

# LIBERTY AND EQUALITY: MUTUALLY EXCLUSIVES?

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## [Özgürlük ve Eşitlik: Birbirini Dışlar mı ?]

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### ABSTRACT

This paper might be considered an attempt to question the widespread libertarian thesis that liberty necessarily excludes equality; in other words, liberty is under threat when equality is forced, and this ought not to be the case. Such a task requires a reflection on the possible conception(s) of liberty and equality, two main conceptions of liberty formulated by Isaiah Berlin-namely negative and positive liberty on political grounds. Positive liberty on political grounds will be taken into consideration with regard to Kant's ethical thoughts. It will be argued that, 1. The libertarian exclusion of equality has its grounds in negative liberty; but the political ideals concerning humanity require positive liberty rather than negative, and 2. It is not necessary to leave aside or sacrifice equality for the protection of individual liberties and rights. The conclusion to be drawn out of these arguments is that it is more plausible to think of liberty and equality together, or even to consider liberty and equality as coexisting political ideals; because one can not be considered free unless s/he has equal share of rights as an individual citizen, and it is the state which must provide this equality among the citizens. So, considering liberty and equality as excluding or requiring each other depends on how we conceive liberty.

**Keywords:** Negative liberty, positive liberty, Kant, autonomy, equality, categorical imperative.

## ÖZET

Bu yazı, özgürlükçülerin, özgürlüğün eşitliği dışladığı, başka bir söyleyişle, eşitliğin zorlandığı her durumda özgürlüğün tehdit altında olduğu ve bunun da olmaması gerektiği yönlü yaygın olarak bilinen savına yönelik bir sorgulama denemesi olarak düşünülebilir. Böylesi bir deneme için, özgürlük ve eşitlikten ne/neler anlaşılabilceğine ilişkin kısa bir hatırlatma, Isaiah Berlin'in formüle ettiği negatif ve pozitif özgürlük anlayışı gibi konulara değinilecek; özellikle pozitif özgürlük Kant'ın etik düşünceleri gözetilerek ele alınacaktır. Bu bağlamda, 1. Eşitliğin özgürlükçü bir bakış açısıyla dışarıda bırakılmasının negatif bir özgürlük anlayışına dayandığı, oysa insanlık için konulan siyasi ideallerin negatiften çok pozitif özgürlüğü gerektirdiği, 2. Bireyin özgürlük ve haklarının korunması için eşitliği bir tarafa bırakmanın ya da onu feda etmenin bir zorunluluk olmadığı ileri sürülecektir. Bu savlardan varılacak sonuç ise, özgürlük ve eşitliği bir arada düşünmenin, hatta bu ikisini birbirini karşılıklı olarak gerektiren siyasi idealler olarak ele almanın daha makul bir yaklaşım olduğudur; çünkü bir insanın birey-yurttaş olarak eşit haklardan faydalanamadığı bir siyasi-toplumsal iklimde özgür olmasından söz edilemez, yurttaşları arasında bunu sağlaması ve gözetmesi gereken de devlettir. Demek ki, özgürlük ve eşitliği birbirini dışlar ya da birbirini içerir biçimde değerlendirmek, özgürlüğü nasıl kavradığımızı bağlıdır.

**Anahtar Sözcükler:** Negatif özgürlük, pozitif özgürlük, Kant, özerklik, eşitlik, koşulsuz buyruk.

## I

Liberty and equality could be said to be the unending quests of human beings since the beginning of social and political organisations. Evenmore, (monotheistic) religions had interfered and tried to justify through belief in a God that human beings were born free and equal. It is possible to say that, as contemporary political ideals, discussing on freedom/liberty and equality on a philosophical basis has its roots in modern philosophy, specifically, in the Enlightenment. We should bear in mind that liberty can have negative implications such as a social chaos, when everyone has the freedom and right to do whatever and whenever. However, it will be argued, this is not a justification to conceive liberty only as negative.

