CHAPTER I

FREEDOM: A GENERAL DISCUSSION
(a). What Freedom Is?

The problem of 'freedom' has been very crucial in human history and culture. Like many other philosophical problems, freedom conspicuously has been always a very important point at issue. The term "freedom" is very ambiguous, for it is employed from various points of view. In the history of philosophical and social thought the term "freedom" has a specific use as a moral and a social concept. It refers either to circumstances which arise in the relations of man to man or to specific conditions of social life. Even when so restricted, important differences of usage are possible, and most of the political, religious and philosophical arguments about the meaning or the nature of freedom are concerned with the legitimacy or convenience of a particular application of the term.¹ Let us define briefly the term "freedom" in order to understand its application in different contexts.

The term "freedom" is ambiguous like the term "happiness" and the term "rationality".² It does not, however, have a single generic meaning from which the others have been derived, even though the several specific meanings of the term are loosely associated. "Freedom" as a term is defined in three distinct ways: (a). as the absence of external restraint; (b) as the capacity

to do what one wishes; and lastly, (c) as the capacity to do what one ought to. Literally, freedom means 'not in bondage'.\textsuperscript{1} It is also important to note that the term 'liberty' and 'freedom' are frequently used interchangeably. However, freedom has a more philosophic connotation, and liberty is most often associated with the first of the three above mentioned definitions. In a specific sense, it can be said that, liberty is freedom applied to political or legal matters, while freedom can apply to social, personal or moral matters as well.

Freedom in its first two senses—as the absence of external restraint and as the capacity to do what one wishes—as mentioned before, could never be absolute. Total absence of external restraints is certainly unimaginable. If a man were free to follow his own desires completely, there would be continual conflict with others resulting into violence. In this condition what one person wants to do is often unfair or even harmful to some one else. From the earliest times, people have found it practical to live in groups. To do this, they restrained some natural desires and permitted themselves to be controlled by rules or laws.\textsuperscript{2} Thus, the word "freedom" according to changing conditions of society was interpreted differently in each period of human development.


\textsuperscript{2} Ibid., pp. F-338-39.
In its simplest sense, 'freedom' refers mainly to the absence of compulsion or restraint by any external power. Freedom, as the absence of constraint or what in the technical term of philosophers is called 'coercion' has a special sense and application and, therefore, needs to be elaborated at same length.

According to the above mentioned conception, freedom refers primarily to a condition characterized by the absence of coercion or constraint imposed on a person by another person. A man is said to be free to the extent he can choose his own goals or course of conduct and also has the capacity to choose between different alternatives available to him. Moreover, he is not compelled to act as he would not himself choose to act or is not prevented from acting as he would otherwise choose to act, by the will of another man, or the state, or any other authority. Freedom in the sense of not being coerced or constrained by another is sometimes called negative freedom (or "freedom from"). It refers to an area of conduct within which each man chooses his own course and is protected from compulsion or restraint. J.S. Mill's essay "On Liberty" is perhaps the best well-known expression in English of this individualistic and liberal conception of freedom:

The object of this essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, 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. That 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. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreat­ing him, but not for compelling him, or visiting him with any evil in case he do otherwise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to someone else. The only part of the conduct of anyone, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign. 1

When we go into details in explaining the meaning of 'coercion', we shall have to see its nature and consequences. If we confine ourselves to saying that a man is free in so far as his action is not coerced by another or external force, it is evident that the conception of coercion itself requires some consideration. Here an important point may be made by examining Bertrand Russell's oft-quoted sentence: "Freedom in general may be defined as the absence of obstacles to the realization of desires." 2 This definition of freedom hardly goes far enough. Because, in this connection, one can imagine an example of "an authoritarian society in which rulers have for

years been so successful in controlling and manipulating what members of the community read and what views they encounter."\(^1\)

Not only this but the educators also in such a society have been so subtly and skillfully worked to mould the minds and dispositions of the very young, and almost all the citizens naturally desire what their rulers desire them to desire, without its ever occurring to them that there are alternatives to what they are accustomed to or that their freedom to choose has been in any way circumscribed. In this way, they are not conscious of any obstructions to the satisfaction of desire, and indeed no obstructions may exist to the satisfaction of any desire they experience. Though what is mentioned is a limiting case, yet it directs our attention to the fact that there are various such conditions which exist more or less in all societies. We would scarcely concede that the members of such a society enjoyed any or much freedom. In a word, whatever the society may be, coercion, in one form or the other, would be there and complete freedom in all respects seems impossible.\(^2\) As J.S. Mill puts it:

Acts, of whatever kind, which without justifiable cause do harm to other, may be, and in the more important cases absolutely require to be, controlled by the unfavourable sentiments, and, when needful, by the active interference of mankind. The liberty of the individual must be thus far limited; he must not make himself a nuisance to other people.\(^3\)

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2. Ibid., p. 222.
From the above discussion one can easily infer two important points. First, if the absence of coercion or restraint is a necessary condition of being free, coercion must be understood as including not only the direct forms such as commands or prohibitions backed by some authority or a supernatural power, but also many indirect forms of moulding human view and manipulating it or, more generally, forms of control which are indirect because they involve control by certain persons of the conditions that determine or affect the alternatives available to others. This is in fact, an important extension of 'coercion'. Secondly, if liberty means the right of individual choice between the given alternatives, then this right in turn implies that the alternatives can be known by those who are to choose; that individual persons have the opportunity to understand the character of available alternatives and can make deliberate or informed choice. The freedom that members of society enjoy will be connected, therefore, with the extent to which competing opinions, objectives, modes of behaviour, ways of living and so on are, so to speak, on display, and with how freely they can be recommended, criticized and examined, and thus the ease with which men can make a deliberate choice between them.

Certainly knowledge or awareness enlarges the capacity or faculty of choice and decision. It is an important precon-dition of the existence of freedom because knowledge extends the capacity for acting freely. Freedom in its positive aspect
is the activity and the process for choosing oneself and acting on one's own initiative, and choice can be manipulated as readily as it can be coerced. In the strict sense, freedom is not the choice of available alternatives only. In certain circumstances the extent of the range of available alternatives may be relevant to a judgement of the extent of freedom, but in general one can talk profitably about both the existence and the extent of freedom in a particular society only by taking into account the individual and social interests, the capacities, the modes of behavior and the ways of living on behalf of which freedom is claimed. One has to live in a society, so the exercise of one's freedom solely depends upon the situations around him.¹ In this connection, A.V. Spakovsky in his book Freedom Determinism Indeterminism has rightly remarked:

...It is also quite natural that the coexistence of man with man necessitates certain limitations in regard to the social freedom of everybody. This coexistence transforms the absolute freedom of man as a separate individual, as a separate "I", into the coordinated freedom of man as a part of human society, as an element of a collective "We".²

He further introduced a formula to pinpoint the crux of the problem saying: "My freedom begins where the freedom of another man ends, and my freedom ends where the freedom of another man begins."³

³ Ibid., p. 5.
Freedom of The Will and Determinism

As stated before, the word "freedom" refers to the absence of coercion or restraint, constraint or compulsion by any external power. In an ordinary discourse the word "freedom" indicates that a man is free to the extent he can achieve chosen goals with a minimum effort. Conversely, to the extent he discovers obstacles in his way he is not free. But the problem is that freedom has its specific application in different fields. So the connotation of freedom in fields like religion, politics, psychology, morality, philosophy, law etc. differs accordingly. Hence "the most common meanings of the term" in traditional (and even in modern) philosophizing, holds R.G.Olson, "are known technically as 'freedom of self-realization' and 'freedom of indeterminism' or 'freedom of the will'".

