

## CONCEPT OF LIBERTY

Liberty is such a word which attracts the attention of everybody because human life is not possible without it and nor the man can make any progress in his life. This is reason that from the very beginning, the man has been struggling for the attainment of liberty and whenever he found any danger to his liberty, he opposed it with his full might. The forceful idea of liberty fills the people with courage and fighting spirit which would match the strength of any despot. The idea of liberty has been the most powerful weapon in the hands of the unarmed and it has defeated the strong armies of dictators and imperialists and has opened the path of freedom and progress. Many persons have lost their lives in the struggle for liberty. From the very ancient times, man's liberty has been suppressed either by despotic kings or by priests, or by conventions. But in spite of all this, man struggled through many obstacles and gained its ultimate result. This is the age of democracy and in it man has got different kinds of liberty and in this chapter we will discuss, the meaning, various kinds and different concepts related to liberty.

### MEANING OF LIBERTY

Liberty is such a concept that everybody knows it, loves it and tries to achieve it. But very few persons know the real meaning of this concept. **Gilchrist** has rightly said, *"Everyone has a vague notion of liberty and desire for it, but among the people using the word, perhaps only two will be able to say what exactly that means."* A common man thinks that liberty means no restraint. But this meaning is not correct, because in civilized society, man cannot be given the right to do anything. Liberty, actually is congenial atmosphere, which is essential for the overall growth of man. Liberty is limited by the social principles and laws of the state.

**Origin of the word Liberty**—The word liberty has been derived from Latin word 'Liber' which means, absence of restraints. If we accept this meaning of liberty then man is free to do whatever he wants to do. But this is the negative aspect of liberty. Infact, liberty is possible only with restraints. According to **McKechnie**, *"Freedom is not the absence of all restraints, rather the substitution of rational for the irrational one."*

### DEFINITIONS OF LIBERTY

The main definitions of liberty are the followings—

According to **Seeley**, *"Liberty is the opposition of over government."*

According to **G.D.H. Cole**, *"Liberty is the freedom of the individual to express without external hindrances to his personality."*

**Comments :** The definitions given by **Seeley** and **Cole** discuss about the negative aspect of liberty. So, these are not correct definitions.

According to **Gettell**, "*Liberty is the positive power of doing or enjoying those things which are worthy of enjoyment and work.*"

According to **T.H. Green**, "*Freedom is the positive power of doing or enjoying something worth doing or enjoying and that too, something we do or enjoy with others.*"

According to **C.D. Burns**, "*Liberty is to grow to one's natural height and to develop one's ability.*"

According to **Laski**, "*Liberty is the larger maintenance of that atmosphere in which men have the opportunity to be at their best selves.*"

According to **McKechnie**, "*Freedom is not the absence of all restraints, rather, substituting of rational ones for the irrational.*"

**Comments**—The definitions given by **Gettell**, **Green**, **Laski**, etc explain the positive aspect of the word liberty. Liberty means to create an atmosphere necessary for the overall growth of man, but no such liberty can be given to man which is against the social interests. Liberty is the product of rights which can be enjoyed in the state only.

## DIFFERENT KINDS OF LIBERTY

Following are the different kinds of liberty:—

**1. Natural Liberty**—Contractualists have propagated the idea of natural liberty. They are of the opinion that man is born free, therefore, he should be given absolute freedom. According to **Rousseau**, *"Man is born free but everywhere he is in chains."*

Contractualists like **Hobbes, Locke and Rousseau** think that man has actual freedom only in the state of nature, but with the origin of the state man has lost his natural freedom. In the state of nature, he was free like birds chirping and flying.

But in civilized society, no such liberty can be given which is against social and moral principles. Liberty is not license. Real freedom can be enjoyed only in the state and the society.

