

UNIT V

JUSTICE

All cultures and traditions have grappled with questions of justice although they may have interpreted the concept in different ways. For instance, in ancient Indian society, justice was associated with *dharma* and maintaining *dharma* or a just social order, was considered to be a primary duty of kings. In China, Confucius, the famous philosopher argued that kings should maintain justice by punishing wrong doers and rewarding the virtuous. In fourth century B.C. Athens (Greece), Plato discussed issues of justice in his book *The Republic*. Through a long dialogue between Socrates and his young friends, Glaucon and Adeimantus, Plato examined why we should be concerned about justice. The young people ask Socrates why we should be just. They observe that people who were unjust seemed to be much better off than those who were just. Those who twisted rules to serve their interests, avoided paying taxes and were willing to lie and be deceitful, were often more successful than those who were truthful and just. If one were smart enough to avoid being caught then it would seem that being unjust is better than being just. You may have heard people expressing similar sentiments even today. Socrates reminds these young people that if everyone were to be unjust, if everyone manipulated rules to suit their own interests, no one could be sure of benefiting from injustice.

Nobody would be secure and this was likely to harm all of them. Hence, it is in our own long-term interest to obey the laws and be just. Socrates clarified that we need to understand clearly what justice means in order to figure out why it is important to be just. He explained that justice does not only mean doing good to our friends and harm to our enemies, or pursuing our own interests. Justice involves the well-being of all people. Just as a doctor is concerned with the well-being of his/her patients, similarly the just ruler or the just government must be concerned with the well-being of the people. Ensuring the well-being of the people includes giving each person his due. The idea that justice involves giving each person his due continues to be an important part of our present day understanding of justice. However, our understanding of what is due to a person has changed from the time of Plato. Today, our understanding of what is just is closely linked to our understanding of what is due to each person as a human being. According to the German philosopher Immanuel Kant, human beings possess dignity. If all persons are granted dignity then what is due to each of them is that they have the opportunity to develop their talents and pursue their chosen goals. Justice requires that we give due and equal consideration to all individuals.

Equal Treatment for Equals

Although there might be broad agreement in modern society about the equal importance of all people, it is not a simple matter to decide how to give each person his/her due. A number of different principles have been put forward in this regard. One of the principles is the principle of treating equals equally. It is considered that all individuals share certain characteristics as human beings. Therefore they deserve equal rights and equal treatment. Some of the important rights which are granted in most liberal democracies today include civil rights such as the rights of life, liberty and property, political rights like the right to vote, which enable people to participate in political processes, and certain social rights which would include the right to enjoy equal opportunities with other members of the society. Apart from equal rights, the principle of treating equals equally would require that people should not be discriminated against on grounds of class, caste, race or gender. They should be judged on the basis of their work and actions and not on the basis of the group to which they belong. Therefore, if two persons from different castes etc. perform the same kind of work, they should receive the same kind of reward. If a person gets one hundred rupees for some work and another receives only seventy five rupees for the same work because they belong to different castes etc, then it would be unfair or unjust. Similarly, if a male teacher in a school gets a higher salary than a female teacher, then this difference would also be unjustifiable and wrong.

Proportionate Justice

However, equal treatment is not the only principle of justice. There could be circumstances in which we might feel that treating everybody equally would be unjust. How, for instance, would you react if it was decided in your class that all those who did an exam should get equal marks because they are all students of the same school and did the same exam? Here you might think it would be fairer if students were awarded marks according to the quality of their answer papers and also, possibly, the degree of effort they had put in. In other words, provided everybody starts from the same base line of equal rights, justice in such cases would mean rewarding people in proportion to the scale and quality of their effort. Most people would agree that although people should get the same reward for the same work, it would be fair and just to reward different kinds of work differently if we take into account factors such as the effort required, the skills required, the possible dangers involved in that work, and so on. If we use these criteria we may find that certain kinds of workers in our society are not paid a wage which takes such factors sufficiently into account. For instance, miners, skilled craftsmen, or people in sometimes dangerous but socially useful professions like policemen, may not always get a reward which is just if we compare it to

what some others in society may be earning. For justice in society, the principle of equal treatment needs to be balanced with the principle of proportionality.

