

# FREEDOM

## **FREEDOM:**

Freedom is the most important concept of political Science. Man by nature wants to lead a life in the free environment as life restricted by different restraints prevents the smooth development of human life. Man can develop himself only in a free environment, this is the reason that there has been a continuous strife or conflict between man and administration from the very beginning on the question of man's liberty or freedom. There are several examples of struggle for Glorious Revolution of England, Bloody revolution and civil war fought in America for Independence etc. Asian and African countries have struggled for centuries together and ultimately achieved freedom.

## **MEANING & DEFINITION OF FREEDOM:**

Liberty implies a state without restraints. Liberty is taken away when restrictions are imposed. The word 'Liberty' has been derived from latin word 'Liber', which means "Free, absence of restraints". Thus, liberty means individual's position without any restriction. Man can act according to his will.

If liberty means an ability to do something without restraints, then only the strong will enjoy liberty. There will be constant conflict in the society and strong will subdue the weak. The weak will live on the mercy of the strong. Thus, we can say liberty does not mean absolute freedom or unrestricted freedom. There must be certain restrictions on liberty so that it becomes beneficial for the society as whole. Liberty means achievement of that capacity by which man can develop his best self. Therefore, such liberty of an individual should be restricted which causes harm to another individual or society.

According to Cole, "Liberty is the freedom of an individual to express without external hinderance to his personality."

According to Mackenzie, "Freedom is not the absence of all restraints, but rather the substitution of rational ones for the irrational."

The various aspects of liberty are:

- i) Freedom without restrictions cannot be termed as liberty.
- ii) For development of personality, liberty is a necessary condition.
- iii) It is necessary to impose rational restrictions on the freedom of man in order to make liberty meaningful.
- iv) Abiding by laws secures liberty of man.

## **TWO ASPECTS OF LIBERTY:**

The two aspects of liberty are:

(1) **Negative Aspect of Liberty**: In its negative aspect, liberty means freedom from all restrictions. Individual should have right to do whatever he likes. The law of the state should not be binding on any individual as every law limits the liberty of an individual. So, state should take care to remove the hindrances to freedom of an individual. The main proponents of negative liberty are J.S. Mill, Rousseau and Spencer.

J.S. Mill said, "Liberty is absence of restraints".

Rousseau said, "Man is born free but he everywhere is in chains".

Herbert Spence, "Only the fittest should have right to survive".

The negative aspect of liberty can be briefly explained as below:

- a) Liberty is the absence of restrictions.
- b) Individual's freedom is reduced with the growth of state activities.
- c) That government is best which governs the least.
- d) Open competition is the best means for development.
- e) The protection policy of the government is not right.

(2) **Positive Aspect of Liberty**: Positive liberalist says that absence of restrains cannot be called as liberty. If in the social interest behavior of man is restricted then, it not only shall

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protect his own freedom but also shall protect the other's liberty. No person is permitted to behave in such a way that harms or violates other's liberty. Liberty in positive aspect is defined as freedom in which absence of undesirable and inadequate restraints are not only adequately present, but also favours such opportunities that helps in the complete development of human personality.

According to Green, "As beauty is not the absence of ugliness, so liberty is not the absence of restraints". He further added that liberty is the power of doing something and enjoying something, provided it is worth doing and worth enjoying.

The positive form of liberty can be briefly explained as below:

- a) If liberty is to be given a real character, then limitation on it has to be made in adequate proportion.
- b) There is no conflict between the interest of individual and interest of society.
- c) Political and civil liberties are meaningless in the absence of economic liberty.
- d) If facilitates in the doing of desirable and rational acts. If there is freedom to do undesirable and irrational acts, liberty and self desirability will become synonymous.

## LIBERAL'S VIEWS ON LIBERTY:

Liberal's views in regard to liberty can be explained under the following headings.

i) ***Liberals are opposed to absolute liberty***: Liberals say that development of personality is possible only in state. State does not oppose but ensures liberty. Those laws which are far from limiting our liberty, go faster and promote out freedom. It is very necessary that personal liberty should be limited by the collective interest and welfare.

ii) ***State is a necessity***: State should limit the freedom of citizens to the extent, as it is necessary for safeguarding the interest of others. Individual's freedom lies in his abiding by laws made by himself (Green).

iii) ***To suppress one's views is undesirable***: J.S. Mill says that every individual has the complete freedom of thought, express his opinion and to realize his ideas. The views of an individual cannot be suppressed. If view of an individual is found to be wrong than we can come to know about the narrow views of the society, and, if views turns out to be goods, then society comes to know about a new truth.

iv) ***The Government has no control over the Economy***: Liberals are opposed to the state control over economy. The responsibility of the state is to look to the smooth functioning of economy. If state takes care of all means of production and resources, then individual shall lose his inspiration to work. It will make sphere of state activity unlimited and freedom of individual will be destroyed.

v) ***It supports decentralization of powers***: According to liberals, if in state, political and economic power is centralized, authoritarian government shall get established. According to them, the three organs of Government-Legislature, Executive and Judiciary, should be placed under the control of three separate independent organizations and their area of functioning should be free from interference. This is known as "the theory of Separation of Powers". Political Parties should have freedom to organize themselves. Elections should be impartial and held at regular intervals. Local rural bodies should be made free from government control as far as possible.

vi) ***Independence of Judiciary***: Liberals favour the existence of an independent judiciary, with responsibility of protecting the freedom of the individual Judiciary should be free from the influence of executive or the legislature.

