

FACULTY OF JURIDICAL SCIENCES

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NAME OF FACULTY: Dr. Shiv Kumar Tripathi

Lecture-24



Liberty: Importance and Meaning

Importance of Liberty:

From the very beginning both man and the state have been making efforts for the security of their freedom. Freedom is a very precious condition without which neither the state nor the individuals can make any progress. We remember very well how cruelly the absolute monarchs ignored the claims of liberty in England in ancient and medieval ages.

These absolute monarchs did not pay any attention to the liberty of the individuals and acted according to their will. But people could no longer tolerate it. They rose in revolt and continued their struggle against the absolute monarchy of these cruel rulers till they got their freedom.

As a result of this constant revolt and struggle against absolute monarchy, Emperor John had to bow down before the public and had to ensure freedom to his subjects. After that Tudor and Stuart emperors tried to continue their absolute monarchy. It resulted in the outbreak of the Civil War in their regime.

King Charles I was beheaded and Oliver Cromwell succeeded him. Even in the regime of Cromwell when people failed to attain their freedom, the British continued their struggle for freedom. This resulted into the outbreak of Glorious Revolution in the regime of Charles II and James II.

As a result of it, people succeeded in attaining the absolute monarchy of their cruel rulers for a long period. This long struggle resulted in the outbreak of the famous French Revolution in 1789. But even this political upheaval could not help people in attaining their long desired liberty. The successors of Napoleon behaved like absolute monarchs. At last after the fall of Napoleon III, Third Republic was established and people succeeded in attaining their liberty in the real sense of the term.

After the fall of Third Republic in 1940 and Fourth Republic in 1958, Fifth Republic was established in France. Just as people struggle for individual liberty for a long period of time, so slave countries also go on struggling against the foreign yoke till they succeed in attaining independence.

In nineteenth century, Italy and in twentieth century, India, Algeria and many other countries made untold sacrifice for the noble cause of attaining their independence. These sacrifices bear a testimony to the fact that the slave countries have been attaching a very great importance to their national liberty or independence.

Meaning of Liberty:

The term 'liberty' has been derived from the Latin word 'Liber' which free from all shackles? The Latin word 'Liber' denotes the absence of all restraints. It means one can

do whatever one likes, regardless of all conditions. But as a matter of fact liberty does not permit a person to do whatever one likes. Liberty, in the sense of a complete absence of all restraints is not possible. Such liberty cannot exist. The fundamental maxim of liberty is that law is the condition of liberty.

Professor Barker has beautifully pointed out that just as the absence of ugliness does not mean presence of beauty so that absence of all restraints does not mean the presence of liberty. "Liberty is possible only in an ordered state, a state where the legal and political aspects of sovereignty coincide or nearly coincide".

"Historic experience", says Professor Laski, "has evolved for us rules of convenience which promote right- living; and to compel obedience to them is a justifiable limitation of freedom". He defines liberty as "the eager maintenance of that atmosphere in which men have the opportunity to be their best selves".

Six Kinds on Liberty

Liberty is of the following kinds:

- (1) Natural Liberty.
- (2) Civil Liberty.
- (3) Personal Liberty.
- (4) Political Liberty.
- (5) Economic Liberty.
- (6) National Liberty.

(1) Natural Liberty:

First or all, we have the concept of natural liberty which indicates unrestrained freedom to do whatever one likes. Professor R.N. Gilchrist calls it unscientific use of liberty. He defines natural liberty thus; "Everyone has a vague notion of liberty of some kind and a desire for it, but among ten people using the word, perhaps no two will be able to say exactly what they mean, or if they do so say it, will agree with each other in their definitions. This general unscientific use of the word we may call Natural Liberty".

While analysing his theory of Social Contract, he defined natural liberty as "What a man loses by the social contract he defined natural liberty and an unlimited right to anything that tempts him, which he can obtain".

Thus, natural liberty seems to be a license rather than a liberty. Natural liberty means absence of all restraints an unrestrained freedom to do whatever one likes. Just a lion is

free to do whatever it likes in the jungle, so a man should have unrestrained freedom to do whatever he likes in society.

Thus, it is quite clear that natural liberty is based on sheer force. John Locke maintained that in the state of nature people enjoyed the right to life, liberty and property. But it is absolutely incorrect because it is only the state that guarantees the enjoyment of these rights.

In the absence of the state, the question of the enjoyment of human rights does not arise. In the state of nature people possessed animal powers and not the rights. Rousseau, an ardent advocate of the state of nature, maintained, "Man was born free, but everywhere he is in chains". This statement of Rousseau does not appear sound because the development of human personality is not possible in the absence of society.