Recognition of Special Needs

A third principle of justice which we recognise is for a society to take into account special needs of people while distributing rewards or duties. This would be considered a way of promoting social justice. In terms of their basic status and rights as members of the society justice may require that people be treated equally. But even non-discrimination between people and rewarding them proportionately to their efforts might not be enough to ensure that people enjoy equality in other aspects of their lives in society nor that the society as a whole is just. The principle of taking account of the special needs of people does not necessarily contradict the principle of equal treatment so much as extend it because the principle of treating equals equally could imply that people who are not equal in certain important respects could be treated differently. People with special needs or disabilities could be considered unequal in some particular respect and deserving of special help.

But it is not always easy to get agreement regarding which inequalities of people should be recognised for providing them special help. Physical disabilities, age or lack of access to good education or health care, are some of the factors which are considered grounds for special treatment in many countries. It is believed that if people who enjoy very different standard of living and opportunities are treated equally in all respects with those who have been deprived of even the basic minimum need to live a healthy and productive life, the result is likely to be an unequal society, not an egalitarian and just one.

The discussion on different principles of justice has indicated that governments might sometimes find it difficult to harmonise the three principles of justice which have been discussed — equal treatment for equals, recognition of different efforts and skills while determining rewards and burdens, and provision of minimum standard of living and equal opportunities to the needy. Pursuing equality of treatment by itself might sometimes work against giving due reward to merit. Emphasising rewarding merit as the main principle of justice might mean that marginalised sections would be at a disadvantage in many areas because they have not had access to facilities such as good nourishment or education. Different groups in the country might favour different policies depending upon which principle of justice they emphasise. It then becomes a function of governments to harmonise the different principles to promote a just society.

JUST DISTRIBUTION

To achieve social justice in society, governments might have to do more than just ensure that laws and policies treat individuals in a fair manner. Social justice also concerns the just distribution of goods and services, whether it is between nations or between different groups and individuals within a society. If there are serious economic or social inequalities in a society, it might become necessary to try and redistribute some of the important resources of the society to provide something like a level playing field for citizens. Therefore, within a country social justice would require not only that people be treated equally in terms of the laws and policies of the society but also that they enjoy some basic equality of life conditions and opportunities. This is seen as necessary for each person to be able to pursue his/her objectives and express himself. Differences of opinion on matters such whether, and how, to distribute resources and ensure equal access to education and jobs arouse fierce passions in society and even sometimes provoke violence. People believe the future of themselves and their families may be at stake. We have only to remind ourselves about the anger and even violence which has sometimes been roused by proposals to reserve seats in educational institutions or in government employment in our country. As students of political theory however we should be able to calmly examine the issues involved in terms of our understanding of the principles of justice.

JOHN RAWLS' THEORY OF JUSTICE

If people are asked to choose the kind of society in which they would like to live, they are likely to choose one in which the rules and organisation of society allot them a privileged position. We cannot expect everyone to put aside their personal interests and think of the good of society, especially if they believe that their decision is going to have an impact on the kind of life and opportunities their children will have in the future. Indeed, we often expect parents to think of and support what is best for their children. But such perspectives cannot form the basis of a theory of justice for a society. So how do we reach a decision that would be both fair and just?

John Rawls has tried to answer this question. He argues that the only way we can arrive at a fair and just rule is if we imagine ourselves to be in a situation in which we have to make decisions about how society should be organised although we do not know which position we would ourselves occupy in that society. That is, we do not know what kind of family we would be born in, whether we would be born into an 'upper' caste or 'lower' caste family, rich or poor, privileged or disadvantaged. Rawls argues that if we do not know, in this sense, who we will be and what options would be available to us in the future society, we will be likely to support a decision about the rules and organisation of that future society which would be fair for all the members. Rawls describes this as thinking under a 'veil of ignorance'. He expects that in such a situation of complete ignorance about our possible