**2. Civil Liberty**—The liberties which man gets being the member of the society is termed as civil liberties. This concept of liberty is against the concept of natural liberty. This concept does not give absolute rights according to one's wishes but this liberty can be enjoyed within the restrictions imposed by the state and society. According to **Gettell**, *"Civil liberty consists of rights and privileges which the state creates and protects for its subjects."*

Civil Liberty includes personal liberty, religious liberty, liberty to express thoughts and views, liberty to get together etc.

**Two aspects of Civil Liberty**—There are two aspects of Civil Liberty—(i) Not to create obstacle in the way of others in the process of enjoying liberty. State protects man's liberty from other men and organizations. (ii) Security against the government to the human beings. This is done by providing fundamental rights which are included in the constitution of that country. If government goes against these fundamental rights, man has every right to go to the judiciary. According to **Laski**, "*Liberty is never real unless the government can be called to account and it should always be called to account when it invades rights. Civil liberty depends upon the capacity and form of the state and so, it is not uniform in all the states.*"

**3. Political Liberty**—Political Liberty means active participation in the administration of the state. According to **Laski**, "*Political Liberty is the power to be active in the affairs of the state.*"

In short, Political Liberty is that constitutional liberty in which the people have the right to elect their own government. It also includes the following rights:—

(i) Right to Vote (ii) Right to be elected (iii) Right to hold public office according to one's qualifications (iv) Right to criticize the policies of the government etc.

Political Liberty is another name to Democracy and these liberties are possible only in a democratic state.

According to **Prof. Laski**, two conditions are necessary for the protection of political liberty and these are—

I. Everybody should get equal opportunities to get education. It will create awareness among the people and they will be able to enjoy their rights and liberties properly.

II. The press should be free and fair so that the people get right information.

**4. Economic Liberty**—Economic liberty is the base of all other liberties, because in the absence of this liberty man cannot enjoy other liberties. **Lenin** has said, "*Civil liberty is worthless without economic liberty.*" Economic liberty means security from poverty, unemployment etc. This liberty frees the man from the exploitation of the master and gives him proper chance to earn his livelihood. According to **Laski**, "*By economic liberty we mean security and opportunity to find reasonable significance in the earnings of one's daily bread.*"

According to Universal Declaration of Human Rights, economic liberty included the rights given as under—

(i) Right to work, (ii) Right to reasonable wages, (iii) Right to form trade unions, (iv) Right to rest and leisure. **Prof. Laski** includes the right to participate in administration of the factory, in the category of economic liberty. In the words of **Prof. Laski**, "*Economic Liberty implies democracy in industry.*"

Marxists lay much emphasis on economic liberty in comparison to other liberties, because according to them, food comes first and anything else later.

**5. National Liberty**—National Liberty is opposite to colonialism and imperialism. According to this, a state has right to self-determinations and self-government. According to Jefferson, National Liberty means, "*Every man and everybody of men on earth, possess the right of self-government.*"

According to national liberty, every nation has the right to establish a sovereign state and can be free from any external or internal control. This liberty includes, the liberty to run the administration of the state in any form or way, liberty in foreign affairs, liberty in economic and social set up etc. No state can use force upon another nations. Before 1947, the Indians were not having National Liberty. But now India has got national independence.

But this does not mean that National Liberty is absolute. This liberty can be used only for propagating friendship among other nations. Powerful states cannot be given liberty to overpower weaker states.

**6. Religious Liberty**—Religion has got a great impact on human being. Nobody can tolerate any type of interference in his religious matters. This is the reason why many states give the religious liberty to the citizens. Secular state provides the liberty to adopt any religion and keeps herself neutral from religious affairs. But in the dictatorial state no religious liberty is provided to the citizens. Besides this, the state cannot impose any particular religion. In fact, today religion is considered the personal matter of an individual and to obey or not to obey any religion depends upon the will of an individual. In communist states, individual has the right to religious freedom, but he does not have the right to propagate his religion. But one point should be noted that religious liberty can be enjoyed only in restraints.