Philosophers have long been engaged in debating the issue of 'free will' versus determinism. Some argue that will is free, while others argue differently. Anthony Kenny, regarding this, with the reference to Tolstoy, writes:

"The problem of free will", said Tolstoy, "from the earliest times has occupied the best intellects of mankind and has from the earliest times appeared in all its colossal significance. The problem lies in the fact that if we regard man as a subject for observation from whatever points of view—theological, historical, ethical or philosophical—we find the universal law of necessity to which he (like everything else that exists) is subject. But looking upon man from within ourselves—man as object of our own inner consciousness of self—we feel ourselves to be free."

The existence of freedom, holds Kenny, according to Tolstoy, was incompatible with the existence of scientific laws. Reason or wisdom teaches man the laws of necessity. According to this view the consciousness of freedom must at best be the expression of the ignorance of laws. "It is necessary to renounce a freedom that does not exist and to recognize a dependence of which we are not personally conscious."¹ We also find a similar view of the incompatibility between freedom and determinism in the thought of Dr. Johnson, when on rejecting determinism he says: "We know our will is free and there is an end on it."²

Generally, the problem of 'free will' or the 'freedom of the will' is complicated for various reasons. In the first place the traditional formulation of the issue, its very name is misleading. To ask whether the 'will' is free assumes that there is such a thing as "will" which may or may not be free in its activities. Will is really a general term describing certain sorts of events (volition) and not the name of an agent which performs them. As John Locke remarks:

For, if it be reasonable to suppose and talk of faculties as distinct beings that can act, (as we do, when we say the will orders, and the will is free,) it is fit that we should make a speaking faculty, and a walking faculty, and a dancing faculty, by which these actions are produced, which are but several modes of motion; as well as we make the will and understanding to be faculties, by which the action of choosing and perceiving are produced, which are but several modes of thinking. And we may as properly say that it is the singing faculty sings and the dancing faculty dances, as that the will chooses...³

¹. Ibid., p. 145.
². Ibid., p. 145.
In the light of John Locke's definition, it would be much better to speak of the 'freedom of the self', that is of the person—an existing conscious being, than of an abstract will. But the problem is that "Free Will" is too well established to be dislodged. Moreover, the very expression 'freedom of the self' (or say personal freedom) might suggest the problem of political liberty rather the philosophical and psychological problems traditionally associated with the term free will.¹

The term "will" is invariably used by psychologists for the decision-making process of human mind. Until the 20th century, most psychologists believed that the 'will' was one of the three faculties or powers of mind, the other two being emotion (feeling) and intellect (thought). They were of the view that the intellect guided the will in the making of decisions and choices. Most psychologists now believe that the mind acts as a whole, although there are different aspects of the mind such as knowledge, attitudes and emotions which interact in mental processes. Thus, 'will' is any such interaction that results in a decision. Psychologists say that the will is not a separate function of the mind.

Philosophers of various persuasions have long debated the issue of freedom and determinism. Some stress that the 'will' is free—that a person can act freely, independent

of the influence of outside forces or of his past actions and experiences. Others argue that there is no freedom of the will—that decisions and choices are always controlled or determined by past conditions or external causes. So the problem of 'freedom of the will versus determinism' is complicated because of various points of view that interpret it differently. It would be appropriate to give a brief account of the views of the psychologists, epistemologists, moral philosophers, jurists, politicians and theologians on the problem.

The psychologist and the epistemologist are mainly interested in the apparent conflict between freedom of choice and the usual scientific assumption that all things, including mental events, are subject to the law of necessity. As indicated before, psychologists say that the "will" is not a separate function of the mind and the term itself is considered as unscientific. In the world of sciences also there have been different assumptions. According to the scientific world-view every thing is determined (or say caused) by natural laws. Hence, 'determinism' and often 'mechanism' are taken for granted in the realm of nature. Harold H. Titus writes:

The universe as a whole and all its parts participate in and are governed by an orderly causal sequence. Effects follow causes with often predictable regularity. The causal sequence is thought to hold not only in the physical sciences but in the biological, social, and spsychological sciences as well. All these sciences have made considerable progress operating on the basis of a strict determinism.

Many thinkers agree with this thoroughgoing determinism as a scientific doctrine. Baron Von Holbech, a French philosopher, holds that "Our volitions and our desires are never in our power."¹ In the same context the German philosopher, Arthur Schopenhauer thought that the course of man's life was "as necessarily predetermined as the course of a clock" and that "a man can surely do what he wills to do, but he cannot determine what he wills."² He and his followers hold that "Will is a blind, irrational and aimless world primordial principle, similar to Kant's 'thing-in-itself'."³ Thus, determinism as a scientific doctrine is the view that the entire realm of nature, including human beings, works within an unbroken chain of cause and effect. In this way, all events in the world are fully explained by preceding events. According to the exponents of this view, wherever nature has been studied, men have found orderly causal sequences that are ruled by the law of causation. As Titus describes:

From such sciences as physics, chemistry, biology, psychology, and sociology we discover that man too is ruled by cause and effect. His glands, complexes, unconscious drives, conditioning, folkways, and conventions all influence his life; the whole range of hereditary and environmental pressures are ever present and are powerful determining factors.⁴

² Ibid., p. 182.
Though many advocates of freedom of choice accept the principle of scientific determinism with regard to nature only, yet there are some scientists and philosophers who carry the notion of determinism with regard to human will also to the extent where freedom is completely denied. The example of this view of their denial of freedom is vividly found in a famous psychologist, B.F. Skinner's writings. He says:

The use of such concepts as individual freedom, initiative, and responsibility has, therefore, been well reinforced. When we turn to what science has to offer, however, we do not find very comforting support for the traditional Western point of view. The hypothesis that man is not free is essential to the application of scientific method to the study of human behaviour. The free inner man who is held responsible for the behaviour of the external biological organism is only a prescientific substitute for the kinds of causes which are discovered in the course of a scientific analysis. All these alternatives lie outside the individual. The biological substratum itself is determined by prior events in a genetic process.

