

Freedom as a Foundation of Human Rights: An Existentialist Perspective

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Abstract

This paper examines the concept of freedom as a foundation of human rights by taking clue from an existentialist view-point. Freedom is a metaphysical concept which underscores man's ability or right to act, speak or think. Therefore, to some scholars, the concept of freedom is an inalienable right of human beings to act without constraints. This means that when we talk about human freedom, invariably what we mean is the ability of human beings to express themselves without any impediment. In this wise, it shows that the ontological foundation of human rights is freedom embedded in human consciousness; and this consciousness in turn, remains the root of human freedom. Thus, freedom is a requisite condition to human rights. This reality has been extended to democratic societies, especially in ancient Greece. Very importantly, however, is the observation that right attracts the individualistic attitude which could be inimical within a pluralistic society, and ultimately, anti-African. This means that in the traditional African system, freedom of right is attached to duty and responsibility. In essence, freedom of right that is seen as duty promotes collective and communalistic outlook that holds the societal norms together. It is against this background that this paper explores the works of notable ancient Greek, modern and contemporary philosophers on the concept of freedom, especially a Sartrean approach towards a re-orientation of the contemporary society. Consequently, the paper argues that whichever dimension we look at the appropriate question of human rights, it cannot be divorced from duty which is logically binding with sustainable societal development.

Keywords: duty, existentialism, freedom, human rights

Introduction

The on-going debate among pundits, scholars and researchers such as Timothy Shar (2016), Allen Hertzke (2016), Friday Ndubuisi (2004) and Joseph Omoregbe (2003) to mention a few, about the concept of freedom reveals that the concept is a complex one indeed. It is so complex that it serves as good example of what philosophers call an 'essentially contested concept.' To buttress this point, Adcock (2005:26) extensively quoting Gallie (1956), argues that the concept of freedom is essentially contested among scholars perhaps because of its metaphysical nature. He further states that the concept is a "mental representation of individual cognition and complex structures

of language based on meanings that are both shared and contested among group of individuals.”

To situate this discussion, the meaning of freedom has taken a new dimension among scholars in order to justify the peculiar nature of the concept towards nurturing a peaceful society. The concept of freedom is one of the central themes of existentialism. According to Omoregbe (2003:73), existentialism is the most influential philosophical movement in the 20th century, particularly in the first half of the century. The central doctrine of this movement is man’s radical freedom. Perhaps, the reality of this movement was borne out of the rigid experience of the past philosophies and their impact on the society. However, there has been a struggle to substantiate the realization of freedom on a number of levels in the society. This reality stems from the classical or ancient Greek philosophy through the modern to the contemporary philosophy, precisely as represented in Jean Paul Sartre’s ontology. In his analysis, Sartre uses the concept of freedom to admonish that the journey to understand this concept would yield nothing except endless strife so long we continue to look outside the *being* of man.

The clue from Sartre’s position is that the exercise on the concept of freedom will amount to nothingness without the consideration of man. It follows that meaningful exercise of freedom indeed must be man-centred. Put differently, it also aligns with the popular proverb among the Yoruba-speaking group of the southern Nigeria, “that what you are looking for in Sokoto (state) is in the pocket of your sokoto (trouser).” Given this parlance, the study examines the concept of freedom as the basis of human rights. In the course of this study, the researcher upholds the position that it is human consciousness that provides the possibilities of human freedom, which further gives impetus to the concept of human rights. It is very important to say that without the consciousness of human being towards the concept of freedom there cannot be anything like human freedom. Therefore, human freedom and human rights are phenomena that are necessarily interconnected to *duty* and *responsibility* in order to make appropriate progress in the society. Otherwise, there would be anarchy of individualism (as in selfish pattern of running a plural or diverse states) which is capable of collapsing the institutions of the state. In this direction, the situation of individualism could be described as tribalism, nepotism, sectionalism and marginalisation of a particular region of the state.

