He concludes, "pluralism, with the measure of 'negative' liberty that it entails, seems to me a truer and more human ideal than the goals of those who seek in the great, disciplined, authoritarian structures the ideal of 'positive' self-mastery by classes, or peoples, or the whole of mankind." So, in the end, the concept of negative liberty seems to be the only affirmation of freedom of the individual (Berlin, 1969).

13

Negative Liberty

The concept was first used by Thomas Hobbes, if not the name. 'Negative liberty' (as we call it today) is an idea transported, originally, from the physical domain of 'free falling bodies', as theorised by Galileo – the inertia movement: the body moves freely or stays in one place, if not impacted by other bodies.

So, we are free, if no other body interferes with us.

Hobbes uses an example of a water stream and a bound 'man'.

On the other hand, man who is sick or having a limp and cannot do what he wants to do is free. It is his condition that prevents him doing certain things.

14

Similarly, in Berlin:

“I am normally said to be free to the degree to which no man or body of men interferes with my activity. Political liberty in this sense is simply the area within which a man can act unobstructed by others” (Berlin, 1969, 122).

“If my poverty were a kind of disease, which prevented me from buying bread, or paying for the journey round the world or getting my case heard, as lameness prevents me from running, this inability would not naturally be described as a lack of freedom, least of all political freedom” (Berlin, 1969, 122–123).

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State and Society: Let me cite from Foundation for Economic Education



- FEE's mission is to inspire, educate, and connect future leaders with the economic, ethical, and legal principles of a free society.
- These principles include: **individual liberty, free-market economics, entrepreneurship, private property, high moral character, and limited government.**

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The State *versus* Society

“Two of the most important concepts **in any discussion of liberty are state and society**. ... the definitions can shift dramatically depending upon the theoretical approach of the speaker. Virtually all individualists agree that there is some distinction to be drawn between a state and a society. But exactly where the line should be drawn has been the subject of active debate, at least since the writings of the seventeenth-century English classical liberal John Locke (McElroy, 1998).

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“The German sociologist Franz Oppenheimer ...defined **the state as ‘that summation of privileges and dominating positions which are brought into being by extra-economic power.’** He defined **society as ‘the totality of concepts of all purely natural relations and institutions between man and man.’** He contrasted what he termed ‘the political means’ with ‘the economic means’ of acquiring wealth or power. **The state uses the political means—in other words, force—to plunder and exploit society, which uses the economic means—in other words, cooperation.** Thus, for Oppenheimer, **the state was the enemy of society.** ...

18

...

The American individualist Albert Jay Nock ... introduced a third concept into his discussion of liberty: government. Nock's government is an agency that protects individual rights within society, presumably in exchange for a fee, such as embodied in a reasonable tax rate.

...the novelist-philosopher Ayn Rand also embraced the concept of a limited government that would function as a night watchman, unobtrusively protecting the person and property of its customers"

(McElroy, 1998).

19

Civil Society vs State (again)

"...the foundation of liberalism is the distinction between civil society and the state: the latter is the representative instrument of the former. Civil society tends to be self-sufficient. Within it, members are governed neither by political power nor by other members, each of them is the source of his actions. They freely exercise their talents to ensure their preservation and even the most comfortable preservation possible – they seek to 'better their condition.' They also want to gain recognition for their merits, in particular intellectual and artistic merits, from their equals. As for the state, by representing and serving the individuals' instincts for self-preservation it promulgates laws that guarantee to each person security and free pursuit of happiness as he conceives of it. These are the principles"

(Manent, 1994, 64–65).

20

What is first.....the rational individual, the state or society?

21

- According to Christian Lenhardt, “an instrumentally rational actor” or “individual” is someone who “[has] values, [experiences] the need for meanings and [articulates] interests.” **Rationality is instrumental**. In other words, “**subjects are also the only agents to have the ability to calculate, which makes them superior to groups**”

(Lenhardt, 1994, 23).

- Fred Dallmayr offers an interpretation that foregrounds the bureaucratisation of the state as indicative of the individual’s bearing – “**bureaucratic control, in [Max] Weber’s view, was coupled with ... the steady atomization of society and the privatization of beliefs and preferences**”

(Dallmayr, 1994, 49).

22

So, what is the first?

- The question, then, is one of cause and effect. Are there first calculating individuals, or is it a particular organisation of society or the state that encourages individuals to understand themselves as free floating and cooperating or competing atoms?
- Are individuals calculating because of some inherent characteristic?
- Or is it society or the state that encourages a certain way of looking at the world?

