Classical Theories of Liberty

Lecture 1: Hobbes

§1. Freedom and power

Here is Hobbes’ classic definition of freedom:

T1  ‘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, T 145)

X has the freedom to φ if and only if there is no external constraint on X’s φ-ing.

T2  ‘…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 sicknesse.’

(Leviathan, Chapter 21, T 146)

X has the power to φ if and only if there is no internal constraint on X’s φ-ing.


§2. Freedom and intention

Hobbes thinks that there are connections between the freedom to φ and the intention to φ.

T3  ‘…‘impediment’ or ‘hindrance’ signifies an opposition to endeavour.’

(Thomas Hobbes, Questions Concerning Liberty etc., C 80).

T4  ‘…it is no impediment to him that the door [of the tennis-court] is shut till he have a will to play, which he has not till he has done deliberating whether he shall play or not.’

(Thomas Hobbes, Questions Concerning Liberty etc., C 81).

P1  X does not intend to φ.

P2  There is a constraint on X’s φ-ing only if X intends to φ.

C1  There is no constraint on X’s φ-ing.
P3 If there is no constraint on X’s φ-ing then there is no external constraint on X’s φ-ing.

P4 If there is no external constraint on X’s φ-ing, then X has the freedom to φ.

C2 X has the freedom to φ.

Cf. Pettit (2005) on *non-obstruction* and *non-commitment*.

§3. Freedom and rights

Freedom in the sense that I have been discussing so far is entirely consistent with legal obligation.

T5 ‘...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, T 146)

But Hobbes also discusses a kind of freedom that is *not* consistent with legal obligation. He calls this kind of freedom ‘right’.

T6 ‘...Right and Law... ought to be distinguished; because Right, consisteth in liberty to do, or to forbeare; Whereas Law, determineth, and bindeth to one of them: so that Law, and Right, differ as much, as Obligation, and Liberty; which in one and the same matter are inconsistent.’

(*Leviathan*, Chapter 14, T 91)

X has a *right* to φ if and only if φ-ing is not against the law.


What rights do we have in the state of nature?

T7 ‘The *Right of Nature*... is the Liberty each man hath, to use his own power... for the preservation of... his own Life... A *Law of Nature*... is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life... and to omit, that, by which he thinketh it may be best preserved.

(*Leviathan*, Chapter 14, T 91)

X has a *natural right* to φ if and only if φ-ing is not self-destructive.
'because the condition of Man... is a condition of Warre of every one against every one... and there is nothing he can make use of, that may not be a help unto him in preserving his life against enemyes; It followeth, that in such a condition, every man has a Right to every thing; even to anothers body. And, therefore, as long as this naturall Right of every man to every thing endureth, there can be no security to any man... of living out the time, which Nature ordinarily alloweth men to live.'

(Leviathan, Chapter 14, T 91)

Rights can be transferred. If X transfers her right to φ to Y, then X incurs an obligation not to constrain Y’s φ-ing. Y acquires a claim-right, as opposed to a liberty-right.

T9 'he that...passeth a way his Right, giveth not to any other man a Right which he had not before; because there is nothing to which every man had no Right by Nature: but only standeth out of his way, that he may enjoy his own original Right, without hindrance from him.'

(Leviathan, Chapter 14, T 92)

In the social contract, we transfer our natural rights to the sovereign.

T10 'The only way to erect such a Common Power, as may be able to defend [men] from... the injuries of one another, and thereby to secure them in such sort, as that... they may nourish themselves and live contentedly; is, to conferre all their power and strength upon one Man, or upon one Assembly of men... [It] is... as if every man should say to every man, I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him... This done, the Multitude so united in one Person, is called a Common-wealth.'

(Leviathan, Chapter 18, T 120)

X has a civil right to φ if and only if not φ-ing is not against the civil law.

T11 ‘...seeing there is no Common-wealth in the world, wherein there be Rules enough set down, for the regulating of all the actions, and words of men... it followeth necessarily, that in all kinds of actions, by the laws pretermitted, men have the Liberty, of doing what their own reasons shall suggest, for the most profitable to themselves.'

(Leviathan, Chapter 21, T 147)
§4. Republican freedom

T12 ‘…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. Againe, if we take Liberty, for an exemption from Lawes, it is no lesse absurd, for men to demand as they doe, that Liberty, by which all other men may be masters of their lives.’

(Leviathan, Chapter 21, T 147)

P1 Reclaiming our natural rights from the sovereign will result in our lives being ‘solitary, poore, nasty, brutish, and short’ (T 89).

P2 If φ-ing will result in our lives being ‘solitary, poore, nasty, brutish, and short’ (T 89), then it is absurd to want to φ.

C It is absurd to want to reclaim our natural rights from the sovereign.

P2 is a consequence of the first Fundamental Law of Nature. P1 is a consequence of Hobbes’ claims about scarcity, rough physical equality, the hunger for power, etc.

T13 ‘The Libertie, whereof there is so frequent, and honourable mention, in the Histories, and Philosophy of the Antient Greeks, and Romans… is… the Libertie of the Common-wealth: which is the same with that, which every man then should have, if there were no… Common-wealth at all… And by the reading of these… Authors, men from their childhood have gotten a habit… of favouring tumults… with the effusion of so much blood; as I think I may truly say, there was never anything as dearly bought, as these Western parts have bought the learning of the Greek and Latine tongues…’

(Leviathan, Chapter 21, T 150)

Bibliography