

CONCEPTS OF FREEDOM

FREEDOM UNDER LAW

Freedom under the law is the inverse of the number of arbitrary constraints, demands or obligations to which an average individual is subjected. In other words, freedom under the law is greater to the extent to which the duties and obligations to which an individual is subjected (i.e. s/he risks being punished in case of violating them) follow from a predefined set of publicly known laws, rather than from the arbitrary whims of those with power.

Freedom under the law can also be understood as proportional to the number of constraints inflicted upon those with power, limiting their ability to arbitrarily impose their will upon other members of society.

POLITICAL FREEDOM (DEMOCRACY)

Political freedom is the inverse of the danger to criticize the government and of the difficulty to become part of government. More specifically, it includes matters such as free press, freedom of association, free elections, inclusive suffrage, and the freedom to run for office.

NEGATIVE FREEDOM

Negative freedom in a society is the inverse of the number of constraints inflicted upon an average individual. At individual level, the more constraints one is subjected to, the less free, in the negative sense, one is.

There are two distinct ways in which negative freedom is understood: a *moral* perspective and an *amoral* perspective:

According to the moral perspective, the possible physical constraints are a priori classified as legitimate or illegitimate (based on a certain moral system), and negative freedom is defined as the inverse number of *illegitimate* constraints inflicted upon an average individual. The distinction between legitimate and illegitimate constraints is usually made based on the idea of natural property rights.

According to the amoral perspective, all constraints are considered within the definition of negative freedom, regardless of whether they are assumed to be legitimate or not. This perspective on negative freedom is not relative to a particular moral system. The issue of legitimacy is thus kept distinct from the definition of negative freedom, which takes a purely descriptive meaning.

POSITIVE FREEDOM (AUTONOMY)

Positive freedom (or autonomy) is the amount of rational control one has over what happens to one's life. This control focuses not so much on the absence of physical constraints, but on the absence of manipulation and of mindless conformity to existing social norms. A different way of putting it is by saying that an autonomous person (one with high positive freedom) is one who is willing and is allowed to act in an authentic manner, i.e. in a way that optimally reflects who one is and what one wants to be, rather than conforming to predefined standards or clichés about what one must be. These standards or clichés can be either universal (how a person in general must be and act) or relative to a group (e.g. how women are supposed to be and act).

TOLERANCE

The amount of tolerance in a society is the inverse of the number of constraints an average member of a group (usually a minority) has in regard to publicly expressing and assuming his or her group identity. Group identity is defined by a set of signals, symbols, beliefs, needs and behaviors that identify people as members of a certain group. Group identity can refer to religious identity, ethnic identity, feminism, gay pride etc.

FREEDOM OF CHOICE

Like negative freedom, freedom of choice can also be understood from either an amoral or a moral perspective:

In the amoral sense, freedom of choice in a society is the number of options available to an average individual. At individual level, the more options one has, more freedom of choice one has.

Alternatively, freedom of choice in a society can be understood as the number of opportunities an average individual has for fulfilling his or her potential and the opportunities s/he has for expanding his or her potential. This is a value-laden approach, i.e. freedom is considered large not merely if there are many available options, but depending on whether the options are good for (valuable to) the individual.

WELFARE

Welfare is the number of benefits enjoyed by an average individual. At an individual level, one has greater freedom, in the sense of welfare, if one actually has a larger number of goods and enjoys a larger number of services.

