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## The Relevance of Freedom in Liberalism: Locke, Kant and Mill

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### ABSTRACT:

*The present paper investigate and examine the concept of freedom in terms of the liberal theories given by John Locke, Immanuel Kant and J. S. Mill. Freedom can be defined as the capacity of an individual to act, to behave or move according to one's wish with justice. The society that provides more alternatives to its members permits more freedom. An individual is free to the extent that his action does not harm others. Liberty does not mean providing license to hurt others. For Locke, freedom is the natural right of men. They are born free but in chains because of war, hatred etc. Kant being a moral philosopher considered freedom of speech and maintained that one needs to be 'enlightened' or be free to pursue his own way for a good life without any one's guidance. And for J. S. Mill, freedom of speech and conscience is mandatory for everyone.*

**Keywords:** *freedom, harm, natural right, autonomy, speech, conscience.*

Locke was primarily concerned to show the necessity and value of civil society and explore the kind of moral qualities and virtues individuals needs to sustain it. Human beings are considered to be equal because they share a common nature. In his book *Second Treatise on Government*<sup>i</sup>, Locke maintains that every human being is equal in the sense that since they belong to the same species, no one individual can have dominance over another. He considered the role of the state to be minimal which is to provide protection to human beings' equality, liberty and property. Should they be unable to do so, the people have the right to overthrow it. The state needs to interfere when people are in a state of war.<sup>ii</sup> In the state of nature people are free to the extent that others rights are not harmed. But with the invention of money, greed dominated people. In order to increase their possession, people were engaged in conflict and were frequently in a state of war. Hence, the state needs to interfere with valid laws imposed on them in order to secure one's natural rights.

Locke states:

*"But though this be a State of Liberty, yet it is not a State of License, though Man in that State has an uncontrollable Liberty, to dispose of Person or Possessions, yet he has not Liberty to destroy himself, or so much as any Creature in his Possession but where some nobler use, than its bare Preservation calls for it. The State of Nature has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty or Possessions."<sup>iii</sup>*

The modern liberalism, that began in England and then spread to other countries, does not mean to act freely and do whatever one wanted. Liberalism meant residing in a civil society an individual is free to operate within a framework (with certain constraints) formulated by the civil government.

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And in a state of nature, in the absence of a civil government, people had the right to punish who would violate the law of nature or hurt any other person. An individual being naturally rational may sometimes get swayed by certain factors. Hence, the state plays a paternalistic role by restraining the individuals to act or decide something that may not be in their interests.

Locke made the right to life the basic right. Even though one is free to act, behave or move, he is not free to take his or others life or hurt or damage any belongings that are under his possession. The feudal system that prevailed during the seventeenth century led him to formulate the theory of freedom that along with enlightenment tried for the betterment of the life of the peasants and remove slavery. The feudal lords considered the peasants to be their possession. In order to preserve their lives, individuals must make use of their faculty of reason with which they are naturally endowed.

There is a two way pact that involved in living in a civil society. In a civil society, the government provides security to the rights of the individuals which in turn ask its members to compromise on liberty to some extent. By the time a person can make use of his reason, both in a state of nature and civil society, he is matured enough to decide whether he wants to be in a society or not in which he is born.<sup>iv</sup>

There are instances when people get biased which results in enmity and a state of war. Such situations are normal in anyone's life and needs a political and civil framework to solve it. Even though we have our natural rights, there is no "neutral party" that can mend the situation. As a result, men enter into a civil society, where their rights are taken care of. Moreover, since one is endowed with understanding and language, a man intentionally enters into a civil society to extract the comforts and luxuries of such a society. It is endowed in the human nature.<sup>v</sup>

Immanuel Kant was another liberalist who focused on individual's autonomy, dignity, liberty, equality etc. Kant presuppose freedom to be the only moral original right of a man which cease to be so if one's freedom hampers others freedom<sup>vi</sup>. And this freedom can only be achieved if one has the courage to think independently, which is possible if we make use of our faculty of reason. As a result, a person becomes Enlightened. Kant defines Enlightenment as "a man's emergence from his self-incurred immaturity."<sup>vii</sup> In order to define morality, Kant's Categorical Imperative is the only principle that can be taken into account, in the private sphere. Even though Kant's Categorical Imperative seems to be unrealistic, it is important to have a model of morality to look upon at. . In order to define morality, Kant's Categorical Imperative is the only principle that can be taken into account.

