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TRANSFORMATION OF THE CONCEPT OF LIBERTY: LIBERALISM AND NEOLIBERALISM

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This article examined content, features, mechanisms of political dimensions of freedom in conditions of the establishment of democratic principles of government. A special place is given to the analysis of the dynamics of social factors in the context of the definitions of value of human life, the primary feature of which is freedom. The analysis is placed within the context of development of political thought, and regards various approaches toward the correlation of freedom and justice, freedom and law, freedom and equality that have been elaborated in the works of, most notably, Thomas Hobbes, John Locke, J.-S. Mill, Jean-Jacques Rousseau, Immanuel Kant, John Rawls, Paul Ricoeur, Alasdair Macintyre and others. On the foundation of these theories the author posits main principles of the interaction of these notions in classic liberalism and neoliberalism.

Keywords: freedom, political freedom, liberalism, early bourgeois liberalism, neoliberalism.

Understanding of the ways of transformation of scientific concepts of classical liberal and neo-liberal shapes can take place in light of different systematic grounds. Not denying the value of other categories, such as justice, equality, will etc., the category of “freedom”, from our point of view, is the most important, since it combines in itself antropological, social, institutional and abstract-universal grounds of human existence, including its political part. Therefore, scientifically substantiating the interior linkage and transformation of classic liberal and neo-liberal theories of politics, the ascending category of their synthesis should be the concept of freedom.

Liberal understanding of freedom, which actualizes as one of possible attempts to solve the Popper’s “paradox of freedom” (“unlimited freedom causes its contradistinction, since without protection and limitation by law freedom will cause the tyranny of the stronger over the weaker”), concentrates on the overcoming the dichotomy of law and liberty [7]. Here the distinction from absolutist understanding of law centers around such definition of it, which emphasizes its role as a factor supporting social order, wherein is primarily defined the importance of independence from somebodies subjective will. It motivates us to understand the law not as something contrary to freedom, but as necessary condition of it, and, moreover, it doesn’t limit or destroy freedom, but helps to preserve and broaden it. In this case the dependence on law is contrasted to the dependence on somebodies subjective will, and therefore we speak about the essential differentiation of coercion, which facilitates, and coercion, which destroys the individual capabilities of freedom.

On making a person dependent on its will, the law simultaneously exempts the person from the wills of all other social beings. In this case it is worth to mention that between liberal and absolutist notions there are the relationships of dialectical withdrawal. Therefore, when the disputed part in the disputable part is not destroyed, but – on the contrary – placed as a collateral point. Here it means that freedom in the liberal understanding has two moments: principal – the level of dependence on other wills, and secondary – the volume of what is not prohibited by law, and toward which one is not forced by law. Any law, which introduces new limitations, reduced the secondary volume of freedom. However, if this limitation causes reinforcement of the principal dimension of freedom, its sheer volume grows bigger. Otherwise, the measure of freedom reduces, and law is transformed into the will.

The liberal idea comes not from the actual championship law and the primacy of freedom, so we do not limit the freedom for the rule of law, but rather introduce this law only for the expansion of freedom. Or in the words of Locke, “the aim of the law is no destruction and restrictions and preservation and expansion of freedom” [3, p. 54]. It logically follows the need to control the authorities, for the prevention and arbitrary use of power. Original concept Locke that statements like “freedom of people who have over a government, is to live the permanent rules common to all in this community and established by the legislature created it, it is – the freedom to do its own will in all operations where it is not prohibited by the rules and disobey inconstant, uncertain, unknown despotic will of another person ...” [3, p.142] – remove it on the idea that any law in a society that recognizes the highest value of freedom, the right to deprive subjects share some of their freedom (which is primarily concerned with adverse extent) only on condition that such deprivation promotes fundamental freedoms. So Locke objective existence of the law is not so much saving as an extension of freedom, because every time introducing new restrictions to preserve the freedom we so nothing else except saving not get, while our freedoms field continues to decline. However, there is one natural question arises. If the primary purpose of the law to increase the degree of freedom by reducing the side, while it is determined? In other words, can we say with precision what freedom is one side and can be neglected and the remaining principal and subject to preservation?

