

Political Theory I

- Rights and freedoms

The field variously known as political, moral or ethical philosophy is vast and I can't really do much justice to it here. However certain themes recur frequently in debating and being able to deal with them is pretty crucial. Specifically this document will deal with the idea of rights and freedoms and how to argue about why and, in specific cases, whether we have them. I'm going to work through some general issues and then look at some more specific rights and the arguments over why we do or don't have them.

Negative and Positive Freedoms

Not all freedoms or rights are the same. In most democratic nations I am free to speak out, and no-one is allowed to stop me. On the other hand you have no obligation to assist me in speaking out. A newspaper editor doesn't have to give me space in his newspaper unless he wants to but if I start my own newspaper the government, in theory at least, shouldn't shut it down. These kind of rights are what can be described as *negative freedoms*. The freedom I am granted merely requires that others not do something to me, in the above case restrict me from speaking.

In some cases though I have the right to expect people to act in a certain way. In the UK I have a right to free healthcare and a basic standard of living, This requires that other people provide me with these things. We can describe these rights as *positive freedoms*.

Negative Freedom

The Liberty Principle

"The 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". This is J.S. Mill's extremely forceful and early case for the freedoms that we generally accept in modern society. Why does Mill take it to be true? His idea is that freedom is fundamental to an individual's happiness or well being. A policy of restricting freedom is liable to diminish the welfare of everyone in society and we should therefore do so only when to not do so would harm society in general.

Of course sometimes preventing an individual from taking an action may be to their own benefit but not every

restriction of freedom need be bad for Mill's argument to be true. Perhaps with hindsight you wish someone had prevented you buying some hideous item of clothing that is now relegated to the back of your wardrobe. This is not however a case for me to subject all clothing purchases you make to state approval, you would doubtless be rather unhappy if that were the case. In general you know what is right for you and even when you don't you need the freedom to make your own mistakes.

Utility

Mill is worried about everyone's welfare because he is a utilitarian, this means he cares about maximising the welfare or 'general utility' of society. Utilitarianism is largely a reaction against the idea that rights are innate. Bentham, a utilitarian philosopher who influenced Mill, described innate rights as 'nonsense upon stilts'. Instead utilitarians believe society needs to pick a principle that we can all agree on and use that as a foundation for morality. That principle is the maximisation of the general utility, most famously formulated as "the greatest happiness for the greatest number".

Freedom of Speech

Mill's case is applicable to all freedoms but his case on freedom of speech deserves a special mention. For Mill freedom of speech is a paramount freedom. It is fundamental to the progression and development of society. Why? Because society has a tendency to squash views it doesn't agree with by describing them as immoral. Look at Gallileo, who was forced to deny the idea that the earth revolved around the sun or the (still surprisingly considerable) opposition to the work of Darwin. Even the work of Newton, which was supported by a vast body of scientific evidence, was proved partially false by Einstein. The fact is we never know when an idea that we disagree with will be a right one. Again we're talking about a general axiom. I might easily make the case that some opinions do nothing to help society, but the point is that no central authority can legitimately discern what these opinions are.

Economic freedoms

In a way these arguments are the counters to pro-equality arguments that we'll look at later. They argue for why property is important and why we shouldn't interfere with it. Locke made an early argument for property rights but he didn't get much further than claiming they were granted by God (n.b. this argument probably won't work on that many judges). Libertarians did a much better job of it in the 20th century.

Nozick's case for ownership of property stands on the foundations that we have ownership over ourselves. Since physical wealth is (largely) a product of ourselves we also have ownership over that. He goes on to draw an analogy between taxation and slavery. When the government taxes me it takes a certain proportion of my earnings, let's say 20%. Since 20% of my earnings is directly equivalent to the time I spent earning that money the government is in effect requiring that I give 20% of the time I spend working to the government. This coerced work for the government is a form of slavery.

Positive Freedom

Equality and Economic Rights

These tend to be the positive freedoms for which you will most commonly have to argue. You may have to make a case in favour of total equality or perhaps just a subsistence standard of living. I'll run through various arguments for different levels of wealth redistribution and then it's up to you to pick suitable ones for use in debates.

The Original Position

This is a nice argument for debating because it's intuitive, the downside is that it's easy to miss bits of analysis. The argument runs roughly as follows:

The argument about what society should look like is skewed, people with a lot of money aren't any too keen on redistribution of wealth, those with little want lots of it. The only fair way to decide would be if we did so before we knew how much money we were going to end up with at the end. Clearly this isn't practicable but what we could do instead is make a decision based on a hypothetical *original position*. In this original position we know only what kind of positions exist within society, we don't know what one we'll end up with or even how likely it is we'll end up in a specific position. We are behind a *veil of ignorance*.

Now we've got to decide what society should look like. Given we don't know what position we'll get the best strategy open to us is to make sure we don't end up with anything too nasty. We should therefore improve the lot of the worst off in society. We should do this as much as possible, in fact we shouldn't let people be any richer than the worst off person in society unless it improves the lot of that worst off person.

In practice Rawls, the original author of this idea, suggested that we should achieve this by making sure everyone has access to a set of primary goods. These include an array of rights and freedoms as well as goods such as healthcare, schooling and a generous welfare system

Brute Luck Egalitarianism

This is an interesting perspective which might at least be a bit new to judges who are bored of Rawls. One form of luck egalitarianism contends that there are two kinds of luck, *brute luck* and *option luck*. Brute luck is luck that is utterly beyond my control, being born in to poverty, having a mental or physical handicap or not getting access to education would generally all count. Option luck is luck that is the outcome of a choice that I make. If I decide to study political philosophy at university and can't get a job when I leave this would be option luck. Brute luck egalitarians believe that it is fair I suffer the consequences of my own decisions (option luck) but not the consequences of brute luck that is beyond my control. To this end the brute luck egalitarian would suggest that we try and neutralise the effects of birth on circumstance. Generally this kind of argument would support the provision of education to all and attempts to lift children in particular out of poverty.

Utility

An argument based on utility is probably going to be specific to the issue at hand, the burden really lies with you to show that the policy benefits the general utility if you're in favour of it or harms it if you're against. However in general utilitarianism would tend towards the kind of safety net system that most European states

have. Essentially the case is that a pound given to someone with nothing provides them far more utility than a pound given to someone with a lot. It therefore makes sense to redistribute money from the wealthy to the poor. Utility calculus has to take into account other factors though. At some point the harms that taxes do to the economy and the inefficiency costs of redistribution will outweigh the utility benefits of having a redistribution system.

Further Reading

It's probably not worth your time to read original works, the limitations on the complexity of argument which can be conveyed in a 5 or 7 minute speech mean you'll never really need more than the condensed version of a particular idea. There are some good subject intros which may help and are simple enough for general readers. All will be available from any well stocked university library.

- John Wolff, *An Introduction to Political Philosophy* - Very concise and clear albeit a little short and doesn't cover some areas.
- Will Kymlicka, *Contemporary Political Philosophy: An Introduction* - Much longer and more thorough than Wolff but still easy to read.
- The Stanford Encyclopedia of Philosophy, <http://plato.stanford.edu> - An online resource with entries on a vast range of philosophical topics. Generally more complicated than the books but also far more comprehensive.