Again, we also find an example of a thoroughgoing determinism in the writings of Benedict Spinoza, who says that the "will" is a mode or modification of thought and there can be no separation between thought and will. He further adds that no volition can exist unless it is determined by another cause, this by another and so on. An action is free only insofar as the cause of the action is wholly contained in the nature and past history of the agent. "...All this plainly shows that the decree of the mind,

the appetite, and determination of the body are coincident in nature, or rather they are one and the same thing..."

Thus, a group of scientists, epistemologists and psychologists is of the opinion that man is determined by the orderly causal sequences; his freedom of choice is determined by the laws of nature, and all his mental events are subject to a law and necessity.

The moral philosopher is primarily interested in 'free will' as a postulate of the moral life. For, according to him, if a man is compelled by past circumstances to do what he does not wish to do and no alternative action is open to him, how can we say he ought to have done otherwise or blame him for what he did? As we know, the 'will' is the ability men have of choosing one course of action rather than another and that to be free is to be able to do as one wills. Jonathan Edwards—a metaphysician, theologian and moral philosopher—points out that freedom is compatible with determination of the 'will', for if the will were not determined, there would be no possibility of moral motivation and no sense in praise or blame. In the third part of this work known as "A Careful and Strict Enquiry into the Modern Prevailing Notions of that Freedom of the Will which is Supposed to be Essential to Moral Agency, Virtue and Voice, Reward and Punishment, Praise and Blame", Edwards deals with the question

whether liberty of the will (in the Arminian sense) is necessary to moral agency. The conclusion of this part of his work is thus:

...Virtue depends upon necessity; if the person could not be moved by exhortations, considerations, and inducements, neither virtue nor vice would be possible, and neither praise nor blame would be sensible. Even the commands of God would have to be acknowledged as senseless, if a virtuous soul could not be moved by those commands without losing its moral freedom.

What is meant to say is that the 'free will' is considered as a postulate of the moral life of a human person. As Henry Sidgwick, in this regard asserts:

If a man's actions are mere links in a chain of causation which ... ultimately carries us to events anterior to his personal existence, he cannot, it is said, really have either merit or demerit; and if he has not merit or demerit, it is repugnant to the common moral sense of mankind to reward or punish—even to praise or blame—him. ... Free Will in relation to moral action generally (has)... its importance in relation to punishing and rewarding...

The Jurist also is concerned with the relation between 'free will' and 'responsibility'. His question is: Can punishment be justified if the criminal had no choice but to commit the crime? According to the Jurist, it is only human existence which can be free in any serious sense of the word. Man alone knows and exercises his freedom in the world. It is only the human person who has the sense of responsibility and can live and die for freedom.

Broadly speaking, to the Jurist, responsible choice is the essence of freedom. "Freedom and responsibility can fully be appreciated only as two mutually interpenetrating interdependent and complementary requisites of the development of personality."^1 Freedom divorced from deep-rooted sense of responsibility deteriorates into licentiousness, and responsibility without freedom becomes a burden. In a word, being free, a man is responsible for the decisions he takes, the choices he makes and the personality he shapes for himself. In the words of W. Temple:

"It is the responsible exercise of deliberate choice which most fully expresses personality, and best deserves the great name of freedom."^2

Moreover, freedom is the source of rights and duties for a free man. "Freedom brings not only rights but also certain responsibilities or duties. A man released from prison gains freedom, but at the same time must face the responsibility of supporting himself"^3 because he is responsible for himself and to himself.

The politician is also interested in 'freedom' and considers it as "an ability to achieve chosen goals."^4 In the political discussion this sense of the term 'freedom' is the one which most often comes to the fore. According to a politician, if a man has freedom of speech or freedom of assembly, this means that if he chooses to speak or to assemble with others for political purposes

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2. Ibid., p. 29.
he will encounter no legal obstacles. Thus, because of given freedom of speech or assembly, he will not be clubbed by the police or thrown in jail.\footnote{Ibid., p. 100.} Again, it is said that there can be no freedom unless the scope of government is limited. Plainly it means that if the government can interfere in every matter and if there is no limit to its meddling, then little room is left for private life and for personal initiative and choice. Of course, this is true and it suggests one way of interpreting the idea of political freedom, in which a politician is interested. This is as a special case of negative freedom or say negative political freedom in which it is "as freedom from constraint by government"\footnote{Milne, A.J.N., \textit{Freedom and Rights}, (London: George Allen and Unwin, 1968), p. 304.} for using constraints is essential for a government. But when a person wants to participate in or support any political party, he is, as stated before, free at his will to assemble or to express his feelings. Milne underlines the issue:

There must be freedom to participate actively in politics to issue the challenge and put pressure on the government to answer it. This is the freedom which the members of the citizen body have under a representative form of government.\footnote{Ibid., p. 304.}

Lastly, the theologian has a keen interest in the problem, since 'free will' seems to involve the denial of God's Omniscience and Omnipotence or of His Justice. For, according to the theologian,
if men are truly free to choose, then God cannot foreknow their actions or control their choice; but if men are not free then God cannot be justified in punishing or rewarding their deeds. It means man is sometimes, in some matters, free and sometimes in others, determined. This seems to be a rational outlook that can be defended in the light of studies on the issue in various disciplines. On the contrary, there are theologians who consider predestination as a doctrine according to which God has decreed every event that was to take place, or at least that each man's destiny was fixed by Divine decree. Thus, according to this view events in nature as well as human 'will' both are determined by God. In this connection, H.H. Titus, in Living Issues in Philosophy, writes:

If God is omnipotent and omniscient—that is, all-powerful and all-knowing—then things must be determined by Him. This means that events in nature and human conduct, including man's will, are determined by the sovereign will of God. The view is thus theological and supernatural in its outlook and emphasis.

So far as the validity of the theological outlook is concerned, one finds this view quite appropriate that according to theologians man is partly free and partly determined.²

The central problems, regarding freedom of the human will and determinism, as discussed above, are accurately formulated


by Henery Sidgwick in his book, The Methods of Ethics, in the following words:

And the question which I understand to be at issue in the Free Will controversy may be stated thus: Is the self to which I refer my deliberate volitions a self of strictly determinate moral qualities, a definite character partly inherited, partly formed by my past actions and feelings, and by any physical influences that it may have unconsciously received; so that my voluntary action, for good or for evil, is at any moment completely caused by the determinate qualities of the character, together with my circumstances, or the external influences acting on me at the moment—including under this latter term my present bodily conditions?—or is there always a possibility of my choosing to act in the manner that I know judge to be reasonable and right, whatever previous actions and experiences may have been?1

After taking into consideration various meanings of freedom, we, in the following pages, propose to examine the problem of free will in three important fields viz., Law, Politics and Religion.

(I). FREEDOM IN LAW:

Law has been variously defined by various individuals from different points of view and no wonder there is no unanimity of opinion regarding the real nature of law. However, it is essential to discuss some definitions of law forwarded by some important thinkers.