The baffling questions are as follows: what then is freedom? What makes a man to be free? Can there be an absolute freedom? Can freedom be objectively evaluated? Or must it be evaluated from a subjective viewpoint? How does the traditional African system, as in, Yoruba thought-system

conceive freedom? Are there different conceptions of freedom? Is there any freedom without determinant? If there is a determinant to freedom, then can we really hold man responsible for the consequences of his action? Is there any relationship between freedom and responsibility? What is the relationship between freedom and human rights in traditional African thought-system? Are there similarities or differences between the African and Western concepts of freedom? Aforementioned are research questions that constitute the focus of this essay.

The Nature of Freedom

Freedom as a concept is broadly defined as “the condition of being free of restraints; of not being in bondage to or under control of another; having personal rights, social and political liberty of a state and its citizens or institutions” (Ndubuisi, 2004:17). Again, freedom could mean when a nation state for example, is subject neither to foreign domination nor to despotic government which is synonymous to national and civil liberty (Ibid). These definitions reveal that the concept could be seen from individual, group, social, state, political, economic and historical perspectives. In essence, it is freedom that precedes value. Therefore, it is only to the active freedom by nature that value can be revealed, which follows that my freedom is the ultimate foundation of my value.

Consequent upon the above analysis and exposition, the persistent nature of metaphysical problems is the question of determinism and freedom of the will. We often think and talk of a man being capable of doing alternative actions. We talk of man and at times observe him as being capable of making choices, that is to say, of having the power to choose between alternative courses of action, particularly after careful deliberation. We also notice that at times, a man abandons a course of action, say a religion, a political party, and so forth, for another. We are also fond of blaming or praising people, punishing or rewarding people, discouraging or encouraging people. At another times, we enact laws urging people to do certain actions and forbidding them from doing certain other actions. When we do any of those aforementioned or all of them, the underlining assumption is that man has freedom of the will or he is condemned to be free.

Be that as it may, Laski (1951:34) described human rights as “a claim of an individual recognized by the society and the state.” This description of human rights is similar to that of the *Concise Oxford Dictionary* that defines right as “a thing one may legally or morally claim; the state of being entitled to a privilege or immunity or authority to act.” To this end, it shows that there are three essential elements in the definition of human rights: (1) the interest

of the individual (2) the interest of the various groups, and (3) the interest of the community. However, there have been various views on the concept amongst philosophers. For instance, Plato is an apostle of universal truth and virtue. For this reason, he extended the idea of right to universalism. This connotes the belief that human rights are universal, and as such, are above the laws of individual states. For Aristotle, the summation of the concept of human rights includes the existence of different social classes, accepting that there will always be an underclass, and even a slave class. St. Thomas Aquinas saw basic human needs such as self-preservation as requiring fundamental human rights (cf. Barnes, 1984:5 & Omoregbe, 2000:38). In the researcher's opinion, John Rawls (1999:2) offers a more comfortable view of human rights, one with the greatest degree of individual liberty and equality while maintaining these rights for all and sundry. However, he adds that the state should distribute everything including benefits equally, unless an unequal distribution would benefit the poorer classes.

Specifically, the political dimension of freedom, according to Mogen (2010:3), is that the modern concept of political liberty has its origins in the Greeks concept of freedom and slavery. Thus, to be free, to the Greeks, was not to have a master, but rather to be independent from a master (to live like one likes). That was the original Greek concept of democracy, let us listen to Aristotle:

...this, then, is one note of liberty which all democrats affirm to be the principle of their state. Another is that a man should live as he likes. This, they say, is the privilege of a freeman, since, on the other hand, not to live as a man likes is the mark of a slave. This is second characteristics of democracy, whence has arisen, the claim of man to be ruled by none, if possible, or, if this is impossible, to rule and be ruled in turns; and so it contributes to the freedom based upon equality (Aristotle, 1966:34).

In the light of the above quotation, Aristotle's treatment of freedom can be summarized as the opposition between *freedom* and *slavery*. This is essential for his analysis of household and of the *polis* as an economic and social community. In his analysis on the concept of *polis* as an economic and social community, Aristotle adopts the adjective *eleutheria* (that is, freedom) to designate the citizens, either all citizens as against foreigners and slaves, or the poor citizens as against the rich.

