



What Is Liberty?

This is a speech delivered by the author at the Liberty Political Action Conferene in Reno, Nevada, on September 15, 2011:



Introduction

The phenomenon that has arrested our attention and that is the object of our concerns is something that we call “liberty.” Indeed, if our political universe can be said to consist of ideas, then the idea of liberty is the center around which every other revolves. Partisans of every conceivable variety, if they insist upon engaging in our political discourse, simply have no option but to become fluent in the language of liberty. The idiom of liberty has prevailed over all others, not just within the contemporary Western world, but well beyond it. In America, especially, one would no more think to deny the value of liberty than one would think to deny the values of compassion, justice, or any other virtue.

Still, just because the rhetoric of liberty springs effortlessly from our lips does not mean, necessarily, that we know that of which we speak. It is true, no doubt, that, not unlike any number of other concepts with which we are acquainted, “liberty” is not something that is easy to *define*. And, not unlike any other concept, the challenges of defining liberty, we are confident, do not preclude us from *identifying* it when we see it. Whether this self-assurance is justified, however, is another question.

That there is a plethora of mutually incompatible and, in some instances, contradictory, purposes in the service of which rival partisans have enlisted the language of liberty is as powerful an indicator as any that our concept has fallen on hard times indeed. Perhaps it is inevitable that an abstract term, especially a *normative* abstract term like “liberty,” should acquire for itself a storied history. Given the centrality of place that it managed to secure in the modern imagination, a position toward which it labored for centuries, it is to be expected that anyone and everyone in search of advancing an agenda should invoke the rhetoric of liberty. By way of these efforts, though, the term—compelled, as it was, to sustain multiple, conflicting meanings—has become like the beast to which Plato likened democracy, a beast with a thousand heads, each pulling in a direction separate from all of the others.

So, given the morass within which we find ourselves, we are left wondering: Is there a single satisfactory account of liberty and, if so, what is it?

Liberty as “Natural Right”

Historically, most of those singing hosannas to liberty, whether they have been libertarians, conservatives, or leftists of one stripe or another, have identified liberty with something to which *every* human being is said to have a *right*. Liberty, on this account, is a “natural” or “human” right. Our own



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Declaration of Independence is as clear and prominent an illustration of this understanding of liberty as any. From the perspective of the Declaration, liberty is an “unalienable,” “self-evident,” right, a divine dispensation of which *every* human being the world over is a beneficiary. That this right to liberty is “self-evident” means that anyone and everyone with just a modicum of rationality can no more think to deny this universal right to liberty than they can think to deny that they have bodies: self-evidence—in this context, at any rate—implies that which is impossible to coherently deny.

The Declaration of Independence has assumed something of a sacred status for many Americans. Because of this, this conception of liberty as a “natural right” that it embodies has prevailed over all others. To question it is to risk falling into ill repute. But question it we must, for the very same notion of liberty was resoundingly, unabashedly, indeed, aggressively affirmed by another group from the eighteenth century: the *French* Revolutionaries. In fact, the conservatism of which the great apostle of liberty Edmund Burke remains to this day the most eloquent and impassioned of representatives emerged as a distinctive intellectual tradition precisely in response to the French Revolution’s “Rights of Man”: Fraternity, Equality, and, yes, Liberty.

In both the American and French revolutions, liberty was held to be a “right” that belonged to *all* human beings just by virtue of their humanity. Contrary to what some argue, that the American revolutionaries, via the Declaration, depicted liberty as a right bestowed by *God* while the French did not is neither here nor there. The point is that this liberty to which all people had a right, like the right itself, owed nothing to the contingencies of place or time. Transcending as it did both history and culture, it was held to be *timeless*.

Many a heroic thinker to this day remains committed to this idea of liberty as a “natural right.” And indeed, it has much to commend it. For one, in identifying liberty with a “principle,” an abstract, universal proposition specifying a “self-evident” “right” rooted in human nature itself, this theory of liberty is as comprehensive in scope as it is simple in conception: it *encompasses* everyone and should be easily *apprehended* by everyone. Furthermore, because it ascribes to liberty the character of a “self-evident” right, it satiates that longing for *certainty* that dwells in the breast of every human being while reducing its enemies to fools. And since it construes liberty as a *natural* right, it exposes those who would threaten it not just as fools, but as evil. After all, only an agent of evil, be it a person or a government, would seek to acquire something that is beyond its authority to claim.

Yet for all of its virtues, it would be a mistake to think that this notion of liberty is devoid of problems.