Generally, the term "Law" means that which is laid down, ordained or established. A rule or a principle according to which natural and social phenomena occur is called 'law'. In regard to human action law has a different meaning that is applicable to both the social and the political norms, which control the activities of individual members of the society or state. "Law, in its generic sense, is a body of rules of action or conduct prescribed by a controlling authority, and having binding legal force." It is that which must be obeyed and followed by citizens subject to sanctions or legal consequences. "Law is a solemn expression of the will of the supreme power of the state" Again, law is considered as a system of rules and standards of behaviour, established or sanctioned by state authority and the fulfilment of those legal rules is forcibly ensured by the state. Therefore, it is defined as:

The body of rules or principles, prescribed by authority or established by customs, that a state, community, society, or other group recognizes as binding on its members.

2. Ibid., p. 795.
However, the purpose of Law is mainly to maintain peace and order, to define the rights of citizens, to secure justice, to maintain a harmonious culture, to settle conflicting interests and finally to provide means and ways for punishing wrongdoers.

Some other definitions of law may help us to grasp its fullest meaning and purpose. According to Keeton:

"A law is a rule of conduct, administered by those organs of a political society which it has ordained or the purpose and imposed in the first instance at the will of dominating political authority in that society in pursuance of the conception of justice which is held by that dominating political authority or by those it has committed the task of making such rules."

Vinogradoff defines law as "a set of rules imposed and enforced by a society with regard to the distribution and exercise of power over persons and things."

In the words of Erskine, "Law is the command of a sovereign, containing a common rule of life for its subjects and obliging them to obedience." Green holds: "Law is the system of rights and obligations which the state enforces." The most authentic definition of law is that of Paton. According to him the term

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1. Ibid., p. L-104.
3. Ibid.,
4. Ibid.,
5. Ibid.,
6. Ibid.,
'law' may be defined from various points of view such as from the viewpoint of the theologian, historian, sociologist, philosopher, political scientist or lawyer. Sometimes the word 'law' is also used in a metaphorical sense. Law may be defined, firstly, by in terms of its roots in nature, reason, religion or ethics. Secondly, it may be defined in terms of its origin in custom, precedent or legislation. In the third place, it may be defined by its effect on the life of society. Fourthly, it may be described by the method of its formal expression or authoritative application. In the fifth place, it may be defined by the ends that it seeks to achieve. Paton himself defines law in these words:

"Law may be described in terms of a legal order tacitly or formally, accepted by a community that considers it essential to its welfare, and which it is willing to enforce by the creation of the specific mechanism for securing compliance. A mature system of law normally sets up that type of legal order that is known as the state, but we cannot say a priori that without the state no law can exist." 1

A famous psychologist, B.F. Skinner is of the view that the study of law or jurisprudence is usually concerned with the codes and practices of specific governments, past or present. It is also concerned with certain questions upon which a functional analysis of behaviour has some bearing. He further says that a law usually has two important features:

1. Ibid., p. 85.
"In the first place, it specifies behaviour. The behaviour is usually not described topographically but rather in terms of its effect upon others—the effect which is the object of governmental control. In the second place, a law specifies or implies a consequence, usually punishment. A law is thus a statement of a contingency of reinforcement maintained by a governmental agency." 1

He further adds:

"A law is a rule of conduct in the sense that it specifies the consequences of certain actions which in term 'rule' behaviour." 2

In the light of various definitions given above, we can very aptly say that law is a set of rules, body of principles or a system of rights and obligations, which in its specific sense is enforced by the public or the society with regard to the distribution and exercise of power by the state or a political authority or the laws makers.

In law "freedom" is the state of being free. It is self determination, absence of restraint and the opposite of slavery. 3 According to the advocates of the freedom of 'will', will is the power of acting in the character of a moral personality without a check, hinderance or prohibition other than such as may be imposed by just and necessary laws and the duties of social life.

As stated earlier, in every discipline of life, freedom has its specific sense. In Law freedom means 'exemption from

2. Ibid., p. 339.
extraneous control'—freedom from all restraints except such as are justly imposed by law. Hence, it is freedom from restraint, under conditions essential to the equal enjoyment of the same right by the others. Freedom is regulated by law. It is "the absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions imposed in the interest of the community. Again, in law, as indicated before, freedom is the power of the 'will' to follow the dictates of its unrestricted choice, and to direct the external acts of the individual without restraint, coercion or control from other persons.

The term "will" in law is a written document in which a person—who is called 'testator'—tells what he wants to do with his property after his death. A 'will' may also cover rightly guardianship of minor children and the administration of an estate. It must meet certain legal requirements and should be phrased in such a way that the person's or testator's intentions are clear. In law it is specifically visualized that the person who makes a 'valid will' must be mentally competent at the time it is drawn up, and must fully and consciously understand the effect of what he does. It is still generally accepted that the right to make a 'will' is really a privilege granted by a statute, not an inherent constitutional or fundamental right. Consequently, specific laws, which generally vary from state to state and country to country govern the making of wills.

1. Ibid., p. 827.
This is what the term 'will' means in law. Though the legal sense of will is not relevant to our present study, it, however, underlines the testator's mental competence and liberty, which are essential for the exercise of human 'will' in moral sphere too.

Generally, instead of 'freedom' the word 'liberty' is used in its specific connotation in law:

"The word 'liberty' includes and comprehends all personal rights and enjoyment. ...It embraces freedom from duress, freedom from governmental interference in exercise of intellect, in formation of opinions, in the expression of them, and, in action or inaction dictated by judgement."

Liberty has two sides—positive and negative. On its positive side, liberty denotes the fullness of individual existence or his obligation to do something, while on its negative side it denotes his right to do nothing or be left alone, or the necessary restraint on all, which is essentially required to promote the greatest possible amount of liberty for each.

The word "liberty" as used in the constitutions means, in the negative sense, freedom from restraint; but in the positive sense, it involves the idea of freedom secured by the imposition of restraint. It is in this positive sense that the state, in the exercise of its police powers, promotes the freedom of all by the imposition upon particular persons of restraints which are deemed necessary for the general welfare of humanity.

Moreover, the term 'liberty' when used in constitutional sense, devotes different aspects prescribed within that very constitution and the citizens have the right to exercise their freedom in the light of that framework:

(Liberty) means more than freedom of action, freedom to own, control and use property, freedom to pursue any lawful trade, business or calling, and freedom to make all people contracts in relation thereto.  

The term (liberty) is used in the sense of expression, rights, liberties and franchises and also as a word of the same general class and meaning with those words and privileges. This use of the term is said to have been strictly conformable to its sense as used in Magna Carta and in the English declarations of rights, statutes, grants etc.  