Equality is the name given to the situation of the share of same (amount of) liberties and rights by the individuals of a society on economical, social and political bases; however, as is well known, this very situation expresses more of a demand than what actually is the case, i.e., inequality. What's more, equality is meaningless in the absence of social life, because, with regard to the recognition of and limitation(s) to liberties and rights, equality requires the existence of at least two individuals. Current views on equality have to take into account many of its dimensions such as wealth, social power, gender, age, and even ethnical identity. In the context of philosophy, equality is closely related with problems of justice and equity.

Freedom and equality have also set the grounds, together with fraternity, for the social order that the Enlightenment thought had seen as ideal. So, it is possible to say that liberty and equality are both interrelated, and, that each of these two concepts are biconditionally linked with social order and social life. From the perspective of philosophy, both "liberty" and "equality" are significant and interrelated concepts in the discussions displayed in metaphysical, ethical, political contexts as well as in the contexts of human rights and philosophy of law; despite the fact that they are focuses of different problems.

In this paper, after a short consideration of the two main concepts of liberty as formulated by Isaiah Berlin (1969), a summary of Kant's ethico-political thoughts as the ground for positive

liberty, we will argue that, the exclusion of equality for the sake of liberty has its grounds in negative liberty; but the political ideals concerning humanity require positive liberty rather than negative, and that it is not necessary to leave aside or sacrifice equality for the protection of individual liberties and rights. While arguing so, we will refresh our memories on the fundamental arguments of liberal and libertarian conceptions of the liberty-equality relation, as well as on the views which posit a possibility of a coexistence of liberty and equality. All these arguments could be read as an attempt to question the libertarian thesis that individual liberties are always under threat when equality is forced by an outside authority, and that this should not be.

Before taking the steps for the main ideas and arguments, however, the reader should bear in mind that this paper shares the following presumption with the Enlightenment thought, without any further discussion: liberty and equality have a universal dimension, that is, they are seen as concepts to be thought beyond particular cultures.

## II

What do we conceive of liberty? This question seems central, concerning the objective of this paper. It is the answer given to this very question which will determine how to relate liberty with equality. Isaiah Berlin (1969), an influential philosopher in the twentieth century, suggests two main conceptions of liberty—namely negative and positive. The former is determined by the answer to the following question: “What is the area within which the subject - a person or group of persons - is or should be left to do or be what he is able to do or be, without interference by other persons?”; which fundamentally seeks ‘freedom from’ (Berlin, 1969, pp. 121-122). The latter, i.e. positive, lies in the answer to the question: “What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?”; which implies to ask ‘freedom to’ (ibid, p. 122).

The answers to the questions mentioned above provide us with the following views on negative and positive liberty: Negative liberty, generally speaking, is the situation of the

individual when (s)he acts freely on her/his own will without any limitation and/or interference in society and is held responsible for the consequences of her/his action before anything/anyone else. So, one is considered free only if nobody interferes with, or sets any restriction(s) to her/his freedom of choice. As regards the social and political relations, (negative) social liberty is the absence of the interference of the society or the state in the individual's choices and actions, more simply, in her/his use of fundamental rights. Positive liberty is the situation of the individual, when (s)he acts with the consciousness that it is no one but herself/himself that is the determining/driving force of her/his freely chosen action, and that, since every individual person is capable of doing so, (s)he must always have respect for others' dignity and independence. Positive liberty finds its roots in Kant's thought, especially as formulated in his *Groundwork for the Metaphysics of Morals* (henceforth, *Groundwork*) (1992). Now, it will be a good idea to give a short summary of Kant's moral thought in relation to liberty and equality; because doing so will provide us with the opportunity to see how and why Kant could be considered as the ground for positive liberty.

### III

Kant's intended standpoint for his ethical theory, as Cassirer argues, is "human nature" (2007, p. 309). But this "human nature" should not be seen as something subject to continuous change, on the contrary, it should be thought of as something always remaining itself (Cassirer, 2007, pp. 309-310). In other words, the moral life of human beings can not be exposed through a variability of things that only accidentally affect them; but this life should be grounded on an essence that always remains the same and it is this essence that should be the basis for moral law (ibid).