position and status in society, each person would decide in the way they generally do, that is, in terms of their own interests. But since no one knows who he would be, and what is going to benefit him, each will envisage the future society from the point of view of the worst-off. It will be clear to a person who can reason and think for himself, that those who are born privileged will enjoy certain special opportunities. But, what if they have the misfortune of being born in a disadvantaged section of society where few opportunities would be available to them? Hence, it would make sense for each person, acting in his or her own interest, to try to think of rules of organisation that will ensure reasonable opportunities to the weaker sections. The attempt will be to see that important resources, like education, health, shelter, etc., are available to all persons, even if they are not part of the upper class. It is of course not easy to erase our identities and to imagine oneself under a veil of ignorance. But then it is equally difficult for most people to be self-sacrificing and share their good fortune with strangers. That is why we habitually associate self-sacrifice with heroism. Given these human failings and limitations, it is better for us to think of a framework that does not require extraordinary actions. The merit of the 'veil of ignorance' position is that it expects people to just be their usual rational selves: they are expected to think for themselves and choose what they regard to be in their interest. The pertinent thing however is that when they choose under the 'veil of ignorance' they will find that it is in their interest to think from the position of the worst-off. Wearing the imagined veil of ignorance is the first step in arriving at a system of fair laws and policies. It will be evident that rational persons will not only see things from the perspective of the worst-off, they will also try to ensure that the policies they frame benefit the society as a whole. Both things have to go hand-in-hand. Since no one knows what position they will occupy in the future society, each will seek rules that protect them in case they happen to be born among the worst-off. But it would make sense if they also try to ensure that their chosen policy does not also make those who are better-off weaker because it is also possible that they could be born into a privileged position in the future society. Therefore, it would be in the interests of all that society as a whole should benefit from the rules and policies that are decided and not just any particular section. Such fairness would be the outcome of rational action, not benevolence or generosity. Rawls therefore argues that rational thinking, not morality, could lead us to be fair and judge impartially regarding how to distribute the benefits and burdens of a society. In his example, there are no goals or norms of morality that are given to us in advance and we remain free to determine what is best for ourselves. It is this belief which makes Rawls' theory an important and compelling way to approach the question of fairness and justice.

Equality

Equality is a powerful moral and political ideal that has inspired and guided human society for many centuries. It is implicit in all faiths and religions which proclaim all human beings to be the creation of God. As a political ideal the concept of equality invokes the idea that all human beings have an equal worth regardless of their colour, gender, race, or nationality. It maintains that human beings deserve equal consideration and respect because of their common humanity. It is this notion of a shared humanity that lies behind, for instance, the notions of universal human rights or 'crimes against humanity'. In the modern period the equality of all human beings has been used as a rallying slogan in the struggles against states and social institutions which uphold inequalities of rank, wealth status or privilege, among people. In the eighteenth century, the French revolutionaries used the slogan 'Liberty, Equality and Fraternity' to revolt against the landed feudal aristocracy and the monarchy. The demand for equality was also raised during anti-colonial liberation struggles in Asia and Africa during the twentieth century. It continues to be raised by struggling groups such as women etc. who feel marginalised. Today, equality is a widely accepted ideal which is embodied in the constitutions and laws of many countries. Yet, it is inequality rather than equality which is most visible around us in the world as well as within our own society. We can see slums existing side by side with luxury housing, schools with world class facilities and air-conditioned classrooms along with schools which may lack even drinking water facilities or toilets, waste of food as well as starvation. There are glaring differences between what the law promises and what we see around us. We face a paradox, almost everyone accepts the ideal of equality, yet almost everywhere we encounter inequality. We live in a complex world of unequal wealth, opportunities, work situations, and power. Should we be concerned about these kinds of inequalities? Are they a permanent and inevitable feature of social life which reflects the differences of talent and ability of human beings as well as their different contributions towards social progress and prosperity? Or are these inequalities a consequence of our social position and rules? These are questions that have troubled people all over the world for many years. It is a question of this kind that make equality one of the central theme of social and political theory. A student of political theory has to address a range of questions, such as, what does equality imply? Since we are different in many obvious ways, what does it mean to say that we are equal? What are we trying to achieve through the ideal of equality? Are we trying to eliminate all differences of income and status? In other words, what kind of equality are we pursuing, and for whom? Some other questions that have been raised regarding the concept of equality which we will consider here are: to promote equality should we always treat all persons in exactly the same way? How should a society decide which differences

of treatment or reward are acceptable and which are not? Also, what kind of policies should we pursue to try and make the society more egalitarian?

