

ISSIAH BERLIN'S CONCEPTION OF LIBERTY: A PHILOSOPHICAL ANALYSIS

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Abstract

The right to liberty is fundamental to the existence of man and, in some ways, an intrinsic feature of his nature. The Universal Declaration of Human Rights was promulgated in order to concisely represent this inalienability. However in his 1958 lectures, which serve as the backbone of this work, Isaiah Berlin provided a thorough examination of this fundamental role of liberty by drawing a distinction between positive and negative liberty. The method used in the paper is expository method and critical analysis of Isaiah Berlin's ideas on liberty. The research findings show that a democratic government's rules and regulations define and protect a person's civil liberty. In light of this, prerogative orders enable anybody to seek remedy when his rights are violated. In this way, a media outlet also support and advises those whose rights are violated on how to take appropriate legal action and seek remedy. All of these actions preserve, safeguard, and guarantee the safety of fundamental human rights, which are the means by which liberty or freedom are ingested. The work argues that since a democratic society prioritizes the welfare of its citizens, human liberty should not be unfairly interpreted as working against the rule of law but rather as a complement to it. To separate human liberty from law and the constitution in this way would be incorrect, in accordance with Isaiah Berlin.

Keywords: Issiah Berlin, Liberty, Positive, Negative Liberty

Introduction

This essay's focus is on Isaiah Berlin's philosophy, which asserts that liberty and freedom are synonymous terms and that, like all big words loaded with philosophic meanings, "liberty" and "freedom" has both positive and negative connotations in Berlin's philosophic perspective. Since liberty and law, liberty and justice, and the nature of the word "liberty" all have intertwined meanings that are unavoidably determined by human personality as a moral personality, these concepts are logically related. The political context of liberty being the main focus of Isaiah Berlin's supposition, he emphatically sets positive and negative liberty in opposition to one another: "What I am mainly concerned is to establish, whatever may be the common ground between them, and whatever is liable to graver distortion, negative and positive liberty are not the same thing" (Berlin, 1958:130). Jacques Maritain must have likewise been

awoken by the perils endangering the issue of liberty or freedom in contemporary society and overwhelming it with significant errors and crises to state the following:

The human ability to know the truth naturally serves as the foundation for a person's preeminent dignity. It is also vital to ascertain what the human person's freedom is made up of and what the personality itself entails. In America, it's possible that there's still time for humanity to correct these mistakes through a creative act of knowledge and liberty rather than submitting to the powers of death. (Maritain, 1940:7-8).

The exposition of Isaiah Berlin's theory on his digestion of positive and negative liberty with the assurances they involve in the common dissemination of that goodness, which is the proper savor of political personality follows.

Isaiah Berlin's Idea of Negative Liberty

In the first section of his book on negative liberty, Isaiah Berlin writes: "I propose to examine no more than two of these senses, but those central ones, with a great deal of human history behind them and, I dare say, still to come." The 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?" (Berlin, 1969:3) involves the first of these political senses of freedom or liberty (I shall use both words to mean the same), which I shall call the "negative" sense. Continuing along the same line of comprehension, he says:

When no man or group of men obstructs my activities, I am often saddened by my freedom. In this context, political liberty simply refers to the space a man can occupy without interference from others. I am to some extent unfree if someone else restricts what I could otherwise do. If another man contracts this territory beyond a certain point, I can be said to be compelled or, in some cases, enslaved (Berlin, 1969:3).

Assuming Isaiah Berlin's point of view, we can explore his fundamental idea of "negative" liberty, which he defines as freedom from restrictions and bounds. Every philosopher, for instance, acknowledges that a Newtonian apple naturally falls to the ground when nothing prevents it from obeying gravitational law, which is the law inherent in nature and endowed with pre-established and inherent properties. According to Isaiah Berlin, a supreme being gave man's nature, which is defined as negative liberty, at birth. With this

level of exposition, we proceed right into his central idea of negative liberty, which gives the human personality dignity.