For one, if liberty really is the “self-evident” right that its defenders claim it is, then it should be beyond dispute. But there are substantial numbers of people—including quite respectable thinkers of a more conservative bent—that deny, not just the “self-evidence” attributed to the natural right to liberty, but the claim that there even *is* a natural right to liberty. Moreover, it hasn’t been until relatively recently, as far as history is measured, that the language of “natural rights” has emerged: prior to the very late middle Ages, there was no talk of “natural rights” at all.

These are crucial considerations for the proponents of this theory of liberty to bear in mind. This so-called right to liberty has for quite some time been at the center of many a dispute; thus it is not self-evident. So, since it is not self-evident, when it is depicted *as if* it were so, its opponents can be forgiven for suspecting that the idiom of a self-evident natural right to liberty is nothing more or less than a rhetorical device deployed in the service of a partisan agenda. They could be forgiven for thinking along with Jeremy Bentham that natural rights are “nonsense on stilts.”



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Another difficulty with this natural right conception of liberty is that in and of itself it tells us nothing. As we already saw by way of reference to the French Revolution, leftists have been no less inclined than those on the right to invoke the natural or “human” right to liberty. Put another way, theoretically speaking, the concept of a natural right to liberty is as compatible with communism and socialism as it is libertarianism and even anarchism.

Finally, by portraying liberty as a universal ideal that subsists in advance of culture, the proponents of this natural right conception of liberty reveal themselves to be as indebted to *rationalism* as are their rivals who insist that liberty is a creation of government. Whatever their differences with one another, all rationalists share in common an irresistible disposition to neglect the voice of *tradition* or *culture* in moral and political matters. Believers in the natural right model of liberty look beyond culture to *nature* in accounting for liberty. Those who regard rights to liberty as utilitarian contrivances of government ignore culture inasmuch as they view liberty as the product of the fully conscious intentions of individuals. Nature and artifice are opposite heads of the same rationalist coin: both stand over and above culture, civilization, and tradition.

The liberty with which we as Americans are enamored is not some timeless, self-evident abstraction to which all peoples in all places have as much of a claim as ourselves. No, it is something much more concrete and particular than that.

Liberty as Cultural Inheritance

The only liberty with which we are acquainted is not a universal principle; rather, it is a particular tradition. In fact, far from denoting a single entity, the term “liberty” serves the same function served by all general terms. Like, say, the word “humanity,” “liberty” is really a short-hand way by which we designate a multiplicity of individual things that we recognize as belonging to the same type. In short, literally speaking, there is no liberty; there are only liberties. However, these liberties, while distinct from one another, are nevertheless mutually supporting components of a culturally specific political-moral tradition or *system*.

Although Americans, regardless of ideology, not infrequently speak as if our love for liberty is unique or “exceptional,” this is not the case. Admittedly, America has historically had a *distinctive* commitment to liberty. But the notion that America is “exceptional” or unique by virtue of having been the only nation in all of human history to have been founded upon a *proposition* asserting the equal liberty of all human beings implies, among other things, that up until the emergence of America, even the most civilized societies that had ever existed were as unfamiliar with liberty as the most primitive.

In reality, our liberty is not some timeless abstract principle of which anyone can have an immediate and comprehensive grasp. It is an Anglo phenomenon centuries in the making that Americans *inherited* from England. The American colonists were, after all, the descendants of Englishmen. Eventually, after quite some time, they decided to emancipate themselves from the Mother country because they convicted it of having violated, not their “natural right” to liberty, but the liberties that they believed were their birthright as *Englishmen*. Edmund Burke’s love of liberty was second to none, and Burke was an adamant supporter of the American colonists. Yet in his *Address to the British Colonists in North America*, he reminded them that the “very liberty, which” they “so justly prize above all things, originated here,” in England. The colonists and their antagonists in England were “a people of one origin and one character,” of the same “blood,” who “should be directed to the rational objects of government by joint counsels, and protected in them by a common force.”

Against “the delusive plausibilities of moral politicians” (431), those “men of theory” (433), those “new



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doctors of the rights of men” (424) who would “entangle” society “in the mazes of metaphysic sophistry” (423), Burke articulated a very different vision of liberty. He writes that “from Magna Carta to the Declaration of Right,” it had been the custom of the inhabitants of the British world to “assert our liberties as an *entailed inheritance* derived to us from our forefathers, and to be transmitted to our posterity [.]” This conception of liberty as an “entailed inheritance,” Burke is quick to note, “is without any reference whatever to any other more general or prior right” (428 emphasis original).

In *A Letter to the Sheriffs of Bristol on the Affairs of America*, Burke notes that our “civil freedom...is not...a thing that lies hid in the depth of abstruse science. It is a blessing and a benefit, not an abstract speculation [.]” He continues: “Far from any resemblance to those propositions in geometry and metaphysics which admit no medium, but must be true or false in all their latitude, social and civil freedom, like all other things in common life, are variously mixed and modified, enjoyed in very different degrees, shaped into an infinite diversity of forms, according to the temper and circumstances of every community” (288).