People make distinctions between human beings on grounds of race and colour and these appear to most of us as unacceptable. In fact, such distinctions violate our intuitive understanding of equality which tells us that all human beings should be entitled to the same respect and consideration because of their common humanity. However, treating people with equal respect need not mean always treating them in an identical way. No society treats all its members in exactly the same way under all conditions. The smooth functioning of society requires division of work and functions and people often enjoy different status and rewards on account of it. At times these differences of treatment may appear acceptable or even necessary. For instance, we usually do not feel that giving prime ministers, or army generals, a special official rank and status goes against the notion of equality, provided their privileges are not misused. But some other kinds of inequalities may seem unjust. For instance, if a child born in a slum is denied nutritious food or good education through no fault of his/her own, it may appear unfair to us. The question that arises is which distinctions and differences are acceptable and which are not? When people are treated differently just because they are born in a particular religion or race or caste or gender, we regard it as an unacceptable form of inequality. But human beings may pursue different ambitions and goals and not all may be equally successful. So long as they are able to develop the best in themselves we would not feel that equality has been undermined. Some may become good musicians while others may not be equally outstanding, some become famous scientists while others more noted for their hard work and conscientiousness. The commitment to the ideal of equality does not imply the elimination of all forms of differences. It merely suggests that the treatment we receive and the opportunities we enjoy must not be pre-determined by birth or social circumstance.

Equality of Opportunities

The concept of equality implies that all people, as human beings, are entitled to the same rights and opportunities to develop their skills and talents, and to pursue their goals and ambitions. This means that in a society people may differ with regard to their choices and preferences. They may also have different talents and skills which results in some being more successful in their chosen careers than others. But just because only some become ace cricketers or successful lawyers, it does not follow that the society should be considered unequal. In other words, it is not the lack of equality of status or wealth or privilege that is significant but the inequalities in peoples' access to such basic goods, as education, health care, safe housing, that make for an unequal and unjust society.

Natural and Social Inequalities

A distinction has sometimes been made in political theory between natural inequalities and socially-produced inequalities. Natural inequalities that emerge between people as a result of their different capabilities and talents and choices are often represented as natural inequalities. These kind of inequalities are different from socially produced inequalities which emerge as a consequence of inequalities of opportunity or the exploitation of some groups in a society by others. Natural inequalities are considered to be the result of the different characteristics and abilities with which people are born. It is generally assumed that natural differences cannot be altered. Social inequalities on the other hand are those created by society. Certain societies may, for instance, value those who perform intellectual work over those who do manual work and reward them differently. They may treat differently people of different race, or colour, or gender, or caste. Differences of this kind reflect the values of a society and some of these may certainly appear to us to be unjust. This distinction is sometimes useful in helping us to distinguish between acceptable and unfair inequalities in society but it is not always clear or self-evident. For instance, when certain inequalities in the treatment of people have existed over a long period of time they may appear to us as justifiable because they are based on natural inequalities, that is, characteristics that people are born with and cannot easily change. For example, women were for long described as ‘the weaker sex’, considered timid, of lesser intelligence than men, needing special protection. Therefore, it was felt that denying women equal rights could be justified. Black people in Africa were considered by their colonial masters to be of lesser intelligence, child-like, and better at manual work, sports and music. This belief was used to justify institutions like slavery. All these assessments are now questioned. They are now seen as distinctions made by society as a result of the differences of power between people and nations rather than based on their inborn characteristics.

Another problem which arises with the idea of natural differences is that some differences which could be considered natural need no longer be seen as unalterable. For instance, advances in medical science and technologies have helped many disabled people to function effectively in society. Today, computers can help blind people, wheel chairs and artificial limbs can help in cases of physical disability, even a person’s looks can be changed with cosmetic surgery. The famous physicist Stephen Hawking could hardly move or speak but he has made major contributions to science. It would seem unjust to most people today if disabled people are denied necessary help to overcome the effects of their disability or a fair reward for their work on the grounds that they are naturally less capable. Given all these complexities, it would be difficult to use the natural/ socially-produced distinction as a standard by which the laws and policies of a society can be assessed. For

this reason many theorists today differentiate between inequality arising from our choices and inequalities operating on account of the family or circumstance in which a person is born. It is the latter that is a source of concern to advocates of equality and which they wish to minimise and eliminate.