In the *Grounding for the Metaphysics of Morals*, Kant endorsed a concept of human agency and freedom over which state has minimal power. The role of the state must be to protect that agency. However, if a state act beyond such protection, then it becomes naturally inconsistent with the notion of agency. In order to retain this agency, freedom or autonomy is necessary. Otherwise, he would be an individual without being a 'person'. And that freedom is never attained if he allows heteronomy i.e. if he acts according to the principal and wish of others and is never treated as an end in itself, he then compromises his individuality or freedom.<sup>viii</sup>

Kant extends his notion of freedom to respect and worth. It is the human beings that morally worthy. The rational being alone is autonomous and has dignity:

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“Reason, therefore, relates every maxim of the will to legislating universal laws to every other will and also to every action toward oneself; it does so not on account of any other practical motive or future advantage but rather from the idea of the dignity of a rational being who obeys no laws except what he at the same time enacts himself.”<sup>ix</sup>

This conception of rational nature implies that if anyone is considered as a means to reach an end, then his dignity gets violated. A person in order to be treated with dignity, must not be used even if it is to save humanity. Kant claims that our will to act unrestricted is the “supreme principle of morality”.<sup>x</sup> Hence, a rational person if violates anyone’s autonomy, then he is said to hamper one’s personhood. No group or even the state can impinge on that freedom thereby acting immorally. But since, in the modern time, people are often in conflict with each other. In such a case, the state may interfere when one’s dignity, freedom, autonomy or individuality is in question.

J. S. Mill in his book *Utilitarianism, Liberty, Representative Government* emphasised that society should not interfere in the matters of an individual. It should not have any power over them. Society can only cohere when an individual is seen as a threat to the other members of the society. Mill maintains that “over himself, over his own body and mind, the individual is sovereign.”<sup>xi</sup> In *On Liberty* Mill introduces the ‘harm principle’ that if an activity of a person is harmful to others then his action is liable to be punished by the state. Along with liberalism, Mill added utilitarianism to it i.e. what is best for the mankind. It is noticeable that, Mill claims his concept of liberty is not based on Locke’s concept or on Kant’s concept of liberty.<sup>xii</sup> Even though Mill didn’t believe in any social contract, but glances at both the philosophers’ concept of liberty can be seen in his concept, for example- not harming others, the extent of state cohesion etc.

Mill argues that a person needs to embrace his individuality which leads to happiness. But since one’s nature is not easy to know he must experiment with his choices and decisions and choose those which leads to happiness. It may not lead to a fruitful consequence every time but that will make him to choose things that are in harmony with his nature. And to find his individuality one needs to be provided with freedom to choose his own path after deliberation and reflection. He must have freedom of action and freedom of speech. A person is naturally rational but gets swayed by certain factors. Hence, his freedom must be invaded if it is not in the best interests of his or harms someone. The state must have this minimum power to invade one’s liberty without actually violating the liberty principle.<sup>xiii</sup>

The primary concern of his work *On Liberty* is to harmonize the demands of the individual and the government in a way where the sacrifice of the individual on his liberty is minimum. Mill’s freedom remains utilitarian as it allows “greatest measure of happiness to be sought most effectively.”<sup>xiv</sup> He is concerned with the individual freedom being pressurised by the society and the threats that is being posed by the government in one way or the other. Mill judges life and success on the basis of happiness and considers individual freedom to be the means to human progress. Whatever societies accomplish, it is because of the progress of the individuals of that society.

Now, the question arises: to what extent a society or government must invade one’s liberty. Mill responds to it by giving his ‘harm principle’:

“...that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection ... the

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only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.”<sup>xv</sup>

It becomes a difficult task for the government to distinguish between the individual spheres which requires invasion and spheres which do not. In order to know the extent to which liberty is compromised, the role of the society or the government and its relation to its members needs to be examined.