What comes first, the individual or society?

23

Freedom and Property

- Liberalism as a doctrine is based on the concept of individuals and their freedom and the principle of private property
- So, let us see (*very schematically*) its beginning (again)

24

Thomas Hobbes 1588–1679

- Fight against double ruling: Church and Monarchy, which led to religious wars
- How to avoid different denominations fighting against each other? How to think about the new society?
- The state of nature is defined by war of all against all – *fear of death*
- However, **each individual has the *jus in omnia*, the right over everything in the state of nature**
- To avoid death, we all renounce our ‘natural’ rights and our freedoms to Leviathan, in exchange for security – one religion, one state

25

John Locke (1632–1704)

- Renounced the ‘tyranny’ of Leviathan
 - In the state of nature we are all friendly, securing our sustenance
 - But supplies are not unlimited
 - The driving force is a *fear of hunger*, and not, as in Hobbes, fear of death
- “If man fundamentally is hungry man, he is radically separated from his fellow man; his only relationships are with his body and with nature. If Locke succeeds in basing individual rights solely on hunger, on the relationship of the solitary individual with nature, he will have shown how human rights can be an attribute of the lone individual”** (Manent, 1994, 42).

26

- So, this lonely, hungry, individual goes around and picks, say, plums from a tree to alleviate his hunger
- Trees are there, common to all....
- So, when does this lonely, hungry, individual becomes *the owner* of those plums? And why this is a question at all?
- By picking them, mixing his '*labour*' with plums he harvests from a tree, he *appropriates* them and becomes their *legitimate owner*

"The right to property is essentially prior to the institution of society, independent of others' consent or political law; in other words, the right to property is a right belonging to the lone individual and closely linked to the urgent necessity of nourishing oneself. Property is natural and not conventional. ... the relationship of man to nature is defined by *labor*. Man is not naturally a political animal; he is an *owning and laboring animal*, owning because he is laboring in order to own" (Manent, 1994, 42, italics in original).

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- The individual eats plums because if he did not, he well die.
- "Every [individual] [–] being naturally the owner of his person and hence of his labor [–], previously common property can become his own because he has mixed his labor with it. He has become its legitimate owner. Property enters the world through labor, and each individual has within himself the greatest source of property; because he is a laborer and owns himself, he is the owner of his labor as well" (Manent, 1994, 42, italics in original).
- Therefore, the right to property becomes "a strictly individual right" (Manent, 1994, 43).
 - The problem is, according to Locke, that *rationally*, this hungry individual knows that if he picks more than he can eat, plums will rot; and this is prohibited (by Locke), because the others will be deprived of fruit....
 - In other words, *not to take more than one can consume is not a moral or political limitation, it is physical*: "anything 'appropriated' in this way would not be appropriated but wasted, hence lost" (43).
 - The second and much more important step is – he trades perishable goods for unperishable goods

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- The second step involves a new consideration – plums become suddenly less significant:

“Ownership of land is also born from labor: I am naturally the legitimate owner of the land I cultivate with my labor. Now, tilling the land makes it produce much more than it would produce spontaneously. Therefore, by appropriating a portion of land through labor, far from reducing humanity's common good, I add to it: I add the fruits of the earth that owe their existence to my labor. And it is obvious that no one else has a right to these goods, since they are not given by nature but produced by my labor...: it is human labor, and not nature, that give things their value. The natural state of nature, so to speak is not abundance but scarcity” (Manent, 1994, 43, italics in original).

- When I own land and mix my labour with its tilling or harvesting, I can exchange the fruits of my labour for money.

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- Money enters the market and circulates. The owner ceases to be a labourer, because:

“He robs no one, takes nothing away of value in the society, but rather preserves value, putting it into circulation and making it work and thereby increasing it. Once property, which enters the world through labor, becomes a value represented by money, the owner's right is legitimately separated from the laborer's right” (Manent, 1994, 44).

“If property is separated from the laborer, it is not the laborer who is robbed, it is the value that is preserved” (Manent, 1994, 45).

In other words, although, liberalism is based on the hungry individual and their relation to ‘nature’, it turns out that the rights are now subsumed to “the world of value”.

In Locke, we can find the shift from the theory of natural rights to economic activity, which became “the dominant activity in liberal societies” (47).

30

Is this the only way to think about the idea of liberty and liberties

- Remember Hugo Grotius, for whom individuals in the state of nature are defined by sociability?
- On this side of the tradition, rights are not ‘natural’ but ‘political’. In particular, they are conferred by the state, which guarantees them.
- In other words, the problem of the rights of the individual in the state of nature is avoided, as in Rousseau, by starting from the political sphere.
- However, this also opens the problem between the priority of liberty and equality – liberalism and democracy.