THREE DIMENSIONS OF EQUALITY

After considering what kind of social differences are unacceptable we need to ask what are the different dimensions of equality that we may pursue or seek to achieve in society. While identifying different kinds of inequalities that exist in society, various thinkers and ideologies have highlighted three main dimensions of equality namely, political, social and economic. It is only by addressing each of these three different dimensions of equality can we move towards a more just and equal society.

Political Equality

In democratic societies political equality would normally include granting equal citizenship to all the members of the state. Citizenship brings with it certain basic rights such as the right to vote, freedom of expression, movement and association and freedom of belief. These are rights which are considered necessary to enable citizens to develop themselves and participate in the affairs of the state. But they are legal rights, guaranteed by the constitution and laws. We know that considerable inequality can exist even in countries which grant equal rights to all citizens. These inequalities are often the result of differences in the resources and opportunities which are available to citizens in the social and economic spheres. For this reason a demand is often made for equal opportunities, or for ‘a level playing field’. But we should remember that although political and legal equality by itself may not be sufficient to build a just and egalitarian society, it is certainly an important component of it.

Social Equality

Political equality or equality before the law is an important first step in the pursuit of equality but it often needs to be supplemented by equality of opportunities. While the former is necessary to remove any legal hurdles which might exclude people from a voice in government and deny them access to available social goods, the pursuit of equality requires that people belonging to different groups and communities also have a fair and equal chance to compete for those goods and opportunities. For this, it is necessary to minimize the effects of social and economic inequalities and guarantee certain minimum conditions of life to all the members of the society — adequate health care, the opportunity for good education, adequate nourishment and a minimum wage, among other things. In

the absence of such facilities it is exceedingly difficult for all the members of the society to compete on equal terms. Where equality of opportunity does not exist a huge pool of potential talent tends to be wasted in a society.

Economic Equality

At the simplest level, we would say that economic inequality exists in a society if there are significant differences in wealth, property or income between individuals or classes. One way of measuring the degree of economic inequality in a society would be to measure the relative difference between the richest and poorest groups. Another way could be to estimate the number of people who live below the poverty line. Of course absolute equality of wealth or income has probably never existed in a society. Most democracies today try to make equal opportunities available to people in the belief that this would at least give those who have talent and determination the chance to improve their condition. With equal opportunities inequalities may continue to exist between individuals but there is the possibility of improving one's position in society with sufficient effort. Inequalities which are entrenched, that is, which remain relatively untouched over generations, are more dangerous for a society. If in a society certain classes of people have enjoyed considerable wealth, and the power which goes with it, over generations, the society would become divided between those classes and others who have remained poor over generations. Over time such class differences can give rise to resentment and violence. Because of the power of the wealthy classes it might prove difficult to reform such a society to make it more open and egalitarian.

Liberty

Meaning and Definitions of Liberty:

The word liberty is derived from liber. The root of liberty is another two words *libertas* and *liberte*. Liber means “free”. Many people are accustomed to use freedom. But both the words mean same thing and they are used interchangeably. In strict sense there is a difference. We call “freedom movement”, “freedom fighter” etc. but not liberty movement. Liberty is generally used in the case of individual and freedom refers to greater entity such as freedom of a country. But this distinction does not always hold good. For example, we call national liberation movement of Africa or Latin America. Here liberation is used to denote freedom or liberty. In political science, however, the interchangeable use is the general practice. The term liberty is associated with two other words—toleration and liberation. Toleration means to allow other men to do their duties and even if that creates disadvantage to some that should be tolerated. It is because the liberty of one is restriction to others, and vice versa. Naturally if one does not tolerate others’ actions, the people cannot have liberty. So we can say that liberty cannot be separated from toleration. Similarly, in recent years we witness the emergence of another word which is a variation of liberty—it is liberation. Today the words ‘liberation movement’ are very often used. When a nation is under foreign domination it cannot be called a free nation so also the citizens (it is used in general sense) are not free. There is large number of definitions of liberty or freedom. In our day-to-day speech or conversations we use the term to mean absence of constraints or limitations or obstacles. When we find that an individual is free to do as he likes it will be assumed that he is free, that is, he has liberty. Prof. Harold Laski’s definition is well-known and oft-quoted. “By liberty I mean the eager maintenance of that atmosphere in which men have the opportunity to be their best selves”. Heywood says that philosophers and political scientists do not use the term in identical sense. The philosophers use it as a property of the will. It is primarily a matter of mind and psychology. By contrast, the political scientists use the term in different senses. It is connected with values, development of mind and inherent qualities of individuals. It also denotes a congenial atmosphere in which men will be able to flourish their good qualities. Freedom also means the scope to select the required alternative from a number of alternatives. If this scope or opportunity is not available to the individual that will mean the absence of freedom. Hence liberty is an atmosphere where individuals will face a number of choices and they will pick up one or more according to their requirement. D. D. Raphael views freedom in this sense. He further maintains that freedom is the absence of restraints.