On Kant's view, the governing principle of will-as regards pure practical reason-is nothing but reason itself (Heimsoeth, 2007, p. 121). Reason governs will through laws and/or principles which are universally necessary and *a priori* (ibid). These thoughts lead us to the Categorical Imperative, which is formulated in the *Groundwork* thus: "Act only according to that maxim whereby you can at the same time will that it should become a universal

law”<sup>1</sup> (Kant, 1992, p. 1013). In Kant’s ethics, the Categorical Imperative is of crucial significance, and Kant has two other formulations of this same imperative, one of which is known as the formula of the law of nature-or universal imperative of duty-and goes: “Act as if the maxim of your action were to become through your will a universal law of nature” (ibid). The other formulation, known as the Practical Imperative-or the idea of the Kingdom of Ends-is the one that is most closely related with the discussionsin this paper. The Practical Imperativetells us to act in a way that we treat humanity, whether in our own person or in the person of another, “...always at the same time as an end and never simply as means” (Kant, 1992, p. 1018).

It could be argued that all three formulations of the Categorical Imperative mean to indicate the same thesis, i.e., the thesis that human beings are free, autonomous beings who determine their own moral law(s) by (pure practical) reason and obey it/them through their own will; therefore, each individual person has dignity and deserves respect. When Kant says that things have price(s) and persons have dignity because persons are subjects of reason as well as of moral decision(s) and of setting goal(s), he emphasises nothing but freedom and autonomy of human beings (Heimsoeth, 2007, p. 130).In the idea of the Kingdom of Ends-as formulated above, each individual shares the same right(s) as the maker of (moral) law on one hand, and being ruled by this law on the other; hence, equal to one-another (ibid, p. 131).

The thought of Kingdom of Ends by Kant has widely been claimed to be influenced by Rousseau (Berlin 1969; O’Neill 2001; Kitcher 2001; Cassirer 2007). Berlin says that “...freedom is obedience, but, in *Rousseau’s* words, ‘obedience to a law which we prescribe to ourselves’,and no man can enslave himself” (Berlin, 1969, p. 136).Another example is by Onora O’Neill, who claims that for Kant, the autonomy of human beings is rooted in the possibility of obeying a law through reason; because human being is capable of determining the moral laws to be obeyed without the interference of any outside authority-and this is where he is influenced by Rousseau (O’Neill, 2001, p. 179). Patricia Kitcher also states that

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<sup>1</sup>Kant refers to this expression as the ‘only one categorical imperative’. The others, e.g. the practical imperative and the formula of the universal law of nature, are different formulations of this categorical imperative (Kant, 1992, p. 1013).

Kant's political thoughts, especially concerning the redundancy of any outside authority to human reason, is influenced by Rousseau (2001, p. 242). Ernst Cassirer, too, shares the view that the influence of Rousseau on Kant's ethical and political thoughts can not be underestimated: After reading Rousseau, says Cassirer, Kant says that he learned to *respect* human being, and to think further on the generalisation/universalisation of human rights (Cassirer, 2007, p. 310).

Kant's idea of free and autonomous human beings has its grounds in his moral thought; but this idea has its most fruitful influence on political philosophy. In short, Kant's moral and political thoughts are closely related, especially when we talk about freedom, autonomy, equality of individuals in terms of respect and dignity, and so on. The political implications of the Categorical Imperative developed by Kant, as O'Neill argues "...include a republican constitution and respect for freedom especially of religion and speech" (2001, p. 180). The ground for Categorical Imperative that orders us to do such and such is found in a being that is capable of acting in accordance with "you must (do)!", i.e., free in her/his will; so it is possible to interpret "you must (do)!" as "you must (do), because you can (do)!" (Heimsoeth, 2007, p. 137). Again, we are faced with the rational being who is capable of legislating a universal (moral) law through reason and obeying that law through her/his own will-in short, free and autonomous human being (Kant, 1992, p. 1019; Heimsoeth, 2007, p. 139). And, autonomy is the point where we are led to thinking of *positive* liberty, i.e., liberty conceived as '*freedom to*' (as Berlin formulated). Because the idea of autonomy refers to a possibility of human beings that is absent in nature: Human beings are capable of building another nature-through making moral law and obeying it by free will- within the laws of nature, to which they are only subject.