Thus, in a derivative sense, the people, the place, district or boundaries within which a specific franchise is enjoyed, an immunity claimed, or a jurisdiction exercised. Hence, in this sense, the term 'liberty' is commonly used in the plural as the "liberties of the city."  

(i). DISTINCTION BETWEEN CIVIL AND POLITICAL LIBERTY:  

(a) Civil Liberty: Civil liberty identifies those individual freedoms upon which neither government, individuals nor organisations can encroach. It is the liberty of a member of society and hence also described as his 'natural liberty'. Civil liberty

1. Ibid., p. 827.  
2. Ibid., p. 828.  
3. Ibid., p. 828.
implies rights, that is each of the forms of liberty entails its corresponding right. Civil liberty is the power of doing whatever the human laws permit—the greatest amount of absolute liberty which can, in the nature of things, be equally possessed or enjoyed by every citizen in a state. Thus, civil liberty includes freedom of personal actions such as movement, assembly and association etc. and religion, speech and press. Guaranteed protection against interference with the interests and rights is sought from all the members or civilized men or the administrative body of the state.

(b) Political Liberty: The term political liberty has a narrower meaning, for it refers mainly to the rights an individual needs in order to participate in the political activities of the community. More briefly, one can say that political liberty is the liberty of the citizen to participate in the operation of government, and particularly in the making and administration of laws. In the light of the right to political liberty, a citizen has right to join any political party. He has also the right to freedom of speech and expression, which indirectly indicates that a citizen can express his feelings in favour of or against any political party.

(ii). NATURAL AND PERSONAL LIBERTY:

There are two kinds of liberty, natural and personal. Natural liberty or liberties are usually considered absolute in

a comparative sense as opposed to personal liberty that is ensured through some kind of contract or law between individuals and the state.

(a) **Natural Liberty:** Natural liberty is the power of acting as one thinks fit, without any restraint or control unless by the law of nature; the right which nature gives to all mankind of disposing of their persons and property after the manner they judge most consistent with their happiness. It is also on condition of individuals acting within limits of the law of nature with such consciousness as not to interfere with an equal exercise of the same rights by other fellow men.

(b) **Personal Liberty:** It is the right of power of locomotion, changing situation or moving so as one's own inclination may direct or suit to oneself, without imprisonment or restraint unless by due course of law. Personal liberty, as indicated above, is ensured through some kind of rightful contract or law between citizens and the state or government.

In some constitutions, thinkers have used the word "liberty" where as in the rest the expression "personal liberty" is taken into consideration. As, for example, in the first draft of the constitution of India the word "liberty" was used but later on the word "personal" was added. This was done so as to avoid any confusion with respect to the identity of other fundamental rights.
(iii). **LIBERTY OF CONSCIENCE:**

It is the liberty for each individual person to 'decide' for himself what is to him moral or religious.

(iv). **LIBERTY OF CONTRACT:**

The ability at will to make or abstain from making a binding obligation enforced by the sanctions of the law. The right to contract about one's affairs including the right to make contracts of employment, and to obtain the best terms and conditions one can as the result of private bargaining. Liberty of contract also includes the corresponding right to accept a contract proposal. There is, however, no absolute freedom of contract. The government or state may regulate or forbid any contract calculated to affect injuriously public interest.

(v). **LIBERTY OF SPEECH AND PRESS:**

Individual has right to speech and expression. In law it also includes freedom of press and circulation. In law it is guaranteed that a person has right to express his feelings, to print and publish the truth from good motives for justifiable ends. A citizen has right to publish whatever he may please, but he is not allowed such publications as are based on blasphemy, obscenity or scandalous character because it can injuriously affect the interest of individuals and hence, such an act would be a public offence. However, immunity from previous restraint or (from) censorship is there in this right.
(vi). **RELIGIOUS LIBERTY:**

In a democratic state, a citizen has right to exercise his religious freedom. It means freedom from dictation, constraint or control in matters affecting the conscience, religious beliefs and the practice of religion. Freedom to entertain and express any system of religious opinions, and to engage in or refrain from any form of religious observance or public or private religious worship, not inconsistent with the peace and good order of society and the general welfare. Thus, in a democratic state, a citizen has been provided the right to freedom of religion.

A democratic state which provides its citizens the right to freedom of religion, too, secures for its every member freedom from the payment of taxes for promotion of any religion and worship in certain educational institutions. Such a state also guarantees to every citizen the freedom of conscience, practice and propagation of religion. It further provides its citizens the right to freedom in religious matters like, religious demonstration and denomination, management of affairs with respect to religion and establishment and maintenance of institutions for religious purposes. State does not make any law with regard to an establishment of any religion or prohibiting the free exercise thereof. A Citizen, in a democratic state, therefore, is free to exercise his will in religious matters, only on the condition that it is not inconsistent with the peace, morality and general welfare of the community.
(II). **FREEDOM IN POLITICS:**

Politics is an activity that takes place at different levels involving relations between citizens and the state at both the individual and collective planes. It also studies relations between various classes in the state, as well as relations between one state and the other, that is international political relations.

Politics, properly speaking, is a matter of the administrative aspect of a society. However, in modern times, politics has become, in a sense, a substitute of religion. Religion embraced all the spheres of human activity till the recent times. Now politics interferes with and penetrates in man's individual as well as his social, religious and communal life.

One may usefully identify the political interactions in a society as its political system, rather than as government, or the state: power or a set of decision-making processes. How is one to distinguish this system from other systems of behaviour, such as the religious, economic, psychological and cultural? In answering this question, we shall simultaneously obtain an initial, gross conceptualization of political science, one that can serve as a point of departure for distinguishing political science as a theoretically separate and autonomous discipline. Hence one may describe the political system as that "behavior or set of interactions through which authoritative allocations (or binding decisions) are made and implemented for
In politics the word "freedom", with its synonym "liberty," has a strong laudatory connotation. It has, therefore, been applied to whatever actions, policies, or institutions may deemed valuable, from obeying the law to attaining economic affluence. Political writings seldom provide explicit definitions of "freedom" in descriptive terms, but it is often possible to infer descriptive definitions from the context. If this is done, it will be seen that the concept of freedom refers most frequently to social freedom which must be distinguished from other descriptive and valuational usages. Descriptive definitions of 'freedom' designate empirically specifiable states of affairs and can, therefore, be accepted by any one, regardless of his normative views on "liberty". Freedom in a valuational sense is used to commend rather than to describe; it, therefore, means different things to writers committed to different ethical standards.2

A.J.M. Milne, in Freedom and Rights, regarding the relationship of individual's freedom and the governmental power says:

It is often said that there can be no freedom unless the scope of government is limited. What is normally meant is that if the government can interfere in everything, if there is no limit to its meddling, little room is left for private life and for personal initiative and choice. This is of course true and it suggests one way of interpreting the idea of political freedom. This is a special case of negative freedom. It should be thought of as

2. Ibid., Vol. V, p. 554.
negative political freedom: that is, as freedom from constraint by government. No government can govern without using constraint, which means that negative political freedom is always partial, never complete. But this is not denied by the doctrine of limited government. Its point is that just because government involves the use of constraint, its scope should be limited.  