As with Plato, democratic freedom takes pride in place of Aristotle's discussion, but here we must distinguish between his reports of the democratic view and Plato's criticism of such a view. Both of them agree that freedom is the foundation of a democratic constitution. That is what

they say while arguing that it is only under this constitution that people enjoy freedom. Since, as they hold, every democracy aims at substantiating the level of human freedom. In contrast with Plato, Aristotle does not take a person's rationality and self-control to be a form of freedom (Ibid.35).

In addition, it means that the concept of freedom could be seen in the sense of *leisure*. Following this parlance, Plato states the difference between politically active citizens and people who have practiced philosophy from youth corresponds to the difference between slave and free persons: the freedom of the philosopher presupposes the necessary *leisure time*. Similarly, freedom is described as *leisure* in Aristotle's discussion of the purpose of life. He distinguishes between what we do for its own sake and what we do to attain something else. This distinction is linked to the distinction between being occupied and being free. In Greek, the distinction between work (*ascholia*) and leisure time (*schole*) can be expressed as follows: we do our work in order to have leisure time but want leisure for its own sake. In this context, freedom is identified with leisure, whereas work is identified with physical work performed by craftsmen and labourers (*banausoi*). Evidently, the metaphysical nature of freedom has been justified by the analysis of the *polis* as a political community, thereby reaching its developing or unfolding reality in the adjective *eleutheria*.

In a debate about human freedom, the contributions of Immanuel Kant towards its optimal cannot be undermined. He was the forerunner of the Enlightenment period that advocates the rational freedom of any man or woman. In the words of Chiedozie Okoro (2011:13), Kant will forever be remembered as a philosopher of peace and freedom. Given his exploit in philosophy of history is comparable to the Socratic revolution in ancient Greece, in the same way as Kant laid the foundation for the emergence of the likes of Jean Paul Sartre who is popularly regarded as the philosopher of freedom. The comparison between Socrates and Kant is reiterated by Karl Popper in the following submission:

...both were accused of perverting the state religion, and of corrupting the minds of the youths. Both denied the charge; and both stood up for freedom of thought. Freedom meant more to them than absence of constraint; it was for both a way of life (Karl, 1969:83).

It is noteworthy to state that from Socrates' *Apology* and from his death sprang a new idea of a free man, the idea of a man whose spirit cannot be subdued; of a man who is free because he is self-sufficient; who is not in need of constraint because he is able to rule himself, and to accept freely the rule of law. To this notion of self-sufficiency, Kant offers a new meaning

in the field of both knowledge and morals. He adds that the idea of the community of free men connotes self-sufficiency. Contrary to Jean Jacques Rousseau's assertion that man is born free and he is everywhere (put) in chain (by society), Kant reveals that everyman is free; not because he is born free, but because he is born with the burden to make free decision (Kant, 1983:83 quoted in Okoro, 2011). Perhaps, here lies the Kantian foundation for Jean Paul Sartre's existential ethics. Specifically, it will take a clue from Kant's principle of universalizability with his position that man is born with the burden to make free decisions, we can then understand why Sartre declares that man is a complete free moral agent. Unlike Socrates and Kant who were oppressed by religion, Sartre was a prodigal atheist, who had earlier declared the non-existence of God. For Sartre, God must cease to exist for man to be absolutely free. From another point of view, Sartre's declaration of absolute freedom carries with it the burden of absolute *responsibility* as we shall soon explore.

It is interesting to note that while others situate the concept of freedom within the principle of human action, Georg Wilhelm F. Hegel, on his part, takes a different dimension towards the state's freedom. He asserts that the state is an *ethical totality* (that is, the state allows the 'only genuine ethical life', because genuine ethics only comes from freedom in *Reason*) in which human individuals are free precisely in as much as they recognize the universal (as embodied in the principles and laws of the state). In his analysis, Hegel is very careful to point out that this idea of the state as true freedom (freedom in reason) is not the same as the social contract model of the state, in which individual freedom is limited in order to allow others equal freedom. Interestingly, Hegel declares that freedom is limited by the state and is nothing more than the careless whim of the subjective will. By implication, we can safely infer that in Hegel's perspective, state freedom is rational and irrational freedom just as in the case of active and inactive freedom of Aristotle. From the foregoing analysis, few observations and understanding on the polysemous nature of freedom is noted, it is imperative at this juncture to show how freedom becomes the foundation of human rights.