However, with all the disadvantages of this approach, the “principle of freedom” Locke seems to us more progressive than say what position did J.-S. Mill. If the first concept is based terms of independence and freedom, while the second term harm and damage. That is, in another sense principle follows from Mill’s utility, even if it is understood in the broadest sense. The existence of government in general, Mill justified by the fact that it is the same to authority, which serves as a warning to harm one person to another. Only when a person’s behavior threatens to harm other people, the state or society have the right to interfere in the freedom of human action and forced to keep her from these actions. In all other respects - namely in regard to the man himself, his physical or moral good – the absolute independence of man. Moreover, Mill considers his principles not only to the state but also to society. “Restricting the authority of government does not lose its value and when the power holders are subject to the public (i.e., stronger part) ... But thinking people realize that society itself tyranny, the tyranny of the collective over the individual personalities, and the ability to inhibit the actions of officials are not limited to laws ... against the tyranny of officials is not enough, need protection from the tyranny of the prevailing thoughts and feelings and aspirations of society to impose their ideas as rules of behavior” [5].

At this point clearly visible “protective” nature of Mill’s principle – he is trying to draw a boundary that power (and not only it) under no circumstances shall not be entitled to cross, while the principle of Locke not only “security” but also “offensive” – not only limits, but also requires the rule of law, to freedom became more and more: the government should restrict the freedom of his subjects, if this restriction increases the independence of others wills.

“Liberal ideology – as in the past and today – not only in their understanding of freedom. In general, this understanding is negative (even when including these positive aspects as self-realization and self-identification), but in either Hobbes or Locke, or Hobbes and Locke at the same time (in the latter case, the lack of law and independence are taken as one freedom). However, if not for Locke, the liberal understanding is forced to overcome the main drawback of the absolutist – compatibility with absolutism – and does it with freedom Mill or similar to it. And understandably so: that same absolutist no understanding of freedom does not. However, the introduction of not coming out of the principle of freedom means that the same liberal ideology leaves its limits and ask for help to an ideology, which seeks and which adopts the idea that it can protect the brain and enduring value – freedom” [1].

Genealogy liberalism knows many attempts to overcome his uncertain moments. One of the most advanced here is Kantian principle, which is to combine the freedom of everyone to freedom of all others. This principle is also not afraid of the law and requires in the name of freedom, also retains similar principles of Locke’s liberal ideology autonomous, but has overcome the main drawback we mentioned principle Locke. In other words, Kant does not speak about the main and side degree of freedom, does not require a reduction in order to increase the other, but only emphasizes the limitation of freedom in general, as long as this freedom is the freedom to exclude others. This requirement determines the compatibility objectively grading freedom for compatible and incompatible with the freedom of others, and require that law made all refuse from incompatible proportion of their freedom.

However conceivable category “addiction” Freedom in Kant, a fundamental difference from Locke’s freedom, which consists in the fact that this independence is not over, and flush with the absence of the law, that is not the main and freedom. In consequence of the principle of Kant refers to independence other than Locke’s principle. It requires “external” approach to independence, as seen in the law no less a threat to freedom than the addiction.

So, what makes a liberal understanding of our definition of freedom as a phenomenon? And this should apply to ideas about the relationship of these two categories of freedom and justice. It seemed like a long time, these two concepts are fundamentally incompatible in the theory of liberalism that is so afraid of that replacement, we see in communism as formal equality translates into substantive equality. This shift seems real when we do not associate a substitution of the principle “from each according to abilities, to each according to needs”, and when we bring into our discourse of freedom of the category of “real equality of opportunity” that becomes real in terms of a synthetic approach. After all, is it possible to speak about the freedom of a wealthy man who is able to fully realize their potential by comparing it with the freedom of the poor when he was a life- do not contribute to all the conventional formalities freedom? Where is justice if one can use his right and the other is not? This is the incompatibility of the concept of freedom and justice, which we hope to overcome in the framework of the phenomenological approach.