And only in society the individual cannot enjoy unrestrained freedom. He cannot act according to his will in society. If he is allowed to do whatever he likes, there will be chaos in society and people will generate into the state of nature as described by Hobbes.

(2) Civil Liberty:

Secondly, we have the concept of Civil Liberty which means the Rule of Law. "Civil Liberty", according to Barker, "consists in three differently expressed articles; physical freedom from injury or threat to the life, health and movement of the body; intellectual freedom for the expression of thought and belief, and practical freedom for the play of will and the exercise of choice in the general field of contractual action and relations with other persons".

Civil liberty indicates that absence of those restraints which are not reasonable and legitimate. It refers to liberty enjoyed by man in society. It prevails in the state. It denotes the enjoyment of our rights within the limits of law.

The protection of civil liberty is guaranteed by the law. The protection of civil liberty is guaranteed by the laws of the state. Gettell has very aptly remarked in this connection, "Definite law, sure enforcement and equality before law marked the advance of civil liberty of man to man".

(3) Political Liberty:

Thirdly, we have the concept of Political liberty which means liberty of citizens to participate in the political life and affairs of the state. By Political Liberty Laski means the freedom of the individual to participate in the affairs of the state. He says, "I can let my mind play freely about the substance of public business. I must be able without let or hindrance to add my special experience to the general barriers in the way of access to

position of authority. I must be able to announce my opinion and to concert with others in the announcement of opinion”.

Leacock calls Political Liberty as “constitutional liberty”, and Gilchrist regards Political Liberty as “practically synonymous with democracy”. Political Liberty includes minimum rights. These rights are: the right to vote; the right to contest elections; the right hold public office; the right to express political views and criticize the government; and the right to petition etc.

(4) Personal Liberty:

Fourthly, we have the concept of personal liberty which means the availability of those conditions in which the individual can act as the pleases without being under any type of arbitrary and illegitimate restraint. In the opinion of F.A. Hayek, liberty is a “condition of men in which coercion of some by others is reduced as much as possible in society....The state in which a man is not subject to coercion by the arbitrary will of another or other is often also distinguished an individual or personal freedom”.

Every individual has the right not to permit any other individual to interfere in the affairs of his personal life. Every individual should have the liberty to dress, food, standard of living, marriages, education of children, etc. The state should not interfere in the personal matters of the individual. Such liberty is essential for the free development of human society.

(5) Economic Liberty:

Fourthly, we have the concept of Economic Liberty which means the liberty to earn one’s daily bread. In his book “Grammar of Politics”, while defining economic liberty, Professor Laski says, “By economic liberty, I mean security and the opportunity to find reasonable significance in the earning of one’s daily bread. I must be free from the constant fear of unemployment and insufficiency which, perhaps more than other inadequacies, sap the whole strength of personality. I must be safeguarded against the wants of tomorrow”. In simple words, we can say that every individual, regardless of the distinction of caste, colour and creed, should have liberty to earn his daily bread by fair means.

(6) National Liberty:

By national liberty we mean the liberty of the nation or the country. The following words are engraved on the building of our Central Secretariat, Delhi: “Liberty does not descend upon a person. People must raise themselves to liberty. Liberty is a blessing that must be earned in order to be enjoyed”.

Like individuals, nations also think in terms of liberty. National liberty exists where the nation or the community is independent and sovereign. As a matter of fact national liberty is another name for national sovereignty. Every state or nation wishes to remain

free. And without independence the progress of the nation or the state is not possible. In a slave country people cannot enjoy the comforts of life. And whenever a country is enslaved by imperialistic forces, the slave country goes on making efforts and continues to make sacrifices till it succeeds in liberating itself from the clutches of the foreign yoke.

MCQ

1. During the enlightenment of the 18th century:

- A. Scholars emphasized the supernatural.
- B. Scholars denied the possibility of a scientific study of humans.
- C. A number of scholars believed human social life could be studied scientifically.
- D. None of these.

2. Economics deals with

- E. Production of goods and services.
- F. Consumption of goods and services.
- G. Distribution of goods and services.
- H. All of the above.

3. The social science that deals with human use of the natural environment is:

- I. Genetics
- J. Geography
- K. Political science
- L. Sociology

4. Political science stresses the study of:

- M. Government
- N. State
- O. Power
- P. All of the above

5. The most experimental of social sciences is

- A. Sociology
- B. Psychology
- C. Archeology
- D. Economics