

Fundamental freedoms and the problem of freedom

Stefano Bianchi*

For more than a year now, we have been witnessing the biggest limitation of fundamental freedoms since the Second World War, at least in Europe and in many democratic countries. Limitations on social life, on traveling, on worship have become daily life for us. An unprecedented limitation of *freedoms* (in the plural) urges us to question ourselves about the nature of *freedom* (in the singular): what does it mean to be free?

1. The Ideal and the Concept of Freedom

When you lose something, you often learn the hard way how important it was what you had taken for granted. Today, in the midst of a long health emergency, being confined and limited in many ways, we perceive how essential freedom is. At the same time, we find it hard to say what is this freedom that we miss so much. The ideal of freedom is clear: we all agree on how important freedom is. But the concept of freedom is complex and somewhat mysterious: it is not easy to say what freedom really is.

Freedom is certainly a set of simple things: gathering with family and friends, traveling, going to the cinema or to an art exhibition, having a coffee sitting at a bar table, eating a pizza with friends, moving around, taking a walk under the stars in the middle of the night, not being forced to wear a mask. We understand all this very well: it is what we miss. But we are aware that freedom is not just that.

To try to understand what freedom is, let's start with a distinction that has become a classic: the distinction between negative and positive freedom. It is a distinction already proposed by Immanuel Kant,¹ but which has become a classic after the famous inaugural lecture on “Two Concepts of Liberty” that Sir Isaiah Berlin gave at Oxford University in 1958.²

2. Negative and Positive Freedom

Negative freedom is the mere absence of external limits or interference. It is therefore a freedom that has to do with society and which concerns the action of the agent. It corresponds to what is lawful and allowed. Negative freedom – to which Berlin gives a preference in the political sphere – can be easily understood in the plural (in the sense of the fundamental freedoms). As the absence of external constraints, negative freedom is now vastly more limited than it was before the pandemic.

Instead, positive freedom can be understood in terms of self-control and self-determination. It concerns the will of the agent and it corresponds to autonomy, in the sense of the power of the subject to give norms to themselves.

Positive freedom is complex. It is certainly to be understood as free will, that is, the ability to choose between different options. In this sense, it is an innate capacity of the human being. This capacity is very much discussed today in the debate on determinism raised by the neurosciences. For now, there is no

* Associate Professor of Moral Philosophy, Lumsa University – Rome, vice-president of MEIC 2017-2021.

¹ See *Grundlegung zur Metaphysik der Sitten* (1785).

² See I. Berlin, *Two Concepts of Liberty* (1958), in Id., *Four Essays on Liberty*, Oxford University Press, London 1967, n. ed. in *Liberty*, H. Hardy (ed.), Oxford University Press, Oxford 2002; I. Carter, *Positive and Negative Liberty*, in *The Stanford Encyclopedia of Philosophy*, Winter 2019 Ed., <https://plato.stanford.edu/archives/win2019/entries/liberty-positive-negative/>.

philosophical or scientific evidence that allows us to deny this fundamental human ability. In the absence of this evidence, I firmly believe that we must assume this capacity exists. Especially in that the possibility of moral, legal and political responsibility is based on this same capacity.

3. Love and then do what you want

But positive freedom is not just free will, that is, the formal and innate possibility of choosing between different options, of doing what you want. Positive freedom is also an ability of autonomy which develops over time. It is not the mere possibility for the agent to do what they want, but it is the ability for the subject to truly want to do what they do, to fully own their actions. In this sense, freedom is being one with yourself, fulfilling your own humanity.

Let's think about Saint Augustine's iconic formulation of freedom – “Dilige et quod vis fac” (Love and then do what you want).³ Only superficially freedom is the empty possibility of loving or not loving (or even hating).

Only if you act motivated by love, you are truly free. When you act out of fear, resentment, envy, vice, you may act within a space of non-constraint and free choice between different options, but you don't feel like you are really free, you don't feel like you are one with yourself. You don't feel like you really want to do what you do. You are truly free only if you act motivated by love – love for yourself and love for your neighbour.