In the sense of Plato was just what we still signify something as self-fulfillment a person - ability to occupy the niche in society that is most appropriate skills and thus perform those functions

are fully contribute to the self [6]. However, using this principle as it used Plato, namely, combined with the ability to “determine for me” by philosophers, rulers, is not very appropriate. However, if you pay attention to the possibility of extrapolating it to the field of synthetic understanding drawback of this solution is removed. That is where we leave only the design conditions that serve the realization of the self, but are, in fact, the meaning of which is still in the field of individual choice of each individual.

Thus, the actual compatibility of freedom and justice should speak when under fairness understand a condition in which a person can fully realize himself. That is a social state in which economic, cultural, ethical, and others components contribute to the possibility of full inclusion in the life of the individual characteristics of formal freedom. After all, if we already have defined freedom as an opportunity-being-by-itself, which includes volition-being-by-itself and being-desire- by-itself, it seems natural to call this state of being as fair. Of course, this time dropping negative sense, that makes him one concept to include a field where there is nothing but this exclusion is not appropriate, at least at this stage, the discourse of freedom.

Another prominent theorist of liberal justice, which we can not speak to bypass J. Rawls focuses, as he said, to study the structure of society, deriving from the principle of justice principle of distribution of wealth. Any equitable social order is founded on two principles, the first of what are said that “every person has an equal right to a fully adequate plan for fundamental freedoms, which are compatible with a similar scheme of liberties for all” (Kant clearly seen here with his “compatibility”), while the second states that “social and economic inequalities are to satisfy two conditions [9, p. 280]. Condition one: they must be attached to posts and positions open to all conditions of fair equality of opportunity. Condition two: they bring maximum benefit less privileged members of society. “This design, which is the basis of the distribution of finds in improving most unsecured seems at first glance quite fair. However, if you do not take into account the time that Rawls puts justice above freedom, reducing the latter to a certain criteria that exists for the sake of that same justice which in itself raises the question of liberal concept, it should be noted that this is not about true justice. Rawls rejects any interpretation of justice, which corresponds to the distribution of benefits will or needs of people (let’s call this interpretation of “quality”). He also argues that qualitative interpretation leads ultimately to the classic utilitarian understanding of justice. But when we say that as a result of the proposed Rawls social distribution poorer in position improved, though he still has real grounds for complaint on the fact that it’s just improved its position is still not identical prosperous position. Then, indeed, where there justice? Is it better to then not talk about justice and about the least injustice?

In fact, within that same negative approach to the freedom that is inherent in Rawls different visions of justice and could not be, but the fact of such comparison suggests a continuation of the process of integration of alternative social liberal concepts.

Overall Rawls treats freedom in the spirit of Locke and Kant. He notes that “since fundamental freedoms are inevitably one another in the conflict, the institutional rules governing these freedoms must be adjusted so that fit into a coherent plan freedoms. The priority of liberty implies in practice that such or such fundamental freedoms may be limited or denied only for another or several other basic freedoms, but never, as I said, betrayal good reasons civil or perfectionist values” [9, p. 284]. It replaced the main and side degrees of freedom in Locke comes “central range of application of “fundamental freedoms, which, following the first principle of justice should be carried out as the main criterion of justice. Yet, paradoxically, in

particular with the above views on justice that only a “central range of application” [9, p. 285] is sufficient for the existence of the same justice.

Introducing the category of “central range of fundamental freedoms” Rawls thus denies any restriction of these freedoms in certain specific conditions for certain specified purposes, even if this target is recognized fair. At the same time, it also recognizes the need to increase their (fundamental freedoms) than oppose his position position Locke. “At least when we increased the list of fundamental freedoms while we risk weakening the protection of the most significant of them again and create a framework of freedom uncertain and uncontrollable balancing needs, which we were hoping to get rid of the notion of priority described its place. “So here is this minimalism Rawls in defining fundamental freedoms is a classic within the negative understanding leads to a finding of only those freedoms which are objectively related to the second principle of justice, which makes it possible to talk about a position that involves the principle of equality with respect to the needs that he takes.