TRADE-OFFS AMONG THE DIFFERENT CONCEPTS OF FREEDOM

Trade-offs		Examples
Freedom under law ↑	Political freedom ↓	Theocracy: respect for a “sacred” code of law regardless of individual preferences or voting
Freedom under law ↓	Political freedom ↑	Non-constitutional direct democracy: voting about anything, including about breaching human rights; Political immunity from libel laws
Freedom under law ↑	Negative freedom ↓	The policeman/judge who upholds the letter of the law; Tax systems that make tax evasion difficult (e.g. VAT); High rates of flat taxation; State monopoly of the use of force;
Freedom under law ↓	Negative freedom ↑	The policeman/judge who upholds the spirit of the law; Tax evasion; Low rates of progressive taxation; Failed states
Freedom under law ↑	Positive freedom ↓	Standardized educational practices and benchmark testing of students (unique national tests)
Freedom under law ↓	Positive freedom ↑	Flexible educational practices and no benchmark testing of students (schools and universities use their own admission tests, varying from case to case)
Freedom under law ↑	Tolerance ↓	The nation in the French sense (civic nation) combined with the lack of recognition of ethnic minorities
Freedom under law ↓	Tolerance ↑	Affirmative action, positive discrimination
Freedom under law ↑	Freedom of choice ↓	Incorruptible public servants who uphold the law (which may be overly bureaucratic) and thus increase transaction costs
Freedom under law ↓	Freedom of choice ↑	Anti-trust legislation
Freedom under law ↑	Welfare ↓	Political inaction at market failures
Freedom under law ↓	Welfare ↑	Legislation successfully addressing market failures (e.g. anti-pollution measures, patents)
Political freedom ↑	Negative freedom ↓	Economic protectionism, consumer protection, socialized medicine, censorship
Political freedom ↓	Negative freedom ↑	Hong Kong, Singapore
Political freedom ↑	Positive freedom ↓	Outlawing drugs used for spiritual purposes
Political freedom ↓	Positive freedom ↑	Hippy anarchy
Political freedom ↑	Tolerance ↓	Tyranny of the majority
Political freedom ↓	Tolerance ↑	Multiculturalism
Political freedom ↑	Freedom of choice ↓	Economic protectionism, consumer protection, socialized medicine, censorship
Political freedom ↓	Freedom of choice ↑	Free trade, flexible exchange rates
Political freedom ↑	Welfare ↓	Collectivist economic arrangements
Political freedom ↓	Welfare ↑	Politically independent Central Banks
Negative freedom ↑	Positive freedom ↓	Manipulation
Negative freedom ↓	Positive freedom ↑	Mandatory product labeling John Stuart Mill’s education

Negative freedom ↑	Tolerance ↓	Free speech for racists, hate speech etc.
Negative freedom ↓	Tolerance ↑	Limitations of free speech in order to promote tolerance Banning the burka due to feminist reasons
Negative freedom ↑	Freedom of choice ↓	Disordered anarchy, failed states
Negative freedom ↓	Freedom of choice ↑	Anti-fraud norms that build trust in a community
Negative freedom ↑	Welfare ↓	The tragedy of the commons
Negative freedom ↓	Welfare ↑	Clearly defined property rights; Mandatory product labeling
Positive freedom ↑	Tolerance ↓	Emancipation from one's own ethnic, religious, gender etc. group
Positive freedom ↓	Tolerance ↑	The benevolent use of ethnic, religious, gender etc. clichés
Positive freedom ↑	Freedom of choice ↓	People who enter religious sects or retreat to monasteries; Dress codes in schools designed to diminish wealth-related low self-esteem
Positive freedom ↓	Freedom of choice ↑	Irrelevant abundance: people have access to many things, but not to those things important for developing as autonomous individuals
Positive freedom ↑	Welfare ↓	Religious self-punishment; The use of dangerous drugs for spiritual purposes
Positive freedom ↓	Welfare ↑	Unemployment benefits that transform people into dependents of the state; Brave New World; The Experience Machine
Tolerance ↑	Freedom of choice ↓	Cultural protectionism
Tolerance ↓	Freedom of choice ↑	Members of ethnic minorities hiding or even abandoning their original cultural identity (e.g. not teaching their language to their children) in order to get more opportunities (or for their children)
Tolerance ↑	Welfare ↓	Immigrants resisting cultural assimilation despite the potential benefits they could have as a result
Tolerance ↓	Welfare ↑	Immigrants contribute to the economy, but their presence generates social and cultural tensions
Freedom of choice ↑	Welfare ↓	Open access to certain products or services in the absence of reliable information about them (e.g. the illegal drugs market)
Freedom of choice ↓	Welfare ↑	Idealized technocratic governance; Slavery with benevolent masters

More information at <http://cadi.ro/freedom>