Thus, at this precise time, negative liberty appropriately transforms into freedom of independence because man, as a rational being endowed with free will, becomes master of his human acts and deeds. Because slavery is the state of people who are ruled tyrannically or unlawfully, it follows that the rule of law is intended to provide negative liberty for the governed. This indicates that government activities themselves should not be a hindrance to liberty. Isaiah Berlin tells us as a result:

However, the phrase "coercion" excludes all kinds of incapacity. It would be absurd to claim that I am to that extent enslaved or coerced if I claimed that I couldn't jump higher than ten feet, that I couldn't read because I was blind, or that I couldn't understand the darkest pages of Hegel. Coercion implies the willful encroachment of other people into the space where I could otherwise behave. Only when human individuals stand in the way of achieving a goal do you lack political liberty or freedom. (Berlin, 1969:3)

This assertion implies that the conventional issues of liberty are meant to be based on the fundamental idea stated, for instance, by Hegel: "The history of the world is nothing other than the progress of the consciousness of freedom." (Hutchins, 1955: 991). The dignity of this consciousness of freedom or liberty in Isaiah Berlin sees man as free to work out his destiny and look upon the major chances and difficulties of civilization as trigger moments at which man, endowed with free will, is free to exercise a free liberty for better or worse. Therefore, the more liberty or freedom I exert in any of my actions, the less interference there is; in contrast, the more freedom Isaiah Berlin perceives, the greater interfering exists.

The measure of tyranny, in my opinion, is the role that I believe other people have played in thwarting my desires- directly or indirectly, with or without their knowledge. In this context, I mean being free from outside interference. The greater the non-interference zone, the greater my independence (Berlin, 1969:3). Isaiah Berlin distanced himself from advocating the notion of individual anarchism in an effort to better explain himself, saying: "This is what the old English political philosophers meant when they used this word. How big the space should or should be divided them. They considered it was impossible for it to be unrestricted the way things were because, if it were, it

would result in a society where all men may interact with one another without restriction, which would generate social unrest. (Berlin stated, "It follows that a boundary must be drawn between the sphere of private life and that of governmental authority. It is up for debate, and even haggling, as to where it should be drawn. No man's behavior is so fully private as to never interfere in any manner with the life of others, and men are mainly depending on one another"(Berlin, 1969:3).

We realize that Isaiah Berlin's central idea of "negative liberty" is based in the special connotation of the word "independence," which connotes freedom from limitation or restraint, or from being subject to determination by another, or freedom from certain restraints or undesirable political conditions. Applying further in this exposition, having seen him resolve the issues involved in the relation of the individual to the state and to his fellow men, we come to this conclusion. As a result, the liberty he refers to as being negative is the freedom that each man has to use his own will in order to protect his own nature and way of life.

In this view, Isaiah Berlin's concept of negative liberty naturally acknowledges no political superiority above itself but instead functions as a necessary boundary between the sphere of private life and that of public power in order to prevent the anarchist anarchy. Even John Locke agreed that a person's natural liberty is the ability to act in accordance with his or her wishes without hindrance or restriction. As a result, this explanation of Isaiah Berlin's central idea of negative liberty brings to light the issue of political liberty, particularly when it comes to the question of whether the spheres of law and liberty may be distinguished from one another or even be at odds.

Given a certain vantage point, we can observe that political liberty is not governed by the letter or the spirit of the law; while it may be legal to break the law, this does not necessarily imply freedom. Isaiah Berlin was inspired by this sobering viewpoint to endorse the idea that the scope of negative liberty expands as the severity of the law decreases.

Isaiah Berlin's View of the Nature of Positive Liberty

The issue of positive and negative liberty or freedom clearly elucidates perplexity, which occupies a line of significance between the two types of freedom. The freedom that consists in being one's own master and the freedom that consists in not having others restrict my ability to choose may, on the surface, seem like concepts at no great logical distance from each other- no more than negative and positive ways of saying much the same thing. However,

Isaiah Berlin says the following in expressing the obscurity and confusion between the perspectives of the two kinds of freedom or liberty:

The "positive" and "negative" conceptions of freedom, however, historically took different paths and sometimes deviated from well-established logic until, at last, they were in stark opposition to one another. Berlin, 1969:8)

Isaiah Berlin, however, felt that we should be appropriately concerned with our understanding at this exact moment of the essence of the positive concept of liberty or freedom. Positive liberty, as Isaiah Berlin primarily understood it, is characterized by freedom of choice, or free will. According to his viewpoint, man's nature as the capacity for desire is the foundation for freedom of choice or free will. Due to this, desire is a powerful force that exists in the logical character of man and is strongly intended to gravitate toward nice things that may be recognized outside of the senses. This power of desire (choice), which is based on the rational hunger and on sensory knowledge, is what is referred to as positive liberty. The desire for an individual to be his own master is what gives "liberty" its "positive" connotation. The most important thing I want is to be aware of who I am as a thinking, willing, and active being that makes decisions and can defend those decisions using my own concepts and goals. To the extent that I am led to believe that this is untrue, I feel chained; to the extent that I am led to believe that it is, I feel free. Even while "I am my own master" and "I am not a slave to anyone," may I not also be a slave to nature, as certain Platonists or Hegelians tend to assert? Or perhaps to my own irrational passions?