Freedom as a Foundation of Human Rights: The Existentialist Perspective

From Kantian (1983:62) notion, freedom is taken to be natural rights of man which must be developed and extended to individuals by the state. Kant asserts that; it is not to be said that the individual in the state has sacrificed a part of his inborn to external freedom for particular purpose, but he has abandoned his wild lawless freedom again, entire and unfinished, but in civil

state regulated by laws of rights. This relation of dependence thus, arises out of his own regulative law giving will. According to Sartre, human freedom is the capacity of negation, nihilation which characterize the *being-for-itself*. He explains further that the foundation of freedom is nothingness (for more information see; Sartre, 1969:486; Omoregbe, 2003: 35 & Ndubuisi, 2004:28). Therefore, negation provides the ground for the possibility of questions, for no question could be asked if negation did not exist. It follows that every question presupposes the possibility of negation, that is to say, the possibility of a negative reply. Indeed, every affirmation implies a negation, for to affirm *what I am*, is to *negate what I am not*. Meanwhile, negation provides the possibility of imagination, especially the possibility of imagining a situation different from the existing one. This power of negation and imagination is identical with human freedom. This serves as a springboard to the modern day human rights proclamation as it were in the constitutions.

The possibility of negation means when a question is asked, the questioner is not subject to the causal order of *being* which determines *being* always in positivity. For there can be no negativity in the causal order of *being*. Hence no *being* subject to the causal order is capable of asking a question or effecting a negation. Let us listen to what Sartre has to say: "it is necessary therefore that the questioners have the permanent possibility of dissociating himself from the causal series which constitutes *being* and which can produce only *being*" (Sartre, 1969:20). For Sartre, it would be inconceivable for a determined person by the universal order to ask a question, because to ask a question implies the possibility of negation *being* and producing *non-being*. This involves the capacity of withdrawing oneself from the universal causal order. Therefore, in posing a question, a certain negative element is introduced into the world (Ibid.23). Since man is capable of asking question, it follows that man is not subject to the universal causal order for he is capable of nihilating *being* and producing *non-being*. This power of negation (which is identical with freedom) is rooted in the nothingness which man carries within him. Sartre writes:

Human reality carries nothingness within itself. Man is always separated from his essence by nothingness; man is to himself his own nothingness. For man to be able to question he must be capable of being his own nothingness; that is, he can be at the origin of non-being in being only if his being-in-himself and by himself is paralyzed with nothingness (Ibid.36).

Going by the above quotation, it is certain that Sartre does not see freedom as

a faculty of the soul or a property of the will. It is not something that man has but something that he is. He notes:

Freedom is not a faculty of the soul to be envisaged and described in isolation... freedom as the requisite condition for the nihilation of nothingness is not a property which belongs, among others, to the essence of the human being; the essence of the human being is suspended in his freedom. What we call freedom is impossible to distinguish from the being of human reality.... Freedom is the human being. Freedom is not a being; it is the being of man (Ibid. 40).

Sartre identifies freedom with the being of consciousness, and consciousness is being-for-itself, which is the human being. Again, he submits:

Freedom is precisely the nothingness which is made-to-be at the heart of men and which forces human reality to make itself instead to be. Freedom is identical with my existence... this means that no limit to my freedom can be found except freedom itself (Ibid.439).