Raphael further says that freedom means to carry out what one has chosen to do. This sense is generally used in political science.

Nature of Liberty:

Following are some features of liberty.

1. Freedom to do means the freedom to choose among the alternatives which again means the freedom of conscience. This is an important characteristic of liberty. Whenever an individual intends to do something he is supposed to be guided by his conscience. The conscience is the force that guides the individual. But Raphael says that conscience is not always the force that guides the individual for action. There may be other forces.

2. Laski calls liberty an atmosphere. In the atmosphere, the individual will be permitted to perform such activities that will facilitate the development of the best qualities a man possesses. We can say that freedom is a material condition of social life.

3. Freedom is understood as voluntary and un-coerced action. Behind every action there shall exist spontaneity. When man is forced to do a work that will lead to the loss of liberty. We can say liberty and coercion are antithetical terms. This, however, is not always correct. Sometimes a man is forced to act accordingly to make way for the exercise of freedom to others. If a person creates obstacles, authority removes them by force.

4. Norman Barry pointed out another feature of liberty. He suggests to draw distinction between “feeling free” and “being free”. According to Barry the following is the distinction. Feeling free is a state of contentment and “being free” is a state in which major impediments to making choices have been removed. In his opinion liberty (Barry uses both liberty and freedom interchangeably) includes both meanings.

5. A plausible distinction can be drawn between political liberty and other types of liberty. In a democratic state political liberty is especially stressed. Participation in all affairs of the state is encouraged. But the same individuals are confronted with dissimilar situation in social and cultural fields. In less advanced societies (these may be or are democratic) numerous superstitions inhibit the free lives of the individuals.

6. Liberty is a very comprehensive idea and it changes with the change of time and other things such as outlook, physical conditions, attitude etc. By liberty one need not mean only political or any other particular type of liberty. The objective of liberty is quite

ambitious—to make feasible the development of good qualities of man and for that purpose all types of liberty may be required and in this sense it is comprehensive in nature.

Liberty is, again, a dynamic concept. If attitude and outlook of individuals are changed the sphere or extent of liberty must also change. For example, women of today's society are claiming more jobs or employment opportunities and they deem it as their right and they claim that they must have the liberty to do job.

Liberty is Conditional, Not Absolute:

Prof. Ernest Barker, in his noted work, talks about legal liberty and this type of liberty is never absolute but always conditional. He says: “legal liberty, just because it is legal, is not an absolute or unconditional liberty. The need of liberty for each is necessarily qualified and conditioned by the need of liberty for all”. Let us see what Barker wants to say. It is a mistaken idea that liberty need not be restricted to limited number of persons. When liberty is legal, everybody has an access to it. But in many societies only a handful of persons have the opportunity to enjoy liberty and on the opinion of Barker this is to be done away with. How is it to be done? His suggestion is by legal way the state shall impose restrictions upon the individuals in regard to have access to liberty. The state will enact laws as to the enjoyment of liberty. Everyone in the society has an identity and in that background he can claim liberty, Barker beautifully observes: [Liberty] is not the indefinite liberty of an undefined individual, it is the definite liberty of a defined personality”. Liberty in the state, that is legal liberty, is always relative and regulated. When liberty is regulated, its amount is much greater than the absolute liberty. This is due to the reason that absolute liberty is the liberty of only few persons but the relative or regulated liberty is meant for all men. Even men whose liberty is controlled can enjoy liberty.