Once I establish this perspective, I am in a position to disregard what men or societies actually want, to bully, oppress, and torture them in the name of their "real" selves, in the confident knowledge that whatever the true goal of man is (happiness, duty performance, wisdom, a just society, self-fulfillment), it must be identical with his freedom- the free choice of his "true," albeit frequently submerged and inarticulate self. (Berlin, 1969:8-9).

Positive liberty, which deals with the power of desire or freedom of choice, is rooted in the freedom of the human will with respect to all the goods that we may desire in our lives as objects of the will's free choice, so it follows that positive liberty must have an operation necessarily produced by choice. Accordingly, there is something the human will must desire or make a choice of by virtue of positive liberty. St. Thomas Aquinas mentions the divine good as an aim of the free will's decision-making. Therefore, it should be mentioned

that we have the ability to reject a free alternative through the power of desire or freedom of choice.

An intelligent philosopher will therefore swiftly discover that positive liberty is like the substructure of negative liberty, which is like its superstructure; "we first make assertions of desire or choice (rational freedom of the will) before we can exercise negative liberty." In this sense, positive liberty serves as the engine for negative liberty; without "desire" or "choice," freedom or liberty cannot be set in motion and is, thus, chained. Here, an effort was made to show how Isaiah Berlin's theory of positive liberty, which is digested in the capacity of desire or freedom of choice, has universal application.

This notion, as it pertains to individuals, is not too unlike from the ideas of those who, like Kant, consider that freedom is not actually achieved via the suppression of wants but rather by resistance to them and control over them. Nothing is worse than treating people as if they are not autonomous but rather natural objects, played on by casual influences, creatures at the mercy of external stimuli, whose decisions can be influenced by their rulers, whether through threats of force or offers of reward. (Berlin, 1969:11).

The Conflict Concerning Liberty and Sovereignty in Isaiah Berlin's Theory of Liberty

The conventional understanding of sovereignty takes into account both the ruling power and those it governs. The struggle between liberty and sovereignty is about who has the upper hand- the governing body or an overlord endowed with legal privileges- over the people. In a community of ideal individuals, government by authority alone might be effective, according to federalist theory. But since mankind is flawed and fallible, the use of force is necessary to ensure their allegiance. Therefore, in any society where there are good men and wicked men, force is the only way to persuade the unwilling to do what is right for the whole.

This makes it evident that sovereignty intrudes on men's positive and negative liberty as well as the various activities that are under the authority of their private lives. The French Revolution, like all great revolutions, was, at least in its Jacobin form, just such an eruption of the desire for positive freedom of collective self-direction on the part of a large body of Frenchmen who felt liberated as a nation, even though the outcome was, for a good many of them, a severe restriction of individual freedoms. This is something that Isaiah Berlin acknowledges in his essay. The liberals of the first half of the nineteenth century properly predicted that individual sovereignty might be readily destroyed by popular sovereignty (Berlin, 1969:25).

Being subject to a sovereign's restrictions on your freedom does not appear to be a problem in political philosophy, albeit free men would not be any freer than children in a well-run family. Even Plato and Aristotle did not believe that the degree of liberty is the main indicator of a sovereign government's virtue in their political philosophies. Isaiah Berlin once said: "It follows that a frontier must be drawn between the sphere of private life and that of public authority... Men are largely interdependent, and no man's activity is so completely private as never to obstruct the lives of others in any way" (Berlin, 1969:4). This fact brings to mind his words.

In the context of this study, the question: what should be the decision of persons who are by nature free (as Aristotle asked) is what ultimately leads to the clash between liberty and sovereignty. The assertion made by Isaiah Berlin appears to make a thoughtful argument for the solution we seek: Even in the most liberal countries, we do not want to imply that the lone or predominant standard for social behavior is individual freedom. We require education for youngsters and prohibit public executions. These unquestionably constitute restrictions on freedom. We defend them on the grounds that they are worse for us than the amount of discipline required to suppress them due to our ignorance, a barbaric upbringing, or terrible pleasures and excitements.