Burke never denies that there *are* natural rights. What he denies is that they are relevant to life in civil society, or to the art of governing. “The *extreme* of liberty (which is its abstract perfection, but its real fault) obtains nowhere, nor ought to obtain anywhere; because extremes, as we all know, in every point which relates either to our duties or satisfactions in life, are destructive both to virtue and enjoyment” (288 emphasis original). Our liberties, because they “vary with times and circumstances” and “admit of infinite modifications,” are incapable of being “settled upon any abstract rule; and nothing is so foolish as to discuss them upon that principle” (442). When we are discussing politics and government, it is “the civil social man, and no other,” which we are concerned. That is, man as he exists or allegedly exists in a “state of nature” is of no concern. As Burke reminds us, we “cannot enjoy the rights of an uncivil and civil state together” (441).

The liberty to which we are attached resides within our institutional arrangements. The rule of law, a government divided against itself, and the wide dispersion of power and authority that these affect do not “embody” or “express” our liberty; they *constitute* it. Of course, these arrangements are not now nor have they ever been without defects. But what this in turn means is that far from possessing the metaphysical perfection of the principle of the natural right to liberty, our liberty is always more or less. It is a *tradition* of liberty with which we are in love, and because every tradition is open ended or incomplete, this tradition to which we owe, not just our love for liberty, but our very identity, forever hints at ever new possibilities of which we can avail ourselves in strengthening that liberty.

Although we today tend to reference the Constitution *and* the Declaration of Independence as our founding documents; although we tend to exalt *both* documents as repositories of our liberty, there is a very good reason why it is the Constitution and not the Declaration that is regarded as the supreme law of the land. The Declaration, at least insofar as its most memorable and frequently quoted passage is concerned, gives expression to a universal conception of liberty that, because of its inherent abstractness, is incapable of governing specific conduct. Whether in a court of law or a legislature, invocations of a natural right to liberty are singularly out of place, and if they are made at all, it is not before long that they give way to more particular considerations. The Declaration is silent with respect to how societies — including American society — ought to arrange its institutions. The Constitution, in glaring contrast, not only delineates those arrangements; in a real sense, it *is* identical with them.

It really is no exaggeration to say that the Constitution, with its division of numerous powers, each “sovereign” in its own demarcated arena—each a “check” upon the authority of the others—articulates



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a fundamentally different kind of politics than that conveyed by the Declaration.

With its soaring rhetoric concerning self-evident natural rights to liberty and the rest, the Declaration belongs to what the conservative English philosopher Michael Oakeshott once called “the politics of faith.” Within this context, “faith” need not, and almost always *does not*, pertain to religion. Rather, the proponents of this style of politics share in common the conviction that there are timeless, self-subsistent ideals toward which the realization of societies must be forever laboring. To put it bluntly, proponents of this vision believe that it isn’t just permissible but mandatory that governments deploy at least some portion of its citizens’ resources, whether it be their wages, time, or even their very lives, in the service of *perfecting* these ideals on Earth. What Oakeshott calls “the politics of faith” earlier generations of conservatives, like David Hume, referred to as “the politics of enthusiasm.”

The problem with this style of politics, however, is that it is a standing repudiation of the liberty for which Americans have historically been willing to shed to the last both their own blood as well as anyone who would dare attempt to deprive them of it. Even if there really are self-evident moral ideals that anyone and everyone can effortlessly grasp, once governments, whether of their own volition or on the part of the majority of their citizens, proceed to *coerce* other citizens to serve ends that are not of their own choosing, liberty has been denied.

The Constitution, on the other hand, signifies what Oakeshott calls “the politics of skepticism.” Robust metaphysical assertions and grandiose visions of the sort embodied in the Declaration are nowhere present in the Constitution. It resolutely refuses to specify goals or ends for those within its jurisdiction to pursue. Its language is somber, even dry. The Constitution presupposes what all disciples of liberty have always known: dreams of perfection and great concentrations of power are mutually antagonistic. In other words, nothing more or less than great skepticism is called for when attending to the claims of governments to do anything other than enact and enforce only those laws that protect liberties while remaining indifferent to the uses that citizens make of those liberties.

Conclusion

Though it is understandable that the lovers of liberty should want to elevate their beloved as high as she can go, they would be well served to consider that the higher the altitude, the greater the loss of oxygen. The object of our affections—liberty—is not some abstract, universal ideal. It is a concrete, particular reality. *This* is the point that I have been trying to make. If we love her as much as we claim to love her, then we must hold her close.

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