**7. Moral Liberty**—T.H. Green, Rousseau, Kant, Hegel and Bosanquet are in the favour of moral liberty. Moral liberty creates such conditions which enable an individual to become a rational being as a result of which he becomes able to distinguish between right and wrong, true and false, moral and immoral, religious and irreligious etc. The individual, therefore should be morally free and the state should create such conditions necessary to ensure moral liberty to man. In fact, moral liberty is concerned with the inner consciousness of an individual meaning by that an individual is at liberty to act according to his innerconsciousness and when state tries to repress the innerconsciousness of a person then it destroys the moral liberty of an individual. Opposite to it state creates proper conditions to ensure moral liberty of an individual.

**8. Individual Liberty**—Individual liberty means that man has liberty to do anything which does not affect others. According to J.S. Mill, man should have liberty in self-regarding actions because in his own words, "*Over himself, over his body and mind, the individual is sovereign.*" But many scholars do not accept this view, because they think there is no such

action which does not affect others. While living in society, while enjoying his personal liberty one has to look into the interests of others and he cannot be given any such liberty which restricts the liberty of others. Important saying is, "My liberty ends where others liberty begins." So, there is a close relationship between personal liberty and social liberty and personal liberty can be enjoyed within the boundaries fixed by the society.

**Conclusion :** After reading the various kinds of liberty, we can say that every kind has its own importance and in the absence of any one, an individual cannot enjoy his freedom properly. Therefore, each individual should have economic, political, individual, religious and civil liberty etc in equal proportion and to enjoy all these liberties, national liberty is essential. Before 1947, there was absence of national liberty with India, therefore, the people did not have the other forms of liberty. Today, India is free nation and its citizens enjoy all types of freedom. But all the liberties can be enjoyed within restraints.

## SAFEGUARDS OF LIBERTY

Following safeguards are necessary for the protection of Liberty :

**1. Eternal Vigilance**—Vigilance among people is very necessary for the protection of liberty. Men should be aware of their liberty, rights and duties. If they are not aware of their responsibilities towards liberty, they will lose their liberty. While expressing his views regarding this, **Prof. Laski** has said, *"It is the proud spirit of citizens, less than the letter of law that is their most real safeguard."*

**2. Democratic Government**—For the development of liberty, democratic government provides an appropriate atmosphere. Democratic government is of the people and is responsible to the people. Government can be changed according to time and man has liberty to express his thoughts and views and to criticize the government. People do not let the government to limit the liberty of people. Opposite to it, in monarchy, aristocracy and dictatorship the power is concentrated into the hands of a single individual or a few individuals and they run the administration arbitrarily. They are not answerable before the people nor they are sensitive towards the liberty of the people. The liberty of the people, therefore, cannot be safe in autocratic rule.

**3. Co-operation between the people and the Government**—Government can protect liberty only when the people give proper co-operation to the Government. If the people do not obey the laws and do not help in apprehending the culprits, government cannot protect the liberty. The people should strongly oppose any attack on their liberty and they should support the government to suppress such elements.

**4. Fundamental Rights**—Fundamental Rights should be included in the constitution and there should be arrangement for the protection of those Fundamental Rights. Fundamental Rights act as a shield for the protection of freedom and create proper conditions for the enjoyment of liberty. According to some scholars, rights and liberty are the two sides of the same coin and in the absence of rights, there is no place of liberty.

**5. Separation of Powers**—The powers of the government should be separated among executive, legislature and the judiciary. This will help in preventing any organ of the government to become absolute. Every organ of the government will operate in its own framework. According to famous French Scholar **Montesquieu**, separation of powers is an essential condition for the enjoyment of liberty and the countries where there is separation of powers the people enjoy more liberty.