The way we define good and evil, or our moral, religious, intellectual, economic, and artistic values, all have an impact on this judgment. These values are connected to how we see man and the fundamental needs of his nature. In other words, our response to these issues is founded on the definition of a fulfilled human life that, whether consciously or unconsciously, guides our decisions. (Berlin, 1969:29).

Liberty Education: Philosophers' Perspectives on the Concept of Liberty

There are several schools of philosophy that view liberty as a quality of justice. This is known as the education on liberty or freedom. Given that justice is usually thought to be connected to liberty, equality, and cooperation, it is true that the concept of liberty helps to make sense of the concept of justice. When justice is properly investigated, we learn that it is the key that governs the principles of rights and liberties as well as the principle by which the state establishes relationships of human freedom. So, if a state's constitution ensures that its citizens have access to the resources needed to uphold the fundamental ideals of liberty, it is said to be just. Therefore, it seems that liberty is a continuation of justice.

The idea that liberty is a legal concept in democracies must be recognized and acknowledged as the core tenet of our teaching on liberty. As a result, the topic of liberty must be carefully considered in this section on education about liberty as a legal right of the citizens that is protected by the state and that is naturally unquestionable and governed by law. As we continue our study of liberty, it's important to keep in mind that in democracies, freedom is both a legal right and a prerogative that is granted to a subject by a superior.

It is necessary to understand it in this context because even Isaiah Berlin's notion of positive and negative liberty is far from advocating for individual anarchism, as Aristotle maintains that a man without a state is either a beast or a deity. The liberty of the age-old fight and hunt is therefore logically limited within democratic legal frameworks, as the following philosophers vehemently argue, because ultimate liberty does not exist and will never exist (for the sake of mankind).

The philosophical debate over liberty has a long history since many of them share the view that a person should be free to pursue his or her goals without interference. Aristotle believes that men believe freedom to be defined as the ability to do as they like. In such democracies, everyone has the freedom to live how they like, or, in Euripides' words, "according to their fancy." However, Aristotle disagrees, contending that men should not see adhering to constitutional law as servitude because doing so is essential to their salvation (Hutchins, 1955:512).

Greek philosopher Epictetus once said, "Whenever you pay regard to anything outside of your will's control, you so far destroy your will. "Only those things that you can control must be avoided. Because if you deviate from this course, you end up a slave or a subject (Matheson 1997:148). David Hume defined liberty as "a power for acting or not acting according to the determinations of the will; that is, if we choose to remain at rest, we may; if we choose to move, we also may" (Hutchins, 1955:484). According to Hobbes, "the voluntary acts of men are the results of their free will" (Hobbes, 1968: 177).

We need freedom "in and among actual events, not apart from them," according to John Dewey. "A freedom of the will, not a philosophical freedom, has ever been what men have valued and fought for in the name of liberty. Effectiveness in action, the capacity to carry out plans, and the absence of constriction and obstruction are among its components (Dewey, 1992; 303). According to St. Thomas Aquinas, "Man is not said to be free in his actions but only in his choice,

which is the judgment about what is to be done" (Hutchins, 1955:220) is how he speaks of liberty.

We see from these philosophers (as described above) that the concept of liberty or freedom boils up various meanings but shares a similar idea: being free from pointless restraints; being free in the area of choice and efficacy of action, which, of course, must adhere to the rules of the democratic constitution. As a result, in the political freedom that Isaiah Berlin advocates for, a citizen, for instance, is free to express his opinion on the issues of the state that impact and concern him as a citizen without fear.

Liberty State and Democratic

The fundamental premise of liberty implies, according to the philosophical logic of substantiation, that a democratic state should respect its citizens as rational beings capable of reasoned decision-making, independent action, and the full development of their potential under the right circumstances. This democratically indicates that citizens are accountable for their deeds, behavior, and wrongdoing (Eke, 2010:151). Every citizen of a democratic state must therefore be prepared to bear the costs associated with exercising their freedom. This brings to light the reality that a man's freedom is constrained and qualified by the need for freedom for others and for the state as a whole, as these are governed and constrained by the democratic constitution.

For instance, limitations on the freedoms of the police to quell such protests preserve and protect the liberty of a person or organization to hold peaceful demonstrations (Eke, 2010:151). And I must add that no one who does not know would believe how much more power animals who are under the dominion of man have in democracy than in any other state. Socrates was advocating for the need for constitutional limitation of liberty. As the proverb goes, "The she dogs are as good as their mistress, and the horses and asses have a way of matching with all the rights and dignities of free men, and they will run at anybody who comes in their way if he does not leave the road clear for them; and all things are just ready to burst with liberty" (Hutchins, 1955:412).