Conflicts among Liberties:

Barker has drawn our attention to a very interesting aspect of liberty. He says that in any modern society there are three forms of liberty. These are civil liberty, political liberty and economic liberty. These three types of liberties may come into conflict. How does this happen? His analysis runs in the following manner: By virtue of civil liberty an individual has the freedom to express his opinion through book, article or any other means. But the parliamentarians by virtue of their political liberty can impose restriction upon the freedom of expression or speech. Here civil and political liberties clash with each other and this frequently happens in any society.

Conflict is often found between civil and economic liberties. A worker can claim higher wages or less working hour and this falls within his economic freedom. On the other hand

the employer has the civil liberty to enter into contract with the workers dictating the terms of wages, working hours etc. In this way different forms of liberty create conflict among the citizens and Barker believes that this is inevitable. Everyone is eager to enjoy liberty to which he is entitled. There is no way of getting out of this dilemma and remembering this (perhaps) Barker has said that liberty is really a complex notion, it has the capacity to unite men and, at the same time, it divides or disunites them—clash of interest is the cause of disunity.

Types of Liberty:

Negative Concept of Liberty:

Definition:

A man is said to be free to the extent that his actions and movements (and even views) are not controlled by other men or body of men. That is almost everything of a man remains beyond all sorts of control. Berlin defines it in the following language: “Political liberty is simply the area within which a man can act unobstructed by others”. In this definition the important word is unobstructed. To speak the truth this is the core word or idea of Berlin’s definition of negative liberty. Liberty will be called negative when an individual’s activities remain unobstructed by others. When the activities of a man are interfered by others or when he is coerced by someone he will reasonably be called un-free. So inability caused by coercion is another name of “Un-freedom”. Coercion means deliberate intervention by others and thus freedom and coercion do not coexist. But, on the contrary, if the inabilities are the consequences of other causes then that cannot be called loss or absence of liberty. A man may be excessively extravagant —naturally he will suffer from poverty and will not be able to meet all the necessary requirements. He will not have the freedom to consult a specialist or make trip round the world or to visit a good eating house. “This inability would not be described as lack of freedom, least of all political freedom”. Berlin says that the inability caused by particular factors is special case.

Negative Liberty and Non-interference:

In the opinion of Berlin freedom in its negative meaning is equivalent to non-interference and he has given special stress on it. A man is free in the sense that he is not interfered with by others. A man will have the scope to do his work without any interference. In the support of his contention Berlin remembers Hobbes. Talking about freedom Hobbes said “A free man is not hindered to do what he hath the will to do? No obstruction will stand on the way of doing anything which a man intends. He further observes that the law is the most powerful “fetter”. So, according to Hobbes, law is the killer of human freedom. But a question arises here. What would exactly be the area of non-interference? Should it be limited or unlimited? Berlin, drawing examples from the writings of traditional political

philosophers, has maintained that the area of non-interference must not be unlimited or wide. If everyone wants to have unlimited or very wide area of non-interference, then a situation would arise when everybody will try to interfere with others' liberty. "The classical English political philosophers disagreed about how wide the area should or could be. They supposed that it could not be unlimited! Because if it were it would entail a state in which all men could boundlessly interfere with all other men, and this kind of "natural" freedom would lead to social chaos".

Negative Liberty and Interference:

We have noticed that negative liberty is not equivalent to complete non-interference. Such a situation will be another name of anarchy and anarchy is not freedom. That is why Berlin suggests that since the interests and aims of different individuals are incompatible a process to harmonise among them shall there be and this is to be done by law. Law will harmonise different objectives of men. In the absence of law or any type of restriction the creation of a political organisation will be meaningless. Not only this, even if an association were set up its credibility will be at the lowest level. Here again a problem arises. What would be the extent of interference? We feel that it is necessary to arrive at a compromise. This can be better stated in the words of Berlin. "But equally it is assumed, especially by such libertarians as Locke and Mill in England, and Constant and de Tocqueville in France, that there ought to exist a certain minimum area of personal freedom which must on no account be violated". Absolute non-interference is practically an impossibility. Keeping aside all considerations and issues we assertively say that men are by nature and due to circumstances are interdependent and if that be so there cannot be anything like absolute privacy. Interference, therefore, must occur and it will be taken as *fait accompli*.