Another great thing that is seen in this concept, and which we think contributes to its definition by the socio-cultural and institutional factors alone social – is the concept of “enabling environment” [9, p. 285]. Rawls notes that the possibility of priority basic freedoms only in some of these conditions, and therefore not every society can these terms. “But for our present purposes, I assume he is required [to freedom] for what I would call “intelligence favorable conditions, ie, under such social circumstances, the conditions of existence of the political will to allow effective implementation and full realization of these freedoms” [9, p. 285]. Also, for the separation of specific forms of freedom in different societies Rawls introduces the concept of “alternative list of fundamental freedoms” which still is not devoid of “central range” of course if a society claim to the status of just.

But let us return to the specific justice and its footprint in the sense of freedom. The modern researcher Alasdair MacIntyre in his book “After Charity” compares the concept of justice Rawls and Robert Nozick, in fact, in the context of our qualitative understanding of freedom.

Speaking in the spirit of the liberal definition of freedom championship MacIntyre notes that “agreement as to what should be the appropriate rule must always be preceded by approval as to the nature and composition of concrete charity” [4, p. 330]. But the problem is, as the researcher, such agreement on the rules is something what our individualistic culture can not be guaranteed. Therefore, there is a problem that sense of injustice is a necessary feature of certain social groups in a free society where there are formal opportunities, but there is no unified system of beliefs that is justice. From being the least protected object feel injustice even under roudzivskoho equitable distribution, because as has been said, it is still his position worse than the other positions.

MacIntyre invites us to consider the situation in which two entities A and B, as participants in the social discourse of justice, in the absence of ethical on qualitative conditions objectively defend their position and elect their respective social status of the projects of justice. And so as a representative of the third class, which worked all my life and hard earned property that he has objectively protest against raising taxes, because such a measure, which manages the government in the name of equitable distribution not be motivated in the sense of A, provided that it impairs his final conditions. Instead, B, which can be freely representative of one of the professions, or social worker, or the person who received the inheritance is extremely embarrassed by the level of inequality in the distribution of wealth and income opportunities. He sees this disparity as unfair and said that she always creates injustice. “Moreover, – says MacIntyre – he believes that

any inequality requires justification, and that the only possible justification for inequality is that inequality improves the poor, for example through economic growth. He concludes that in the present conditions of redistributive taxation which allows you to finance social projects and social services, are just those which justice requires" [4, p. 331].

The researcher notes that it is possible the existence of conditions under which the positions A and B would not have disagreements at the level of political conflict. However, when there is an economic situation and individual needs are recognized first by reference to the principles of public morality, contrasting positions of such individuals is undeniable. Makintair argues that, in fact, Rawls would then reflect the views of the concept Nozick – position A. "The Concept of Justice Robert Nozick is a considerable degree of rational articulation of the key elements of position A, and the concept of justice, John Rawls is in the same degree as rational articulation of key elements position B" [4, p. 333].

Go to characterize theory states that the principles of justice that Rawls develops - these are the principles that would be chosen rational subject who is a "veil of ignorance" (or "shadow of ignorance") when the subject does not know which place in society, he takes that to which class he belongs and what status it has, which is his conception of justice and a kind of economic, cultural and others conditions it exists. Therefore, a rational entity being in such circumstances must the value of two basic principles that Rawls offers. Instead, Nozick says that "if the world would be completely fair, "the only people entitled to have any of the software, or use it as they wish once they would be the people who possess the true with the result of a just the act of transferring someone else, or by some act of the original purchase , and so on. As noted by Nozick himself, "full principle of distributive justice would mean simply that the distribution is fair, if anyone has a right to possession, which occurs in the distribution" [4, p. 336].