Mill opposed Locke on the rule of the majority in a civil society. Mill rejected the ‘tyranny of majority’ and gave significance towards the beliefs and opinions of the minorities. By doing so, he is not allowing the majority to rule over the minorities. Government can act as an authority if it never undermines the freedom of any of its members.<sup>xvi</sup>

Mill says:

“Human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree, which requires growing and developing itself on all sides, according to the tendency of the inward forces which make it a living thing.”<sup>xvii</sup>

Freedom, for Mill, is directing one’s life and character according to one’s wish. The ultimate principle that is involved in human actions is the ‘happiness principle’. Mill argues that even though happiness is the ultimate and supreme end that every individual must aim for, one’s happiness cannot come at the expense of another’s. The fact that one’s happiness leading to pain in another can only be sought when the happiness of one outweighs the suffering caused to another.<sup>xviii</sup>

There may be instances when the freedom is controlled by external forces. Mill maintained that, even in such situations, one needs to choose actions that must promote human freedom. Individuals must consider the feeling of freedom to be valuable. People may not have control over the external aspects that effect human actions, the mere knowledge about the feeling of freedom may help them in forming future judgments.

Justice, for Mill, is allowing aggregates of people to choose their intrinsic goods in accordance with their nature and not allowing government to infringe on the interests of the individuals. Happiness is not only about one’s own pleasure, but it also takes into account the pleasure of others. Mill states that the:

“idea of justice supposes two things; a rule of conduct, and a sentiment which sanctions the rule. The first must be supposed common to all mankind, and intended for their good. The other (the sentiment) is a desire that punishment may be suffered by those who infringe the rule.”<sup>xix</sup>

Injustice is done when first, one is deprived of his liberty; second, when one disobeys a law; third, one is deprived of his due; fourth, when faith in an obligation is broken; and fifth, when there is a case of partiality and preference is shown in cases where not required.<sup>xx</sup> Freedom is a natural right of an individual. When it is removed, it is a case of harming that person. The pleasure to attain what we deserve comes from a psychological state.

The one thing that human cannot do without is security. Happiness not only includes pleasure of oneself, but it also applies to the pleasure of other human beings. We need to take pleasure from others’ happiness. For our own security we need to maintain a sense of cooperation among others in

a society. We need to seek the common good so that others' actions do not harm our happiness. Mill considers security to be important because:

“on it we depend for all our immunity from evil, and for the whole value of all and every good, beyond the passing moment; since nothing but the gratification of the instant could be of any worth to us, if we could be deprived of everything the next instant by whoever was momentarily stronger than ourselves.”<sup>xxi</sup>

Hence, Mill's notion of freedom as a prerequisite of happiness and his notion of reason as inherent in every individual leads to his concept of justice whereby one needs to deliberate over the decisions and actions that one has taken. One needs to be provided with freedom to choose the intrinsic goods that will lead him to the ultimate principle i.e. happiness.

In an attempt to secure individual freedom Mill suggests a participatory government “which fully satisfy all the exigencies of the social state and the whole people participate.”<sup>xxii</sup> It must “exercise the active capacities and social feelings of the individual citizens.”<sup>xxiii</sup> Moreover, no anti-individualistic impulse must exist in the society in any form. Its members must be educated and matured enough to not go by the customs and must deliberate on their views. Since, repression is not human nature; any despotic rule in a society must not be tolerated. The government needs to keep constitutional checks to avoid any form of injustice. It must encourage some acts and discourage those that may not be in anyone's good interest. The laws need to be safeguarded to an extent where no one can take advantage of it. Mill even advised those who do not agree with him on individual freedom to tolerate others freedom that leads to their development.<sup>xxiv</sup>

Kant is a philosopher of private morality whereas Mill advocates public morality. Utilitarianism is a theory in normative ethics which holds moral action is the one that maximizes utility. It takes into account maximum happiness for the maximum number of people. It is a form of consequentialism where moral judgments are made on the basis of consequences.

Bentham and Mill take happiness as the measure for utility. However, the dilemma that is involved in utilitarianism is that, it only takes into consideration the majority. Some or large number of people are excluded. Moreover, it takes only those actions, which enhance happiness to be moral. But the Utilitarianism lacks in explaining how these actions are acquired or performed. If any illegal action is taken, even though it may lead to utmost happiness, cannot be considered to be moral. It is Kant's categorical imperative that takes everyone into its account unlike Utilitarianism. But it had its own dilemmas.

