16 September 2019

Freedom I: Let Freedom Reign

Freedom: Concepts and Conceptions

* Varieties of freedom: different uses in language and practice.
* What does freedom mean to you?
* Who do you think about when you think of champions of freedom?
* Which 20th century struggles purported to be freedom struggles?
* Which contemporary struggles purport to be freedom struggles?
* What have people(s) struggled to free themselves from?
* What have people(s) struggled to become free to do?

Hegel and Haiti

* **The Ark of Return**: The Permanent Memorial to Honour the Victims of Slavery and the Transatlantic Slave Trade at the United Nations was unveiled on 25 March 2015, which marks the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade. Located in the United Nations Visitors Plaza in New York.
* The Ark of Return was designed by Haitian-American architect **Rodney Leon**. It was the winner of a competitive process, chosen among 310 entries from 83 countries.
* **Over four centuries**, more than **18 million people** were forcefully removed from Africa to the Americas (including the Caribbean) and Europe. For those who survived the horrific middle passage, thousands of them would later perish as a result of the cruel and inhumane treatment meted out to them and from the appalling conditions in which they had to exist on the plantations in the colonies.
* **Why the image of the Ark of Return?**
* “By the eighteenth century, **slavery** had become the **root metaphor** of **Western political philosophy**, connoting everything that was **evil** about **power relations**.”
* **“Freedom**, its **conceptual antithesis**, was considered by Enlightenment thinkers as the **highest and universal political value**.”
* “Yet this political metaphor began to take root at precisely the time that the economic practice of slavery – **the systematic, highly sophisticated capitalist enslavement of non-Europeans as a labor force in the colonies** – was increasing quantitatively and intensifying qualitatively to the point that by the mid-eighteenth century it came to underwrite the entire economic system of the West, **paradoxically facilitating the global spread of the very Enlightenment ideals that were in such fundamental contradiction to it**.”  
  – Susan Buck-Morss (2000) “Hegel and Haiti”, *Critical Inquiry*, 26:4.
* **Not to reject Western thought, but to hold ourselves to higher standards of academic and ethical integrity.**
* **To take up** the normative inheritance of Western modernity and, in particular, the liberal tradition in Anglo-American political philosophy, in a more humble, modest way.
* **To be critical** of Western intellectual and political histories that construct Eurocentric, progressive narratives of human freedom, and see the world from different perspectives.
* **To acknowledge** the tragedies and triumphs of modern history by centering antislavery, anticolonial, and antiracist struggles for freedom.
* **To recognise** non-Western agency and non-Western thought; rectify epistemic injustice.
* **To ground** abstract Western political thought in the concrete realities of power relations.
* **To problematise** our present taken-for-granted ideas, practices, and dispositions and to see them as located in our historical-geographical context, and as entangled with power.
* **To question** the grounds and limits of Western thought.
* **To situate** the activity of political philosophy in our historical-geographical context of British settler colonialism in the South Pacific, and our contemporary social realities.
* **To become** better prepared for future studies and future work.
* **To contextualise** contemporary debates over, for example, free speech and Ihumatao, preparing ourselves to be active participants in local, national, and global conversations.
  + Our approach to the material in this part will be to put real world examples first, applying theory to practical problems, and reflecting application onto theory.

Two Concepts of Liberty

* How do we start to make sense of the different uses of the concept of freedom and our intuitions about real world examples of champions of freedom and freedom struggles?
* One influential way was put forward by Sir Isaiah Berlin (1969).
* Negative and positive liberty are not only conceptually distinct, these two conceptions of freedom are **rivalrous** in theory and practice.
* Negative liberty
  + Freedom from external constraints on our agency.
  + “Liberty in the negative sense involves an answer to the 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’.”
* Positive liberty
  + Empowerment (legal, economic, social, political, embodied) to realise our agency.
  + Capabilities for functioning, rich human needs.
  + Economic, social, and cultural rights or “second generation rights” (weeks 9-10).
* Liberals prioritise negative over positive liberty. “Free institutions” over “flourishing”.
* The distinction is conceptually specious and politically contested
* “Unfree” versus “unable” distinction is not clear
  + Critical disability studies and the social construction of abilities, for example.
* Interdependence and the demarcation of the public/private spheres.
  + “It follows that a frontier must be drawn between the area of **private life** and that of **public authority**. Where it is to be drawn is a matter of argument, indeed of haggling. Men are largely interdependent, and no man’s activity is so completely private as never to obstruct the lives of others in any way. ‘Freedom for the pike is death for the minnows’; the liberty of some must depend on the restraint of others.”
  + The nature and extent of our interdependence as social animals seems to involve a complex bundle of empirical and normative claims, so is highly contestable.

Civil Liberties

* First and second generation rights. The Cold War and decolonisation.
* Protection of the liberty and security of the person.
* Protection from discrimination on the basis of personal characteristics (students).
* Basic freedoms:
  + Privacy
  + Freedom of thought and conscience
  + Freedom of speech and expression
  + Freedom of movement
  + Freedom of religion
  + Freedom of the press
  + Freedom of assembly and association

Political Rights

* Rights of **natural justice** (procedural fairness) in law, such as:
  + The rights of the accused: the right to a fair trial, the presumption of innocence
  + The right to equal treatment under the law, recognition of legal personality
  + The right to due process
  + The right to seek redress or a legal remedy
* Rights of participation in civil society and politics such as:
  + The right to petition
  + The right to private property
  + The right to contract
  + The right to self-defense
  + The right to vote
  + The right to run for elected office

Internal and External Dimensions of Freedom – **Bonus Notes.**

* **Autonomy** (ruling over oneself, self-legislation).
* **Heteronomy** (being ruled over by another, other-legislation).
* External heteronomy:
  + Slavery
  + Colonialism
  + Imprisonment
  + Jim Crow, Apartheid
  + Domination, power, and control (*e.g.* domestic abuse, authoritarian state)
  + Paternalism (weak and strong)
* Internal heteronomy:
  + *Akrasia*: weakness of the will (“slave to desire”)
  + Addiction
  + Negative socialisation into subordinated subjectivities, autodiscipline
  + Conditions and limits of possibility for autonomous agency
* Agency consists in the “power to” act.
  + Or “power with” others (states, corporations, social movements, uprisings).
* “Power over” can **limit our agency**.
  + Paradigm examples of domination: colonialism and slavery.
  + A different paradigm: the law limits our ability to act
* “Power over” can also **enable and condition our agency**.
  + We are made more free by the existence of the coercive authority of the state to enforce laws and protect rights and freedoms (?)
  + We would not become agents unless our parents and teachers have authority over us as children.
  + Law creates, conditions, and limits the powers of agents, *e.g.* police powers.
  + Power over ourselves is a necessary condition for autonomous agency.
* The power to act can be based on an **ability** or a **permission** (a right).
  + A **sense** in which you **cannot** be enslaved: it is illegal under international law
  + Also an obvious **sense** in which you **can**, because ~40.3 million people **are**.
    - That’s 1 in 200 people.
    - Women and girls comprise 71% of victims.
    - 400,000 or 1 in 100 slaves today live in the United States.
    - <https://www.globalslaveryindex.org/2018/findings/global-findings/>
  + This is the difference between *de facto* and the *de jure* perspectives.
    - Recall Matheson’s lecture on **civil disobedience**.
  + Slave rebellions are paradigm examples of **disobeying unjust law and rule**.
    - The dialectical struggle for freedom.