Absolute liberty and the State

Any theory of unrestricted freedom promotes anarchy and terrorism. For the sake of the general welfare, liberty must be constrained by some restrictions imposed by law and the constitution. To prevent people from suffering harm to their reputation and character, which would occur if freedom of expression were to be unrestricted, provisions of the law and the constitution, for instance, restrict speech in relation to libel, slander, and sedition (Eke, 2010:154). The 1948 Universal Declaration of Human Rights and the 1950 Convention on Human

Rights of the Council of Europe both define and uphold the rights of individuals.

The constitution (relating to the democratic government) is strongly associated with liberty, which many people also regard as freedom in general. A.V. Dicey asserts in his work "Law of the Constitution" that the Rule of Law exists in order to protect individual liberties against the abuse of arbitrary government (Dicey, 1897). Three key principles- impartiality, equality before the law, and fundamental human rights- that are embodied in the constitution as civil liberties were highlighted by him as being crucial to the protection of individual freedoms.

The notion that there shouldn't be an arbitrary government is expressed in the first. Even the punishment of criminals must be carried out in accordance with the law's requirements for all state actions (Dicey, 1897). The second demonstrates that everyone is equal in front of the law, or before the law. An accused individual is presumed innocent in this equal-opportunity world until and unless a court of law finds them guilty. As a result, in order to preserve liberty, everyone- from the person in the highest office to the last person on the street- will be tried under the same criminal provision of the constitution (Dicey, 1897). The third, which deals with civil liberties, is extremely clear in stating that certain freedoms and conditions are essential to every person having a happy existence. These freedoms and conditions are collectively and individually referred to in the constitution as fundamental rights of the citizens.

The Defining and Preservation of Civil Liberties (or Fundamental Human Rights) in the Democratic Constitution

Right to personal liberty

This suggests that a citizen is free to utilize both himself or herself and his or her possessions however he or she pleases, provided that doing so does not violate the rights of any other person or go outside the confines of the law and the constitution. (Eke, 2010:155).

Right to Life

This is a natural right as well as a constitutional right. The natural right to life that every man has is established from conception. The democratic constitution must include a clause making sure that no life is meddled with unless it poses a threat to the lives of others in order to make the right to life a reality. As a result, the government has a fundamental obligation to safeguard its citizens' lives (Eke, 2010:155).

Right to the Dignity of the Human Person

Slavery is abolished by this. No type of abuse or slavery should exist since everyone is equal before the law and these practices degrade people. As a result, the constitution must include protections to safeguard this freedom. (Eke, 2010:156).

Freedom of Thought, Conscience, and Religion

Citizens are free to think as they like and respond to circumstances in the manner in which they are affected by them under this liberty or freedom. By virtue of this freedom, or liberty, it is illegal and unnatural to impose restrictions on citizens' thoughts or behaviors. Conscience is subject to the same rules. The conscience cannot be coerced to make a specific judgment; it can only be trained. There must be freedom of religion or worship for free thinking and the exercise of conscience to be possible. Residents are allowed to practice any religion they choose and can switch to a different one whenever they like. Therefore, the state is not allowed to meddle with someone's religion unless that person's religion transgresses state law and the constitution (Eke, 2010:156).

Right to education

We are all equal before the law, so the state owes each and every citizen the justice of the rule of law and the constitutional right to educational possibilities (Eke, 2010:157).

Right to a fair hearing

This is liberty, or the right of the individual to present their case without fear of repercussions. In order to prevent the citizen from being duped, the case must not only be stated by the citizen but also judged in the language that the citizen understands (Eke, 2010:157).

Freedom of speech

Citizens are allowed to voice their opinions vocally or in the press, and the state is naturally and fundamentally obligated to not just permit but to allow freedom of expression. As a result, people are liberated and allowed to share their thoughts without worrying about repercussions (Eke, 2010:158).

Freedom of Association

Citizens have the freedom to communicate with anyone they choose and avoid engaging with anyone they do not want to (Eke, 2010:158).

Freedom of Movement

Citizens are free to travel within their country unless there is an emergency or a court order prohibiting so. This liberty or freedom extends to the ability to

live wherever in their country of citizenship without worrying about being expelled (Eke, 2010:158).