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## MARXISTS' VIEWS ON LIBERTY:

The Marxists ideas regarding liberty are given below:

i) ***No liberty is possible in a capitalist system:*** According to Marxists, state is a capitalist organization aiming at safeguarding the interests of capitalist. As the major sections of society are poor, state grants freedom only to a handful of capitalists and makes the others mere slaves. Marx said, "Labour is bound by chain constantly since the rise of capitalism".

ii) ***Without change in social relations there can be no liberty:*** Till there is a relation between state and capitalists, the exploited class will have no freedom, because the state will continue to create rights in the interest of the capitalists. Marx said that change in social-relation is possible only when workers will have control over the means of production. Marx for change in social relations instigated the workers to launch a bloody revolution against the capitalists.

iii) ***More emphasis on economic liberty:*** According to the Marxists, liberty has no meaning to those whose essential needs are difficult to meet. Capitalists enjoy freedom in safeguarding their rights and causing harm to the workers. The workers have limited freedom and that lies in earning bread and livelihood. So main thing is, to ensure economic freedom to workers.

iv) ***Judiciary is a part of executive:*** Marxists believe that in the communist system, the executive aims at ensuring freedom to workers. In the dictatorship of workers economic and political rights should be fully in the hands of workers. Socialism should be established. Judiciary will give fullest co-operation to the executive in this respect and will interpret law in such a manner that the interest of the labour is safeguarded.

## REASONABLE CONSTRAINTS ON INDIVIDUAL LIBERTY AND HOW ARE THE LIMITS DEFINED:

Liberty means attainment of fullest opportunity for development, but the stronger section of society tries to monopolize all opportunities. That is why a strong power is essential so that it could ensure equal opportunity to all its citizens for their development. State does it by compelling citizens to abide by law. Thus, state is essential and it should enforce laws. There are three different views in regard to the existence of state and obedience to law. They are:

1. ***Idealistic standpoint:*** According to idealists, state is the source of liberty and morality. Therefore, man can enjoy liberty only by obeying the law made by the state. According to idealists, state law is always based on ethical principles, that is why freedom that originates from law and liberty consists in obedience of law. According to Hegel, "Liberty is achieved only within the state".

2. ***Individualistic view point:*** Individualists consider law as contradictory to liberty. According to them, every law creates – some hurdle before liberty. Dice said, "The more there is of one, less there is of the other". According to individualists, state is a necessity because it maintains law and order within the state, defends the state from external aggression and settles the necessary disputes. The function of the state is limited upon this extent, and for rest, individual should be given full freedom.

3. ***Anarchist viewpoint:*** Anarchist called state as extreme evil. According to them, man's progress is possible only in a stateless society William Godwin called state as an organization of ugly nature.

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In brief, a reasonable and fair law determines the state of liberty and improper interference of the state is detrimental to liberty.

## HOW CAN LIBERTY BE SAFEGUARDED:

Liberty can be safeguarded in the following ways:

i) **Democratic Government:** democracy can be given flesh and blood only under the concept of liberty. Because democracy along with the liberty of ideas and expression, give the right to adult franchise and tries to make its every aspect free. Hence, achievement of freedom is possible only in democracy.

ii) **Fundamental Rights:** To safeguard liberty human rights are necessary. The constitution that mentions human rights and provision for taking measures to implement them, guarantee their citizens freedom. Indian constitution guarantees important fundamental rights for safeguarding human rights under articles 19, 20, 21 and 22.

iii) **Independence of Judiciary:** Judiciary is the protector of liberty and protects the liberty of citizens only where executive and legislature are free and have free scope to act. So, it is necessary to keep judiciary free from any restrictions. In India every effort has been made to keep Indian courts free from any restriction and that is why Indian Judiciary is capable of safeguarding the freedom of the people.

iv) **Decentralization of Power:** Centralization of power is prone to violate the fundamental rights of man and his freedom. Thus, powers should be decentralized as much as possible. Decentralization of power has two aspects. First aspect is Separation of powers, where powers are divided into three organs of government, the legislature, the Executive and the Judiciary. Provisions in the constitution are made for them to act freely without any interference from any quarter. This keeps us away from the tendencies of a person from becoming a dictator.

Another aspect is that power should be shared by the states as well as the centre. In doing so no government can ever become dictatorial.

v) **Rule of Law:** The establishment of 'rule of Law' is an important feature for freedom. In this type of administration no person can be above law. Secondly, no person can be punished unless he is found guilty of breaking the law. Thirdly, none can use his power arbitrarily. In this way, rule of law is the nourisher and protector of individual's freedom.

vi) **Enlightened Public Opinion:** Enlightened public opinion is an important characteristic feature for protection of freedom. If the people of a country are vigilant and continuously remain opposing the policies of government which are detrimental to public interest, administration keeps itself away from doing such acts. Thus, enlightened public opinion keeps a check on administration and the government is inspired to take decisions which are in public interest.

vii) **Strong Opposition:** In a democracy strong opposition to the government is necessary. It does not allow administration to become dictatorial. It opposes those policies of the government which are opposed to public interest, and prepares public opinion against the government. Thus, government remains away from doing such acts which are opposed to public interests. Strong opposition, acts as a savior of public interests and freedom.

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