The first article of 1948 Universal Declaration of Human Rights reads, “All human beings are born free and equal in dignity and rights”. This statement is to be understood as a regulative ideal and not as a matter of fact.⁴ It is not true at all the human beings are born free and equal.

From a legal and political point of view, freedom must be understood as an innate right to be protected. Negative freedom must protect the innate free will of the human being. Human beings are born capable of free will, but freedom understood as being one with yourself is an achievement for them. Freedom is also a path to take.

4. Neoliberal Freedom

Today we are facing a neoliberal and very pervasive idea of freedom. A freedom which presents itself as the opposite of constraint, but which actually generates constraint itself. In 2014 Korean philosopher based in Germany Byung-Chul Han published his book “Psychopolitics: Neoliberalism and New Technologies of Power”.⁵ In this book, Byung-Chul Han states that the neoliberal subject sees themselves as a project which is free from obligations and constraints imposed by others.

Nevertheless, being in competition with all their fellow humans, this subject forces themselves to efficiency and ends up submitting to internal obligations and self-imposed constraints. Believing themselves to be free, the individual is in reality a servant who exploits themselves. As Byung-Chul Han points out, “Neoliberalism represents a highly efficient, indeed an intelligent, system for exploiting freedom”. “People who fail in the neoliberal achievement-society see themselves as a responsible for their lot and feel shame instead of questioning society or the system”.

With respect to the neoliberal project, it is evident that a purely negative freedom – which aims to limit as much as possible the external constraints of freedom – does not guarantee in itself the quality and the strength of freedom. Freedom is not only the possibility to do what you want. As Byung-Chul Han shows it, this kind of freedom can put the subject against themselves.

More deeply, freedom should be understood as the ability for the subject to want to do what they do, to be one with their own will and action. Freedom is the capacity for the subject to fully own themselves,

³ See *Epistolam Joannis ad Parthos*, tractatus 7, sect. 8; PL 35, 2033.

⁴ See J.-M. Ferry, *Les Grammaires de l'intelligence*, Cerf, Paris 2004, p. 201.

⁵ See B.-C. Han, *Psychopolitik. Neoliberalismus und die neuen Machttechniken*, S. Fischer Verlag, Frankfurt 2014.

and therefore to completely realize themselves. Only this way we will all be equal because we will all be enabled to completely fulfil our own humanity. Only love – love for ourselves and love for our neighbours – allows us to reach our humanity and autonomy.

This means that we should teach our children how to be truly free, how to be happy, not how to be successful.

5. Democracy and Freedom

Even on a political level, freedom cannot be understood as mere indifference, as mere possibility to think or not to think. Democracy not only guarantees freedom of action and thought, but presupposes and needs citizens that are truly capable of free action and thought. The democratic form of sovereignty can only be achieved if citizens are fully in control of themselves, of their wishes and needs – if they are truly free.⁶

A people incapable of controlling their wishes and needs produces a democracy of slaves. Otherwise, the free and active democratic participation is reduced to a list of complaints. The citizen is transformed into a passive consumer.⁷

In these times, when negative freedom is much more limited than it used to be before the pandemic, we can take the opportunity to work towards the development of a more positive freedom. A kind of freedom which is the ability for the subject to truly become themselves, to be one with themselves. A kind of freedom which is not mere indifference, not a mere possibility either to love or not to love, either to think or not to think.

Negative freedom is a precondition of love, but love is a precondition of positive freedom. “Love and then do what you want”.

References

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⁶ See E.-W. Böckenförde, Die Entstehung des Staates als Vorgang der Säkularisation (1967), in Id., *Recht, Staat, Freiheit. Studien zur Rechtsphilosophie, Staatstheorie und Verfassungsgeschichte*, Suhrkamp, Frankfurt a.M. 2006, pp. 92-114.

⁷ See B.-C. Han, *Psychopolitik. Neoliberalismus und die neuen Machttechniken*, S. Fischer Verlag, Frankfurt 2014.