**6. Independent Judiciary**—Independent, powerful and impartial judiciary is the biggest protector of liberty. So, provisions should be made to keep the judiciary independent. Only intelligent and impartial persons should be appointed as judges. They should be paid high salaries and sufficient pensions after retirement. Their tenure should be long and high pensions should be paid after retirement. Whenever any individual, organization or government violates the liberty of an individual he/ she can knock at the door of the judiciary and where there are no such provisions, the liberty becomes just a mockery.

**7. Rule of Law**—For the protection of liberty, rule of law is more important than the rule of individual. Rule of law should be applicable. Man should be given punishment on breach of law. Laws should be similar and equal for each citizen. Where there is no rule of law, there only powerful and the rich will be able to enjoy the freedom and liberty of the common people will be in peril and they will not be able to get the protection of law for the protection of their liberty.

**8. Absence of Special Privileges**—According to Laski, for the protection of liberty nobody should be given special privileges. Every man should have equal rights.

If the people are given any special privileges on the basis of their caste, religion, race, or status etc, it will have negative impact on the liberty of others. Therefore, the provision of special rights is against the concept of liberty.

**9. Decentralization of Powers**—Centralization of powers is dangerous for human liberty. Therefore, decentralization of powers should be at every level. According to Prof. Laski, *"The more widespread the distribution of power in a state the more decentralized its character, the more likely are men to be jealous of freedom."*

**10. Economic Security**—Marxists are of the opinion that for the protection of liberty, economic security is essential. They are of the view that if the man is not made sure of the fulfilment of the needs of his future, he won't be able to enjoy his freedom. So, the provisions should be made for the fulfilment of the basic needs of foods, clothes and shelter. Important saying is that everything is futile for empty stomach meaning by that liberty has no importance for hungry man because neither he can eat liberty nor he can drink liberty. To enjoy liberty, therefore, the economic needs of an individual should be secured.

**11. Honest and free Press**—Mass media which include newspapers, press, magazines, etc are the guardians of liberty. They prevent the government from becoming irresponsible. But this is possible only when the press is honest and free. According to Prof. Laski, *"The people without reliable news are sooner or later a people without the basis of freedom."*

**12. Well-organized Political Parties**—Modern democratic governments are the government of political parties. Political parties contest elections and form the government. Opposition parties criticize the government and make the government responsible. All this helps in the protection of human rights and liberty. But this can be possible only when the



political parties are well organised.

**13. Political Education**—Political awareness is necessary for the protection of civil liberty. Enlightened citizens always remain vigilant of their liberties. According to Thomas Jefferson, "Which country can preserve its liberties, if its rulers are not warned from time to time that the people reserve the spirit of resistance."

**14. Written Constitution**—Written Constitution is also necessary for the protection of liberty. Written constitution minimizes the possibility of the misuse of power. It brings clarity in the rights and liberties of people and the people come to know of it. Generally the constitution is accepted as the supreme law of the country and if any organ of the government violates any provision of the constitution, that act is declared unconstitutional by the courts. In brief, every organ of the government is bound to work within the framework of the constitution and this way the constitution is safeguard of the liberties of the people.

**15. Love for Liberty**—For the protection of liberty, the people should have unlimited love for liberty. If it is so, then the people would never like to lose their liberty and will be prepared to make every sacrifice for the protection of it. During the freedom struggle, lakhs of Indians had made sacrifices of their life as they went to gallows and jails for the attainment of freedom for their motherland.

**Conclusion :** After reading the views written above, we come to two conclusions that proper environment is essential for the enjoyment of liberty and the eternal vigilance among the people, democratic government, provision of fundamental rights in the constitution, separation of powers among different organs of the government, independent and impartial judiciary, rule of law, absence of special privileges, decentralization of powers, economic security, spread of education, honest and impartial press etc are the provisions which help in creating proper environment. Besides this, whenever the government attacks the liberty of the people, the opposition parties organize the people and stop the government from doing so.

## ESSAY TYPE QUESTIONS

1. What do you mean by Liberty? Discuss its kinds and safeguards. (P.U. April, 201