Therefore, it can be argued that Rawls takes a position that represents the principle of equality in relation to need. His concept of the least well-off segment of society is the concept of those whose needs are most meaningful in relation to income, wealth and other benefits. Nozick takes a position that represents the principle of equality in relation to copyright infringement. "In fact, Rawls as most in need become so unimportant, justice is in the distribution of structures for which the past is not essential. For Nozick only evidence legality of possession there in the past, today's distribution patterns themselves are not directly related to justice (though related, true to the kindness and generosity)" [4, p. 338].

Next Makintair blames both authors concepts of justice that they they did not contain any reference to the merits of which we mentioned in reference to the theory of communism. In fact, every time we look at the concept of social justice as A and B are correlated or that the distribution social norms if they directly affect their position on the concept of merit, arguing the injustice of the distribution of the quality or quantity of their work, contribution to the general social development and so on. Neither Rawls nor Nozick concept does not allow merit to occupy a central place in the discourse of justice. Rawls assumes that justice objectively linked to the merits, but argues first that we do not know what a person deserves for as long as we have not formed the rules of justice, and secondly, that if we formulated the rules of justice, it appears that it is not about the merits of a valid expectation. Nozick gives less attention to this phenomenon, as his scheme is based more on the rights that leave no room for merit.

However, it should be noted that, in fact, the concept of merit, appropriate only in social groups, all of whose members share a common understanding of the less good. Therefore, the

fragmentation of society, leading to the interests of the struggle in terms of uncontrolled value system where justice is possible says Ricoeur only within the “procedural approach” [8, p. 74] suggests that Rawls. However, again, going back to the above, the fact that from the standpoint of the phenomenological approach is “procedural” justice is the least injustice rather than justice as such. Therefore, as we see it, the solution of such problems must be sought from the standpoint of qualitative teleological approach, under conditions where this approach goes beyond utilitarianism, communism and so on such social doctrines, and recognized as the primary goal of human fulfillment. As noted Alexander Makintair “need to defend as much as possible in the modern state, the rule of law, to destroy injustice and undue suffering, you need to show kindness and defend freedom and all that is possible to do sometimes in ways that are only possible through the use of government institutions. However, each specific task, each specific responsibility should be evaluated based on its own preferences. Modern systematic policy, whether liberal, conservative, radical or socialist, should simply be denied in terms of that obligation of belonging to the true tradition of charity, so that the current policy that expresses in its institutional forms of systematic denial of tradition” [4, p. 345]. So here we are talking about the fact that P. Ricoeur calls “the fundamental concept of justice” [8, p. 76].

This overview of approaches to the concept of justice and its correlation with the freedom we needed was to better understand the nature of freedom as a phenomenon that can not occur naturally in a liberal nor a negative approach and, best of joint “theory of procedural justice” as just as a phenomenon not seen in the framework of classical positive approach and initial concepts of social justice.

Complete overview of the liberal doctrine would be analyzing some of the problems of the concept of Friedrich von Hayek, as it can be called or not an apologist for the latest principles of classical liberal doctrine.

Creating a concept Hayek as no one else understood the complexity of the problem, which he had to decide whether to defend the principle of liberty and classical liberalism, however, possible to combine the principle of such an important phenomenon of our time as “state of improvement”, which came to replace “minimal state”. However, Hayek was not going to accept this state of improvement as it has developed in the 50’s, trying using the principles of classical liberalism rid of all those negatives, which he believed were a serious threat to freedom.