Mill gave utmost importance to the lives of the individuals. Even though Mill attempted to balance the interests of the government and the individuals, it may not seem entirely satisfactory. The sort of government and the suggestions he provided may seem to be theoretically possible, but practically it may seem difficult. Moreover, Mill's 'harm principle' had its own shortcomings. His 'harm principle' states that one is free and must stop only when it harms others. But someone may not be free enough whether it necessarily harms others or not. For example- “the victims of Hurricane Katrina were free to leave New Orleans whenever they wanted. But if someone who is not financially stable or does not own a vehicle to move, he has no freedom. Even though he is provided with freedom he could not utilize it.”<sup>xxv</sup> Hence, one cannot be completely satisfactory with Mill's notion of freedom.

The liberalism of John Locke emphasized on right of life, liberty and property. These are the basic rights every individual must have in a democracy. Locke's liberalism supported the rule of aggregate or majority in any form of conflict. Immanuel Kant's liberalism stresses more on being autonomous or free, in the absence of which, a person is devoid of his "personhood." To maintain one's "personhood", one needs to be free and think rationally. For Mill, the demands of the individuals and the government must be met in a way where the sacrifice of the individual is minimum. Justice is allowing the individuals to choose their intrinsic good in accordance to their nature. Hence, the respective theories of liberalism of Locke, Kant and Mill was effective in providing and protecting the basic rights of the members of a society.

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- xii. <http://scholarcommons.usf.edu?utm>

## ENDNOTES

<sup>i</sup>Locke, John, (1990), *Second Treatise on Government*, Prometheus Books, New York, pp. 7-9.

- <sup>ii</sup> In a state of war, if one person threatens and harm another one, then that person can be punished by the state.
- <sup>iii</sup> Ibid., p 9
- <sup>iv</sup> Simmons, John, (1999), “Political Contract” in *The Social Contract Theorists*, Ed. Christopher W. Morris, Rowman & Littlefield Publishers, New York, pp. 97-120.
- <sup>v</sup> www.freedomandcapitalism.com, “Liberty is Not Freedom to Do What You Like: How Notions of Public Good Constrain Liberty In John Locke and the Early Liberty Tradition”, retrieved on 9-03-2016.
- <sup>vi</sup> Kant, Immanuel, “An Answer to the Question: What is Enlightenment?” in (ed.) J. Schmidt, *What is Enlightenment? : Eighteen-Century Answers and Twentieth-Century Question*, University of California Press, California, 1996, pp. 58.
- <sup>vii</sup> Ibid., p. 57.
- <sup>viii</sup> Otteson, James R., (2009), “Kantian Individualism and Political Libertarianism”, in *The Independent Review*, Vol. 13, p. 389.
- <sup>ix</sup> Kant, Immanuel, (1981), *Grounding for the Metaphysics of Moral*, trans. by James W. Ellington, Indianapolis: Hackett , p. 40
- <sup>x</sup> Ibid., p. 44
- <sup>xi</sup> Mill, J. S., (1910). *Utilitarianism, Liberty, Representative Government*. J.M. Dent and Sons LTD, London, p. 73.
- <sup>xii</sup> Mill, J. S., (1869), *On Liberty*, p. 23.
- <sup>xiii</sup> Ibid., pp.49-57.
- <sup>xiv</sup> www.artificialhorizon.org, “Mill and Freedom: individual liberty, government and society in the thought of John Stuart Mill” by Ralph Harrington, retrieved on 8/3/2016.
- <sup>xv</sup> Mill, J. S., (1869), *On Liberty* p. 9
- <sup>xvi</sup> Ibid., p. 60.
- <sup>xvii</sup> Ibid.
- <sup>xviii</sup> Ibid., p. 9.
- <sup>xix</sup> Mill, John, (1993), *Utilitarianism*, New York, N.Y.: Bantum Classics, p. 198.
- <sup>xx</sup> Ibid., pp. 187-188.
- <sup>xxi</sup> Ibid., p. 199.
- <sup>xxii</sup> Mill, John Stuart, (1912), *On Representative Government*, Oxford University Press, p. 198.
- <sup>xxiii</sup> Ibid.
- <sup>xxiv</sup> Mill, John, (1993), *Utilitarianism*, pp. 13-27.
- <sup>xxv</sup> <http://scholarcommons.usf.edu?utm>