As regards autonomy, the political conditions envisaged by Kant on the idea of a social contract based state are taken up by Kitcher as follows: "...A state is legitimate only if people *would* so contract. Further, Kant believed that people should contract for a state, because only in that condition can their rights as free, equal, and independent persons be recognised" (2001, p. 252). So, the condition for the recognition of each individual constituting a society as a free

and autonomous person worthy of equal dignity and respect turns out to be the establishment of a state. The character of the state concerning liberty (and equality) is the issue to be taken up in the following section.

#### IV

Worldly happiness as expected to be increased by human beings for themselves, has been conceived as the fundamental obligation of the state to its citizens. This obligation is best fulfilled through the enlargement of the limits of liberties and rights as much as possible for all the citizens. Attributing such an obligation to the state is typical of liberalism, the philosophical foundations of which we owe most to Locke. On his view, the primary mission of the government is to provide the worldly happiness for their citizens; every act of the ruler(s) discording with this goal and every legislation reflecting this discordance will undermine the government and the government will be dissolved from within (Locke, 1992, p. 806).

According to Locke, equality is provided by the government; to put it in his words, “...the *first and fundamental natural law* of all commonwealths is the establishing of the legislative power; as the *first and fundamental natural law*, which is to govern even the legislative itself, is the *preservation of the society*, and (as far as will consist with the public good) of every person in it”<sup>2</sup> (1992, p. 780). However, what makes Locke considered as a forerunner of liberal thought lies more in his emphasis on the right to *property*. On his view, the *labour* of one’s body, the work of one’s hands do properly belong to that person, and it is neither right nor just to deprive one of her/his property which (s)he earned through mixing her/his labour (ibid, pp. 746-762).

The major elements that liberal thought values other than labour and property could be counted astolerance, freedom of religion and conscience, impartiality, respect for privacy and the limitedness of the state. Liberalism, though has much incommon with individualism in that it envisages individual as the final cause of all social life and political analysis, there are liberals, too, who defend a form of liberty that pervades all the society. In addition, on the

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<sup>2</sup>The italicised parts in the quoted text are due to the editor.

liberal view, the state should not undertake any determinate task in the organisation of social and cultural life, either; evenmore, the legitimacy of the political institutions are evaluated through the criterion of contribution to providing and protecting individual interests as independent of political and social interests (Güçlü et. al. 2008, s. 891).

It should hereby be noted that in contemporary political philosophy, there are some other views on liberty such as libertarianism, individualism, holism and communitarianism as well as liberalism. Especially, the former two might be said to be rather radical versions of liberalism, whereas, the latter two are more in accordance with an egalitarian perspective<sup>3</sup>. When we come to libertarianism-whose thesis this paper aims to question- we find Robert Nozick and Friedrich August von Hayek as the major representatives. The main ideas shared by both thinkers might be formulated as follows: 1. Liberty means nothing but the absence of the control of state or of others; 2. The fundamental duty of the state is not to organise social welfare and the distribution of property or capital, but only to protect social order and provide public services which do not emerge on their own; 3. Violation of this limit (to provide public services) by the legislative and executive power will end up in *totalitarian* government, where individual liberties are restricted, and this is a situation that should be avoided (\_\_\_\_2012, p. 82). These views have their ground in the negative conception of liberty, i.e., liberty interpreted as ‘freedom from the interference of others’-regardless of whom the ‘others’ are (Berlin, 1969). However, since the Enlightenment, the social and political ideals that human beings have set for themselves require more of a *positive* conception of liberty, that is, freedom to obey a law prescribed by our own reason and will.

In addition, from a philosophical perspective, liberalism, while putting forward a form of individualism, ignores social influences, and commits in an attitude of presuming the existence of an individual independent of a society and/or the existence of arbitrary rules independent of social values; which is inconsistent with reality (Güçlü et.al. 2008, p. 892). Bearing this philosophical criticism in mind, it will be a good idea to move on to the next

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<sup>3</sup>For a rather detailed summary of some views on liberty and equality, see \_\_\_\_ 2012, pp. 82-84.

step, which includes a consideration of the question whether or not liberty and equality coexist.