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“The poor, says ...[Rabaut de Saint-Étienne, writing in the *Chronique de Paris*], feel that political equality is impaired by inequality of fortune ; and since equality is independence, that is, liberty, they are exasperated against those whose dependants they are. The laws must therefore provide for a more equal division of fortune, and guard against future inequality. The legislator must establish the maximum of property which a man may possess”

(Ruggiero, 1927 [1924], 77).

32

This is just a side-note to think about how ideas 'mutate' in the sphere of many...

"This was the period at which the struggle of the poorer rustic population against *bourgeois* liberalism first began; that liberalism which, under colour of emancipating all citizens, really advanced the interest of property owners, and, while bestowing on the rest an empty form of liberty, left them actually at the mercy of the rich. The most stubborn conservatives always found in the peasant class numerous recruits to assist them in their attack on the liberal position; though this alliance involved for themselves the serious consequence of liberating undisciplined and half-civilized masses anxious to appropriate the land not for their masters but for themselves"

(Ruggiero, 1927 [1924], 41).

33

What is democracy, then?
Well... it could be read also
as a nightmare of Liberals
after the French Revolution

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“The democracy of 1793 was a true butcher of liberties; it was that tyranny which Burke...had described. In order to maintain itself it was compelled to suppress one by one all the liberties previously proclaimed: freedom of thought, freedom of the Press, property, at any rate for those who did not share ideas of the new dictators, personal security, and freedom of worship. The individual was completely at the mercy of the crushing power of the Convention. And the Convention in its turn, after making the world tremble, itself trembled before Robespierre; political omnipotence, as usual, went hand in hand with impotence, because where all power is concentrated at one point all becomes equally contingent and precarious. With Robespierre comes Caesarism, the necessary complement of a levelling and concentrated democracy. It is a maxim of classical wisdom that the tyranny of the many breeds the tyranny of one” (Ruggiero, 1927 [1924], 82).

35

Back to a different conception of liberty...

- Liberty is originally conceived as a problem of *cuius regio, eius religio*: the religion of the ruler dictates the religion of those ruled.

“From the presence and conflict of diverse and hostile religions springs the first great affirmation of modern liberalism: religious freedom” (Ruggiero, 1927 [1924], 17).

- From this *legal* principle – the *collective* freedom of religion – the *individual* freedom of conscience and freedom of thought developed
- The freedom of conscience was the *individual* right to practice his/her own religion. In other words, it was “a denial of any ecclesiastical authority superior to the conscience of the individual” (Ruggiero, 1927 [1924], 19).

36

Freedom of thought

“This philosophy [empiricism], accessible as it is to a widespread audience, easily becomes **the property of every one; every one collaborates in it, because the reason which creates it is his own reason.** Here lies its intimately liberal character, and the psychological motive of what is called freedom of thought. **That which is free is simply that which is one's own, the fruit of one's own activity or the object of one's own choice, in contradistinction to that which one owes to the authority of dogma or the passivity of tradition. Freedom of thought, ... the ... 'liberty of thought', like all modern liberties, has a polemical meaning and purpose; that is to say, it expresses not a mental category but a declaration of war against the tyranny of schools, Churches, States, and customs, over conscience;** and from this point of view, ...it has an historical importance no less than that of religious liberty. Both equally serve to create that inviolable stronghold of consciousness in which all human liberties have their birth and their growth” (Ruggiero, 1927 [1924], 22–23).

37

Immanuel Kant 1724–1804

“Enlightenment is man's release from his self-incurred tutelage. Tutelage is man's inability to make use of his understanding without direction from another. **Self-incurred is this tutelage when cause lies not in lack of reason but in lack of resolution and courage to use it without direction from another. Sapere Aude! 'Have courage to use your own reason!'—this is the motto of enlightenment.**

Laziness and cowardice are the reasons why so great a portion of mankind, after nature has long since discharged them from external direction (*naturaliter maiorennnes*), nevertheless remain under lifelong tutelage, and why it is so easy for others to set themselves up as their guardians. **It is so easy not to be of age. If I have a book which understands for me, a pastor who has a conscience for me, a physician who decides my diet, and so forth, I need not trouble myself. I need not think, if I can only pay—others will readily undertake the irksome work for me** (Kant, 1997 [1784], VII, 35, 83).

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Autonomy *versus* Heteronomy

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