Right to Work

This encompasses the freedom of a nation's citizen to work for any organization, provided such organization does not conflict with the legislation of the land. The citizen should not be forced to perform any work against his or her will and should receive fair compensation for any services provided to anybody or any place since this very right protects the person against forced labor (Eke, 2010:158).

Right to own property

By exercising this right to liberty, every citizen is allowed to own property and accumulate money, but only so long as it is not done in a way that violates the law. Each person is free to utilize their property however they see fit, just not at the expense of others. In order to preserve the citizens' property, the government should include provisions in the legislation and the constitution (Eke, 2010:158).

Despite the fact that each of the aforementioned rights to freedom and liberty is essential to maintaining the dignity of the human person, there are circumstances that would allow and call for limitations on any of the aforementioned freedoms. Thus, a citizen's rights may be interfered with in cases where it is for the general benefit and welfare and when a person neglects to fulfill his own duties and obligations to the state. In times of urgency, this is typical (Eke, 2010:158).

Safeguards to Civil Liberty

The government of any democratic country ensures that the rights defining its inhabitants' freedom or liberty are enshrined in the constitution and provides for the possibility of legal recourse in the event that someone's freedom or liberty is violated. When Isaiah Berlin stated: "It follows that a frontier must be drawn between the area of private life and that of public authority... Men are largely interdependent, and no man's activity is so completely private as never to obstruct the lives of others in any way" (Berlin, 1958:43), it gave off this impression.

The prerogative orders (Habeas Corpus, Writ of Mandamus, Writ of Certiorari, and Writ of Prohibition, detailed below) allow anybody to fully vindicate their violated rights. Additionally, when a citizen's rights are violated, the press can alert them to the situation and provide guidance on how to act responsibly and file a lawsuit for compensation. The safety of essential human rights, which are

the means by which liberty or freedom are ingested, is ensured, safeguarded, and guaranteed by all of these actions (Eke, 2010:159).

Habeas Corpus: A detained individual can utilize this writ to request a speedy trial. The high court can provide you with the word, which means "produce the body." This writ also opens the door for an agent to be prosecuted if, for instance, the agent held a person against their will (Eke, 2010:159). The Writ of Mandamus is the legal procedure that allows citizens to compel government officials to carry out their obligations (Eke, 2010:160).

The Writ of Certiorari: This writ is available to citizens who desire a high court to overturn an order already issued by a lower court (Eke, 2010:160).

The Writ of Prohibition: This is used to halt a specific action that is occurring right now. A citizen can access it in their pursuit of their rights as well (Eke, 2010:161).

One truth is that, in democratic states, the notion of an individual's happiness developing freely creates what seems to be an unavoidable stage for the discussion of liberty. J.S. Mill, for instance, claims that "the liberty of the individual must be thus constrained; he must not make himself a nuisance to other people. Respect for a person's freedom and ability to develop freely improves society and is the key component of both individual and social advancement in a civilized or well-run state (Hutchins, 1955:465).

Even if it may seem as though members of democracies are free to behave whenever they like, Montesquieu reminds us in the same margin of contemplation that political liberty does not imply limitless freedom. Doing what is right and not being coerced into doing what is wrong are the only ways that individuals can have true freedom in governments or in governments that are subject to laws. The distinction between liberty and independence must have been one we had to remind ourselves of frequently. Freedom, in the words of Hutchins, "the right to do whatever the law permits. A person would lose their freedom if they were able to conduct things that were against the law.

All things considered, democratic nations will approach and eventually collapse into anarchy through the relaxation of laws or through lawlessness without an active rational democratic constitution and laws governing, conserving, and protecting human liberty (Hutchins, 1955:331).

Conclusion

Overall, things are transpiring effectively. The principle of action that the law and constitution will be interpreted in favor of freedom so as not to interfere with the rights (whether the right depends on positive or negative liberty or freedom) of individuals and groups must be applied in order to secure these and other liberties of the citizens. Therefore, it must be made crystal plain in the law and constitution that any restriction of liberty, even by the government, has legal justification. Finally, since the democratic constitution aims to satisfy its citizens, our liberty shouldn't be seen as being in conflict with democratic rule of law (since that would lead to anarchy), but rather as something that goes hand in hand with it. To tend to detach liberty from law and the constitution is a serious sort of error, and Isaiah Berlin did not make this mistake.

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