Classical Theories of Liberty

Lecture 1

Hobbes
The plan for today...

1. What is a theory of liberty?

2. Corporeal liberty

3. Natural liberty

4. The liberty of a subject
§1. What is a theory of liberty?
In what sense is *liberty* something that ought to be promoted or respected...?

An answer to this question is a theory of liberty.
Notice that this question is neutral on whether the value of liberty is telic or deontic...

...and also on who or what is supposed to be doing the promoting or respecting...
Cf. In what sense is *liberty* is a necessary condition for *moral responsibility* ...?

Do you have to be a liberal to have a theory of liberty...?

‘The Light of humane minds is Perspicuous Words.’ *(Leviathan, Chapter 5, T36)*
§2. Corporeal liberty
'Liberty, or Freedome, signifieth (properly) the absence of Opposition...

....(by Opposition, I mean externall Impediments of motion;)

....and may be applied no lesse to Irrational, and Inanimate creatures.'

(Leviathan, Chapter 21, T145)
I have the *corporeal* liberty to \( \phi \) if and only if...

...nothing external to me...

...is physically preventing me from \( \phi \)-ing.
‘...when the impediment of motion, is the constitution of the thing it selfe...

...we use not to say, it wants the Liberty; but the Power to move...

...as when a stone lyeth still, or a man is fastned to his bed by sickness.

(*Leviathan*, Chapter 21, T146)
I have the *power* to φ if and only if...

...nothing internal to me...

...is physically preventing me from φ-ing.
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<th>Power</th>
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<td><strong>Liberty</strong></td>
<td>Healthy non-prisoner</td>
<td>Sick non-prisoner</td>
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<tr>
<td><strong>Lack of liberty</strong></td>
<td>Healthy prisoner</td>
<td>Sick prisoner</td>
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‘...a man sometimes pays his debt, only for *feare* of Imprisonment, which because no body hindred him from *detaining*, was the action of a man at liberty....

....And generally all actions which men do in Common-wealths, for *feare* of the law, are actions, which the doers had *liberty* to omit.’

(*Leviathan*, Chapter 21, T146)
P1 I lack the liberty to φ only if something external to me is physically stopping me from φ-ing.

P2 Nothing external to me is physically stopping me from driving on the wrong side of the road.

C I have the liberty to drive on the wrong side of the road.
‘...‘impediment’ or ‘hindrance’ signifies an opposition to \textit{endeavour}...

...it is no impediment to him that the door [of the tennis-court] is shut till he have a \textit{will} to play...’

\citep{Questions Concerning Liberty etc., p.80-81}. 
P1 I lack the liberty to $\phi$ only if something external to me is physically stopping me from $\phi$-ing.

P2 Something external to me is physically stopping me from $\phi$-ing only if I am trying to $\phi$.

C I lack the liberty to $\phi$ only if I am trying to $\phi$. 
Suppose there is a prisoner who isn’t even trying to escape...

Surely he still lacks the liberty to escape...?
Suppose a slave has a master who just happens not to prevent him doing exactly as he pleases...
P1  In the sense in which liberty ought to be respected or promoted, the slave has much less liberty than his master.

P2  The slave has no less corporeal liberty than his master.

C  Corporeal liberty is not liberty in the sense in which it ought to be respected or promoted.
‘...if wee take Liberty in the proper sense, for corporall Liberty, that is to say, freedome from chains, and prison...

....it were very absurd for men to clamor as they doe, for the Liberty they so manifestly enjoy.’

(Leviathan, Chapter 21, T147)
P1 In the sense in which liberty ought to be respected or promoted, we can be lacking in liberty even if we are not chained up in prison.

P2 We cannot be lacking in corporeal liberty unless we are chained up in prison.

C Corporeal liberty is not liberty in the sense in which it ought to be respected or promoted.
So if there is sense in which liberty ought to be respected or promoted...

...it isn’t corporeal liberty.

Corporeal liberty comes too cheap...
§3. Natural liberty
Liberty as right...

What does it mean to say that I have a right to do something...?

I have a right to φ if and only if I have no obligation not to φ.

I have the liberty to φ if and only if I have no obligation not to φ.
I have the *natural liberty* or *natural right* to $\phi$ if and only if...

...I have no obligation *not* to $\phi$ in the *state of nature*...

...i.e. before the social contract...
Our natural liberty is extensive...

‘The Right of Nature... is the Liberty each man hath, to use his own power... for the preservation of... his own Life...

(Leviathan, Chapter 14, T91)

...in [the state of nature], every man has a Right to every thing; even to anothers body.’

(Leviathan, Chapter 14, T91)
P1  If $\phi$-ing will help me preserve my own life, I have the natural liberty to $\phi$.

P2  It will help me preserve my own life to kill you and nick all of your supplies.

C   I have the natural liberty to kill you and nick all of your supplies.
‘...as long as this naturall Right of every man to every thing endureth, there can be no security to any man (how strong or wise soever he be) of living out the time, which Nature ordinarily alloweth men to live.’ (Leviathan, Chapter 14, T91)
‘...the life of man [will be] solitary, poor, nasty, brutish, and short.’ (*Leviathan*, Chapter 13, T89)
§4. The liberty of a subject
‘The Liberty of a Subject, lyeth... only in those things which, in regulating their actions, the Soveraign hath praetermitted...

...such as is the Liberty to buy, and sell... to choose their own aboad, their own diet [etc.]’

(Leviathan, Chapter 21, T148)
A first pass...

...I have the *liberty of a subject* to φ if and only if...

...the sovereign has not commanded me not to φ...

Actually this isn’t quite right...
Some things we have the liberty not to do even if the sovereign commands us...

To work out which things these are, we need to look at the *terms* of the social contract...

...as well as its *purpose*.
I reserve the liberty not to kill or imprison myself...

...because I entered into the social contract *precisely* in order to preserve my own life and security...

I also reserve the liberty not to kill other people unless it is for the sake of public order or the defence of the realm...
‘As for other Lyberties, they depend on the Silence of the Law. In cases where the Soveraign has prescribed no rule, there the Subject hath the Liberty to do, or forbeare, according to his own discretion.’

(Leviathan, Chapter 21, T152)
Is the liberty of a subject something that ought to be respected or promoted...?

‘A man may here object, that the Condition of Subjects is very miserable, as being obnoxious to the lusts, and other irregular passions of him, or them that have so unlimited a Power in their hands...’

(Leviathan, Chapter 18, T128)
Suppose that the sovereign commands us not to call him a plonker...

Then as subjects we do not have the liberty to call the sovereign a plonker...

Surely this isn’t the sort of liberty that ought to be respected or promoted...?
P1 We ought to pick the least bad option.

P2 The only options are natural liberty and the liberty of subjects.

P3 Natural liberty is much worse than the liberty of subjects.

C We ought to pick the liberty of subjects.
P1 and P3 are plausible...

But what about P2...?

Surely there are alternatives to natural liberty and the liberty of subjects...?
Next week...

Locke