Positive Liberty:

Definition:

The positive meaning of liberty may be defined in the following words: It means that the individual is his own master. The life and decisions of one will depend on the individuals themselves. The individual is the instrument of his own affairs. The positive sense of freedom is concerned with the question "By whom am I governed?" rather than "How much am I governed?" "I wish to be a subject, not an object, to be moved by reasons, by conscious purposes which are my own, not by causes which affect me. I wish to be somebody, not nobody, a doer deciding not being decided for, self-directed and not acted upon by external nature or by other men as if I were a thing, an animal or a slave incapable of playing a human role".

The positive sense of freedom wants to emphasise the following:

“The freedom which consists in being one’s own master and the freedom which consists in not being prevented from choosing as I do by other men”. The paradox of positive freedom has been explained beautifully by Heywood, “Indeed a demos that imposes many restrictive laws on itself may be positively free but negatively quite un-free. In its other sense, positive freedom relates to the ideas of self-realisation and personal development”. “I feel free to the degree that I believe this is true, and enslaved to the degree that I am made to realise that it is not”.

Positive Freedom and Self-realisation:

Berlin has assertively said that there is a close relationship between positive liberty and self-realisation. The best way of attaining self-realisation (realisation of the best self which a man possesses) is the positive form of freedom. Every individual has his own motive, mission and vision; he wants to act to fulfil that mission or vision. He decides his own method and makes plan. All these he will do as a free man. It means the person will have freedom. Freedom as he understands. He will utilise the freedom in his own way. But the realisation of self will never be possible if congenial atmosphere is not available. It means that the individual will not feel any obstruction which stands on the way of self-realisation. Berlin says that self-realisation cannot thrive in vacuum or in an atmosphere free from all sorts of obstructions. Berlin maintains, “The notion of liberty is not the negative conception of a field without obstacles a vacuum in which nothing obstructs me but the notion of self-direction or self-control”. What a man wants to do, he will have the opportunity and freedom to do. Berlin says that there is the necessity of obstruction for the realisation of self. The aim of the restriction imposed by the state of society will be to help the furtherance of self-realisation. It has been assumed that obstructions are not always harmful. They have good effects and here lies the fundamental difference between negative freedom and positive freedom.

Relationship between Two Freedoms:

We have discussed two types of liberty and now we like to throw light, on the probable relationship between these two. The word probable is used here to mean that the purest form of negative or positive liberty is not found in real society. No liberty is absolutely negative or positive. Nevertheless there is a relationship between them. Berlin had earlier raised the issue which we have already noted. He asked whether the difference between negative and positive liberty is specious. He proceeds to analyse the relation in this way. Berlin says that the two questions- How much am I governed? and by whom am I governed?—are not quite identical. But this is not to say that the distinction between these two questions is unimportant. Let us see what Berlin exactly says, “I confess that I cannot

see either that the two questions are identical, or that the difference is unimportant". He admits that two types of liberty are different but the relation between them cannot be ignored and Berlin has emphasised this. In his analysis we find that there are many obstacles which the man cannot remove or ignore, and if these are not removed the development of personality or freedom will receive serious setback. For the removal of these obstacles the interference of an authority is indispensable.

This proves that freedom cannot be the absence of restraints. Berlin concludes "despite the heroic efforts to transcend or dissolve the conflicts and resistance to others, if I do not wish to be deceived, I shall recognise the fact that total harmony with others is incompatible with self-identity". What he wants to say is that there cannot be compatibility among the interests of different men. If so, outside interference is a must. But that does not mean that persons will not have an area which can be called exclusive.

The two concepts of liberty—negative and positive—have very often been separately treated by their advocates. But a close scrutiny between them reveals that in ultimate analysis there is no important difference. The aims of both liberties are almost same. Both want the development of the qualities of men. Some people think that the removal of all hindrances can help the attainment of the objectives. On the contrary, others are of opinion that some sorts of outside interference are necessary. This is chiefly due to the reason that there are incompatibilities in interests and aims of differences and for their removal force or coercion is essential. Here the coercion should not be treated as abductor but liberator. Coercion liberates individuals from enslavement. Since there is no fixed area of positive and negative liberties there is every possibility of overlapping. In society this overlapping frequently occurs.