Elaborating the reasons of limited governmental authority, he comprehensively maintains:

According to the idea of the public interest, the scope of government is always limited. The task of the government is to promote the public interest, which means establishing and maintaining certain conditions in a society's way of life. It must do what is necessary to perform this task but has no business concerning itself with anything else. The public sphere, which is the proper concern of government, is always finite in extent. The private sphere, which falls outside its scope, is 'openended' and extends indefinitely. In other words, the idea of negative political freedom is built in to the idea of the public interest. But the public interest is often a problem not a datum. Some of the steps taken by the government to promote it may well be controversial. While the scope of government must in principle be limited, just what the limits should in fact be is by no means always clear. The public sphere is always finite, but just where the line should be drawn between it and the private sphere depends upon the circumstances prevailing at a given time and place. There is a sense in which negative political freedom is essentially residual in character. It can be encroached upon if the public interest makes this necessary. At the same time these encroachments do not have to be accepted uncritically. The government is a fallible human agency. It has no monopoly of wisdom or virtue. To challenge the government to show why the public interest requires a particular measure is in principle always justified.

2. Ibid., p. 304.
The form of government that ensures greatest scope of freedom is democracy. A.J.M. Milne, further dealing with the issue of freedom in a democratic state, stresses upon the right of self-determination of an individual:

There must be freedom to participate actively in politics, to issue the challenge and put pressure on the government to answer it. This is the freedom which the members of the citizen body have under a representative form of government. Now being a member of a citizen body means being, or at least having the opportunity to be, self-determining as a citizen. To be a self-determining or free citizen is not to be like Sir Joseph Porter in H.M.S. Pinafore who:

'always voted at his party's call and never thought of thinking for himself at all.'

It is to make up one's own mind about political issues and acting in the light of the conclusions one reaches. This political self-determination of the free citizen involves something more than merely the absence of constraint by the government, although that is a necessary condition and may appropriately be styled positive political freedom. Citizenship falls within the scope of rational activity at the level of social morality, which means that there is a close connection between moral freedom and positive political freedom. If you are denied membership of the citizen body, your sphere of moral self-determination is correspondingly reduced. Being a member enlarges your opportunities as a free moral agent to act responsibly and justly as a member of your society. ¹

Again, in political discussion 'freedom' is also meant "an ability to achieve chosen goals."² Robert G. Olson

¹. Ibid., pp. 304-305.
has rightly put it:

If a man has freedom of speech or freedom of assembly, this means that if he chooses to speak or assemble with others for political purposes he will encounter no legal obstacles. He will not be clubbed by the police or thrown in jail.

This is because in a democratic state a citizen has right of freedom. He also has, as explained earlier, the opportunity of self-determination as a citizen.

As stated before, generally the concept of political freedom refers most frequently to social freedom which must be distinguished from other descriptive and valuational usages of the term. It, on the one hand, refers to interpersonal or inter-communal relationships. One person has to respect the freedom of others, and one group or class or community has to leave others free to act in their own desired ways. In the context of international relations the concept of social freedom is extended to the relationship of one nation with other nations. Every nation is obliged to respect the freedom of other nations, states and peoples. As an individual in a society is not free to violate the freedom of other citizens, similarly in international relations freedom of various states is curtailed in order to safeguard the freedom of all the states and nations.

Coming back to social freedom in the context of interpersonal relations, an individual is unfree to deviate from generally

1. Ibid., p. 100.
accepted norms of the locality, group, community etc. This curtailment of individual freedom is essential for the general welfare as well as general freedom of an entire body of people, whether it may be society or community or an institution. This principle is applicable to relationships between various groups and their interactions also:

A person's social freedom does not depend on his actual behaviour. We often perform actions that we are unfree to do (for example, speeding) and refrain from actions that we are free to perform (for example, driving at any speed lower than the speed limit).

Again, there is no such thing as freedom in general. As we know, every organised society consists of an intricate network of specific relations of both freedom and unfreedom as indicated before. Citizens in a democratic state have the political freedom to participate in governmental process through "free" elections. In Democracy, as we see, the voters, parties and pressure groups are thereby empowered to limit the freedom of their elected officials. Democracy also requires that "civil liberties" be protected by legal rights and duties, and these duties again imply limitations of freedom. Conversely, in a perfect dictatorship, the ruler has unlimited freedom with respect to his people, whereas they are totally unfree with respect to him. In a despotic form of government, which is not subject to

the rule of law, people have no freedom to exercise their will:

A despotic government is not subject to the rule of law. ... The despotic government can intervene in their lives when and where it likes and can arbitrarily subject them to constraint.

In a democracy, both liberties and restrictions of freedom are distributed more evenly, for example, among the various branches of government, between government and governed, majority and minority. In such a state, equal freedom, not greater freedom, is the essence of democracy. Strictly speaking, it is not meaningful to say that there is "more" freedom in one society or another; but it is possible to define degrees of social freedom in the sense that one actor has greater freedom in certain respect than another:

A society in which liberties are evenly distributed may be called a free society. However, here we came close to using freedom in valuation sense: a society is free in which those and only those freedom relations hold that are desirable.

"Freedom", as indicated above, can be considered in the normative sense in which case, its evaluative character permits of different criteria applicable. It, therefore, means different things to thinkers committed to different ethical viewpoints. For example, according

to Montesquieu, "Liberty can consist only in the power of doing what we ought to will."¹ Similarly, a person is often said to be free, not if he acts freely or develops his capacities, but if he realizes his "best" or "essential" self. For instance, as Laski holds, "Liberty may be defined as the affirmation by an individual or group of his or its own essence."² Thus, some thinkers have held that a person is most likely to realize his essence if he is left free to choose for himself. Conversely, according to other philosophers, like Plato and the followers of Christian thought and Neo-Hegelianism, man reaches the highest form of self-realization by submitting to some moral norm imposed by his own "higher self" which is usually identified with faith, reason or moral conscience. As Spinoza says: "I call him free who is led solely by reason."³ Similarly, Rousseau holds, "Obedience to a law which we prescribed to ourselves, is liberty."⁴

One of the most peculiar characteristics of freedom is the protection of basic rights. In this respect classical liberalism from Locke to Spencer and his followers advocated that government should restrict a person's freedom where and when necessary to protect another person's basic rights. In strict sense, liberty is

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² Ibid., p. 558.
³ Ibid., p. 558.
⁴ Ibid., p. 558.
not a personal affair but is grounded in social contract. An individual has to observe it as whatever affects himself would also affect others. Being a social and ethical being he has to consider and respect the freedom of others, for they have the same right to exercise their free will. The liberty of the individual and the society is, therefore, interrelated and complementary to each other. J.S. Mill, in his Essay "On Liberty" presents three main principles as being the basis of the appropriate region of human liberty:

...First, the inward domain of consciousness; demanding liberty of conscience in the most comprehensive sense; liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological. The liberty of expressing and publishing opinions may seem to fall under a different principle, since it belongs to that part of the conduct of an individual which concerns other people; but, being almost of as much importance as the liberty of thought itself, and resting in great part on the same reasons, is practically inseparable from it. Secondly, the principle requires liberty of tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow: without impediment from our fellow-creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong. Thirdly, from this liberty of each individual, follows the liberty, within the same limits, of combination among individuals; freedom to unite, for any purpose not involving harm to others: the persons combining being supposed to be of full age, and not forced or deceived.