In interpreting Hayek principle of freedom of classical liberalism – “the rule of law”. This principle implies the complete subordination of executive laws, and most laws - principles and equality. The rule of law ultimately provides full legitimacy, but it is not enough if the law gave the government unlimited power to act as he wishes all his actions would have been legal, but it is obvious that it would not be the rule of law. The rule of law because there is more than constitutionalism: it needs to meet certain definite laws principles” [2, p. 98]. The rule of law is therefore the norm of law, and the rules concerning what should be the law. “The general, abstract rules that are actually laws – a long-term measures that relate to cases not yet known, and which contain no point to specific faces, specific places or objects” [2, p.46]. However, it is not clear the fact that we own or any other formal criteria of justice than and equality. In this case it is not difficult to see that this interpretation of the classic principle of freedom makes government only formal restriction, with the same themselves as the “principle of freedom” J.-J. Rousseau. Hayek recognizes this similarity, but still does not neglect her directly quote the words of Rousseau on what should be the law. However, the principles of equality and nothing

wrong, even if they recognize that they shared not only a liberal, but a totalitarian interpretation of freedom.

However, Hayek is not only confined to the formal requirements of the law and the principle of freedom involves substantial claims: "There is only one principle that can save freely society - namely stern warning of any coercion, duress, except for the implementation of the general abstract rules that apply equally to all" [2, p. 67]. In other words, the principle of freedom from the law requires not only *vsezhahnosti* and equality, but also protection from coercion, that is ultimately the protection of the liberty and freedom as the absence of coercion – is in Hayek same thing.

It is obvious that Hayek is not inventing anything new, but using the old principles of classical liberalism and trying to adapt them to the new circumstances in which this very liberalism may not be viable except with the integrated values of other doctrines, he falls into a trap from which there is no exit. For example, consider the situation of taxation, which scientists consider a "constitutional liberty". Since unequal tax rate violates the principle of equal application to all such taxes Hayek strongly denies. "The fact that most, simply because it is the majority has the right to apply in relation to the minority rule that does not apply to itself, is a violation of the principle of substantial where more than the democracy - the principle that is the basis of democracy" [2, p. 159]. So, really, it violates the principle of equality which is the initial condition of freedom, but gives almost the same proportional tax advocate who has positioned himself Hayek?

Hayek says that progressive taxation "in any sense ... can not figure out the general rule that applies equally to all". This implies that a proportional tax can figure out the rule – in the sense that it sets for all flat rate. However, progressive taxation may arrange so that it will be set for all, say equal growth rates. It is interesting that Hayek understood that the requirement of equal application in respect of all can not be interpreted in the sense: "The requirement that the rules were a true common law, does not mean that in relation to different classes of people can never apply special rules ... This kind of differences are not arbitrary, not subordinate one group will others if they can be recognized as valid as those within the group and those outside it. This does not mean that on the desirability of a difference to be generally accepted, but merely means that the individual point of view should not depend on the part of this individual in the group or not... When differences contribute to only those who are inside the group, then it discrimination. However, towards certain individuals are of course always discrimination against all others" [2, s. 256].

Obviously, the principle of freedom still allow unfairness of the law to his subjects, but only if the inequality bidet equally supported by all - both those who are within the group, and those who are not expected. And then decide whether it will take place this general agreement, as Hayek himself acknowledges that the agreement does not bind the decision about the level of volition. However, if not necessary, unless we are obliged to universal vote, who will then decide on this important issue? It is becoming clear is the fact that even Hayek there is a danger "for – me solution". If "for – me – decision" is not acceptable, then why progressive taxation. Discrimination and proportional – only distinction? Who else but himself Hayek decided that proportional taxation will maintain all progressive and only a small portion of the profits?

So we see that the liberal doctrine has almost exhausted itself at the origin, because in practice the principles of formal help realization of freedom as such, but their availability is not a strict manner it determines, after any social organism can not be determined teleological, the subjects of his never staying "veil of ignorance" and justice should not be in a relationship with freedom or manifest as procedural reduction. In addition, the characteristics of freedom, speaking of it as a

way of life must be determined in relation to features of social traditions, morality, identity, which is not a negative approach that is dominant in sociology, but that says nothing about the presence, but suggests absence. The absence of obstacles to the existence of which member of the cultural tradition may not be the case, if the request does not contribute to this lack.

Author's translation of the article

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