## V

Shall we consider liberty and equality as separate and see equality as a threat for individual liberties-as the libertarians say, or shall we think of them as ideals in support of one another? As has repeatedly been said, the present paper aims to do the latter and not the former. So, in this section which also includes the concluding remarks, we will first take into account some views which consider the liberty-equality relation without ignoring any of the two. Doing so will help us to see better why these two ideals need not be seen as mutually exclusive.

Jean-Jacques Rousseau, a critique of both the Enlightenment (at least in part) and of early liberalism might be considered a strong opponent of property, one of the major values that liberalism favours. In his *Discourse On The Origin and Foundations of Inequality Among Men*, Rousseau argues that: 1. European civil society has its basis on the protection of property, 2. It is the urge for the protection of private property which is the underlying reason of the inequality among men, and 3. Insisting on the protection of private property is against human nature and spoils happiness (1992, pp. 877-878). Rousseau's mentioned criticism, though *prima facie* limited with an objection against property, seems to be persuasive even today, when the following is considered: Liberalism, while putting forward the idea of the enlargement of individual liberties, seems to ignore social reality and the limitedness of freedom; it is indifferent, too, to the equal-or at least, fair-distribution of welfare and of social and political rights.

Another problem to be tackled within the scope of political philosophy concerning the liberty-equality relation is that, current social and economical circumstances-in a way-force us to choose between liberalism and socialism (Tepe, 2010, pp. 1-2). In other words, the (built-up) struggle of priority between liberty and equality underlies the dichotomy between liberalism and socialism, or at least, the (presumed) opposition between liberty and equality generates

one of the major streams in the mentioned dichotomy(ibid, p. 2).Bryan Turner (2007)argues that the liberal view setting the society and individual as opposites is controversial; and suggests that liberty and equality are compatible ideals. Steven Lukes (1995) is one of those who agrees with Turner in that the conflict between liberty and equality is not a necessity. However, Turner's and Lukes' arguments are more appropriate to be evaluated within the context of sociology rather than philosophy; hence will not be subjects of further analysis in this paper.

Liberty and equality, apart from being ideals not excluding each other, are closely related: The increase in the opportunities of the use of civil rights by the individuals often requires the state to put into practice some economical or political programs.The search for solutions to the problems of inequality among the individuals of the society, the effort to prevent injustice in the economical and social circumstances and the like do not necessarily imply that the state longs to possess all individual liberties. Evenmore, to be an individual priorily depends on one's share of civil rights, which is only possible through the exercise of the legislative (and executive) power of the state.

However, if we conceive of liberty a possibility, the possibility of being determined by values which we ourselves determine instead of doing whatever we will or the absence of obstruction, then we could posit that a society is free on the condition of the existence of a legislative system and related institutions which protect basic (civil) rights. Kuçuradi takes up this interpretation of liberty thus:

If the laws in a (given) country which accord the individual some social, economical and political rights provide at the same time the possibility of the protection of basic rights of all the individuals,...then these liberties might be said to exist in that country... In other words, the limits of the legally accorded right within the relation to the principle of equality and the broadness of those limits, draws the lines of the liberty in that (given) country (Kuçuradi, 2010, p. 34).

It is possible to interpret this quotation as follows: If the legislation, the (civil) institutions constructed and the public enterprises in a country recognise all the citizens as equal and honorable individuals and provide the possibility of the protection of their basic rights in the existing circumstances, then it makes sense to talk about the existence of social freedom in that country (Kuçuradi, 2009, p. 26).

Finally, the ideal of “the equal and free individual of the society”-which is left by capitalist liberalism as only existing on paper-may come true within an understanding of such a society that cooperation rather than competition is taken as basis, and that individuals see each other as allies or neighbours instead of rivals. A free society in its proper sense is one that everyone’s share of basic rights is equally provided or protected; i.e., a society in which liberty and equality coexist such that the absence of one makes the presence of the other impossible or meaningless. At least, as pointed out in the previous sections, the thesis defending the existence of liberty and equality together seems more compatible with the social and political ideals we have been setting for ourselves since the eighteenth century. All these thoughts might sound utopic and might as well be subject to criticism for not taking (the evils of) human nature into account, but it should be recalled that all the motivation to advances in human life arise from thoughts which were once utopias.

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