No society in which these liberties are not, on the whole, respected, is free...

A society is free, provided it is based on these laissez-faire principles. In this way, a person who enjoys these legal rights and is subject to the corresponding legal duties is free, however unfree he may be in other regards and with respect to actors other than the government, (e.g. because of economic exploitation or social pressure). In the light of this fact, the United States Supreme Court once held that minimum wage and maximum hour laws violate the constitutional principle of liberty because such regulations are not necessary to the protection of the basic rights but constitute "arbitrary" limitations of "freedom of contact" of both employer and employee. This is, no doubt, an important aspect of freedom as protection of basic rights of human individual.¹

There are two spheres of political freedom—negative political freedom and positive political freedom. In negative political freedom or say 'freedom from constrain by government' the emphasis is on the external side. In this sphere, the latent internal side is not necessarily political. It is merely the minimum capacity for self-determination which is present in all negative freedoms. Negative freedom is a necessary condition for higher forms of freedom, and the same is true of the special case of negative political freedom. One cannot be a free moral agent if one is subject to constraint by government. Positive political freedom, in this respect, is best thought of as a

special case of moral freedom. This has its proper place in the scale of forms. It is far superior than negative political freedom. It is certainly better to think of political freedom in terms of free citizenship than merely as the absence of constraint by government. But both the spheres—negative and positive political freedom—are complementary to each other. "Without positive political freedom, negative political freedom is insecure."¹ Moreover, they are essential to each other because "there cannot be positive political freedom without the negative form."² But one important point in this regard should be kept in mind: there can be negative political freedom without the positive variety. The negative concept, therefore, needs to be distinguished from the positive one. One can think of political freedom simply in negative terms without thinking of free citizenship and what it involves at all.

From the view-point of freedom governmental system may be divided into two types: despotic and democratic. Despotic form of government allows its subjects negative freedom only, yet it is always uncertain and precarious. The government, as explained earlier, can intervene in the lives of its subjects when and where it likes and can arbitrarily curtail their freedom. On the other hand the democratic form of government ensures adequate

¹ Milne, A.J.M., op. cit., p. 305.
² Ibid., p. 306.
opportunities for positive political freedom. In one-party totalitarian government there is inequality of status between those who are members of the party and those who are excluded from it, and the latter are denied positive political freedom. They may be named as 'second-class' citizens and their opportunities for moral freedom are less adequate than those of the 'first-class'. It means that a society with an undemocratic representative form of government is something less than a free society properly so called.

The government based on despoticism or dictatorship is most dangerous for human creativeness based on this freedom, namely: the scarcity of geniuses of high intellectual and specially of high moral qualities. Man, in such a state, leads a life of alienation and despair. Due to constraint he fails to unfold his creative potentialities. Rightly speaking, in a despotic system man becomes despondent:

"Dictatorship is harmful for the freedom of man and his spiritual and cultural realization not in itself but because of a scarcity of genius dictators with highly developed intellectual and moral qualities. In this field as in general in all fields of our existence the average type of man predominates, and even the number of intellectually and morally defective men considerably exceeds the number of geniuses. It is rather stupidity and cruelty which rule in our human world than wisdom and goodness which are very rare, flowers in the garden of our earthly life."

The above discussion may be summarized in the following words of Milne:

A democratic form of government is a necessary condition for social freedom and that political freedom, both positive and negative, is part of social freedom. Negative political freedom is included in social freedom as a special case of negative freedom; positive political freedom as a special case of moral freedom. But both need to be distinguished from social freedom because both can exist without it.

However, if we carefully examine the democratic system of government, we also find the limitation by the social majority upon the social freedom of man. We name the rule of the social majority by a general term "democracy". With regard to this view of social majority (democracy) limitation, A.V. Spakovsky declares:

The degree of this limitation depends upon the same factors, upon which it depends in dictatorship and oligarchy, i.e. upon the moral and intellectual quality of the social majority.... (similarly are) the dangers of democracy for a free cultural and spiritual creativity and for its bearers: the social minority of the talented persons and those of genius....

In a word, the more the summit of the intellectual and moral (spiritual - cultural) creative activity moves away from the intellectual and moral level and form of the social majority, the more the bearers of this creative activity begin to feel the pressure from the social majority. This intellectual and moral pressure creates in the social creative minority the feeling of an unfreedom as a direct result of the limitation of the free development of their creative activity. 2

Moreover, absolute freedom in any form is neither possible nor desirable. It is an abstract idea. An absolute political or social freedom certainly destroys human dignity. Therefore, freedom, in all its forms is always relative. Spakovsky, in this regard, rightly remarks:

An absolute social freedom will destroy human society, because it leads to an impetuous and unrestrained collision of individual purely egocentric interests, so that every kind of anarchism is unrealizable in human society as such, being its very negation. Social freedom must be therefore relative, and the egocentric willfulness of man must be limited by certain considerations of a general welfare of society, according to the already mentioned rule: my freedom begins where the freedom of my fellow-man ends, and my freedom ends where the freedom of my fellow-man begins, and vice-versa, i.e. the ideal of social freedom is to be solidaristic.¹

The positive political freedom is rightly and fully achieved under truly democratic government. It is, no doubt, an aspect of political freedom and is included in social freedom in the sense that a free society by virtue of having a democratic form of government will be self-governing society. But one should always think that self-government in the first sense is also essential for social freedom. According to Spakovsky, social freedom, in reality, consists in a possibility that every human person can express his thought, feeling and will without being persecuted for this expression by the social milieu.²

1. Ibid., p. 18.
2. Ibid., p. 5.
The co-existence of man with man necessitates certain limitations with regard to the social freedom. However, it is certainly true that a free society must be a politically independent society. It must be in the words of Kant "A Kingdom of ends", i.e. a state in which every citizen is free to pursue his end and no one is used as a means to attain the ends of others.

It may be concluded that political freedom is a necessary condition for social freedom, but it is certainly not a sufficient condition for it. The creation of conditions conducive to social freedom is different from attaining political independence. Many countries of the third world, despite attaining political freedom are under despotic rule, that is they are ruled by monarchs, shaikhs or dictators. If they are to enjoy positive political freedom, they must have a democratic government also. It cannot be exported to them or made part of a foreign aid programme. But the fact that a society is not capable of democracy or even constitutionalism is not a good reason for withholding the individual's freedom.

Similarly, the claim of the developed countries that their presence or intervention in the affairs of underdeveloped countries is for the sake of securing freedom of their citizens is a self-contradictory claim. What that is imposed from outside is not, in the strict sense of the term, freedom. As an individual's freedom arises from within himself, in the same way a nation's
or state's freedom also ought to be realized from within.

At the end it is appropriate to point out that freedom, whether it may be social or political, of an individual or a group can never be absolute. Absolute freedom is a notion isolated from natural, social and political realities; it is an abstract idea that cannot be applied to any concrete situation. Freedom, in all its forms, is always relative. One can talk of absolute freedom with regard to Almighty God only, for absolute freedom implies absolute power also.
(III). FREEDOM IN RELIGION:

Before proceeding ahead it seems appropriate to know what religion is. If one promptly makes explicit the basic features of the concept of religion, it would be much easier for him to examine the doctrine of 'freedom' in religion.

We shall start with the definition of James Martineau, according to which: "Religion is the belief in an ever living God, that is, in a Divine Mind and Will ruling the Universe and holding moral relations with mankind." Spencer, like Martineau, represents religion as some sort of belief or other cognitive state. To Frazer it is a ritual that is conceived in a utilitarian fashion; while Bradley and Arnold hold religion as a kind of moral attitude and activity. According to McTaggart and Tiele it is a certain kind of feeling.¹ In a word, one might think of these definitions as one-sided, but the crux of the religion is, in a broader sense, a composite view of all these.

With reference to Islam it may be said that the very name of this religion provides the most proper definition of religion. 'İslâm' literally means in 'Arabic "submission", that is submission to Divine Will. Nevertheless it does not mean negation of human freedom. Submission to Divine Will enables a man to participate in the acts of Divine Will.

No doubt every person is born in a particular society that has its specific religious or non-religious atmosphere. One is, in one way, free at his will to accept or reject any particular religion. But, in another way, one's religious faith is determined by one's society. In a free society religious diversity would be an open possibility. Mosques, Temples, Churches or other religious institutions are allowed to co-exist in a pluralistic society. One may or may not join these institutions according to his will. In religious matters people are free to work out their religious positions for themselves. The understanding of religious matters and dimensions of human experience are displayed in a more mature and better way in a free society's religious policy. 'Religious freedom' is a way to express the attitude of a free society towards religion.

We have discussed negative and positive sides of political freedom in the preceding part of this chapter. Religious freedom also has both a negative and a positive form. Negative religious freedom is simply freedom from constraint in all religious matters. In this sphere one does not have to join any church or religious institution if one does not want to. On the other hand, positive religious freedom means 'self-determination in the sphere of religion'. A man achieves it to the extent that he works out his attitude towards religion for himself and bases his practice upon the convictions he has reached rather than allowing his religious position to be settled for him by social custom or convention. In brief, in the words of Milne: "negative religious freedom is part of negative freedom: positive religious
freedom is part of personal freedom.\textsuperscript{1} What follows from the above statement is that negative religious freedom is a necessary but not a sufficient condition for positive religious freedom. One must be free from constraint in matters of religion if one is to be self-determining. But the fact that one is free from constraint does not mean that one will in fact be self-determining. One may simply ignore religion or follow fashion without thinking. Thus in a free society, there must be complete negative religious freedom and adequate opportunities for all to achieve positive religious freedom.

But the question arises: are there to be no limits to negative religious freedom in a free society? Should nothing be forbidden which is done in the name of religion, provided that it does not harm or inconvenience those not taking part in religious matters? As for example, in the case of human sacrifice, or say 'Sati', one may or may not follow this religious rite. Ought 'Sati' in accordance with the views of some Hindus to be allowed in a free society? Should, similarly, Muslims be allowed to slaughter cows showing disrespect to the feelings of Hindus? (Though this kind of act is different from human sacrifice or Sati). The prohibition of such practices would not be a breach of positive religious freedom, for such practices do not form the core of any religious faith, but are related to rituals, that too, most often misconceived.

Suicide is a sin in every religion. A more pertinent case is that of suicide. Even though it would seem as if the right to take one's own life should rest with the individual himself, yet religion imposes restraint on it to the extent of declaring it a sinful act. The justification here would be that the sacredness of human life ought to be treated as the most fundamental of all values and it is the duty of any genuinely religious person to prevent people from doing so. "Preventing them means preserving their opportunities for personal, moral and rational freedom, albeit against their will."¹ In Islam cow-slaughter is permitted, but is in no way a 'must' without which the basic condition of religiousness remains unfulfilled. Moreover, Islam as a religion, in theory and practice, has been tolerant and respectful to other faiths. There are various instances in history that Muslims rulers prohibited cow-slaughter to show respect to the feelings of Hindus and to win their good will. In short, such ritualistic aspects usually are not essential to the teaching of any religion. Therefore, their disconfirmation at the instance of state does not actually curtail one's religious freedom. Of course, if Muslims are restrained from offering regular prayers and the prayer call, or disallowed to go to Hajj pilgrimage, or to observe Muharram ceremonies, it would be undoubtedly an encroachment upon their religious freedom. These examples are cited to show the nature and extent of religious freedom that must be ensured in all democratic and free societies.

¹ Ibid., p. 321.
Religious freedom, in its true sense of humanistic well-being, is a doctrine of a special status. Man acts freely. In a real sense he is more social than individual because he can not survive and live alone. Ethics being a matter of interpersonal relations is meaningful only in a social context. Hence in personal or individual and social aspects of freedom, he is partially free and partially determined. In this connection Anatol Von Spakovsky has rightly remarked:

Social freedom consists in a possibility that everybody can express freely his thought, feeling and will without being persecuted for this expression by the social environment. But it is also quite natural that the coexistence of man with man necessitates certain limitations in regard to the social freedom of everybody. This coexistence transforms the absolute freedom of man as a separate individual, as a separate "I", into the coordinated freedom of man as a part of human society, as an element of a collective "We".

Further, in this regard, he formulates a formula that indicates this co-ordinated social freedom of man as: "My freedom begins where the freedom of other man ends, and my freedom ends where the freedom of other begins." One has both the ways open either to act within the framework of a particular religion and its tenets or to do otherwise. One can exhibit and exercise one's religious freedom in a social perspective. True religious freedom is that which establishes morality of a free society on a humanistic basis, and not on the basis of caste, colour, creed, sex, group or geographical conditions etc. This 'human morality', 'human-welfare' should be the aim and objective of a religious or social freedom.

2. Ibid., p. 5.