It is deducible that man's freedom, according to Sartre, is accomplished by a heavy and inescapable responsibility and a disturbing anguish. Man is not the author of his being, yet he has to assume full responsibility for his manner of *being*, because he is free. Freedom excludes the responsibility of finding an excuse for what one is or for what one does. Thus, *responsibility* inevitably goes with freedom, for to be free is to be responsible. Freedom also involves the inevitability of choice, for to be free is to be compelled to choose. It is therefore impossible for a free *being* to refuse to choose since refusal to choose is itself a choice already made (cf. Omoregbe, 2003:48; Ndubuisi & 2004:30). Put differently, anyone who refuses to make a choice has *ipso facto* made a choice. Freedom is therefore a heavy burden laid on man's shoulders from which there can be no escape for "I am responsible even for the very desire of fleeing my responsibilities."

Conclusion

While, certainly, there is a puzzle that characterizes the age-long concepts of freedom and human rights; the riddle needs to be managed for the quality assurance and improvement of the society. In my opinion, these concepts should be seen in the light of *duty* and *responsibility*. In this paper, this re-orientation is demonstrated through the mirror of a period of gestation in the classical philosophy to its blooming in modern and especially in contemporary philosophy as exemplified in Sartre's existential philosophy. The analysis revealed that the concept of freedom is a non-physical concept that is usually used to describe the extent and limitation of human rights.

According to Sartre, freedom is identical with the essence of man (i.e. man is a bundle of freedom), that even his refusal to be free or to make a choice amounts to a freedom of some sort. It is from this perspective that the paper develops its approach to justify and show that freedom is inherent in the nature of man, as well as stands as the basis for human rights within the constituent of consciousness. This is to say that human consciousness plays a crucial role in human freedom that ultimately paves way for what we know as human rights.

It is, however, interesting to note that *right-as-right* will invariably promote individualism, monistic and reductionist in outlook. Individualism, monism and reductionism, which are antithetical to the African thought-system form the hallmarks of Western metaphysical system. The resultant effect of this metaphysical system put the development of the society on the dangerous path such as the promotion of *lesbianism, gay, porno* and so forth. Meanwhile, observation of freedom of right from duty promotes communalism, cyclical and symbiotic relationship that enjoin the societal good.

In his book, *Groundwork of Metaphysics of Moral*, Kant distinguishes between *acting for the sake of duty* and *acting according to duty*. He affirms that the former connotes *duty as responsibility* to the larger society, not from any pecuniary gain or interest and also not due to any natural inclination like sympathy or praiseworthiness but purely out of reverence for the moral laws of the society (Kant, 1997:20-21). However, the latter implies to act out of prudent considerations for selfish interest. For Kant, this kind of action have no moral worth or value. This is the reality of Kant's statement when he declares that, "It is the motive of duty, not the motive of inclination that gives moral worth to an action" (Ibid.23). Specifically, the point he was making about *duty* is that *duty* should be an act for the moral laws of the land devoid of the counsel of our feelings, hopes and emotions.

Concerning the basic features of the traditional African system of thought, one cannot talk of right or freedom of a man without being responsible. So, responsibility is a key issue in any defence of human rights, especially to the Africans. This is simply because the Africans are logically bound towards the holistic and inclusive development of the society. Ultimately, it is believed that responsibility of a man is also considered as the social force that binds the elements in the society to the courses of action required by that force. In African system of thought, the people believe that the society should be moving from strength to strength, and therefore, the *modus operandi* require all hands to be on deck.

In my opinion, the traditional African concept of human rights ethics

and their *modus operandi* are particularistic and communitarian. With regards to this system, one understands that the scope within which people are bound to act morally is limited to the traditional community, namely the lineage group, and the socio-political organization formed out of it, such as the village-cluster, town, clan and kingdom. Again, it is important to say that in African thought-system, human rights take roots in what Placid Temples refers to as 'vital force', that is, the fundamental make-up that permeates every reality.

In sum, the relevant point is that freedom precedes human rights. However, both concepts are part and parcel of *being* of a man. That is to say, before you can enjoin the notion of rights you have to first and foremost exist, because freedom is identical with human consciousness. In essence, consciousness in this sense as earlier remarked in this essay is considered to be mental state of awareness experienced in various forms such as thinking, knowing, imagining, willing, deliberating, feeling, remembering, memory and so forth. Hence, all men are born free and equal in dignity and rights. And, of course, nature has endowed man with reason and conscience that should be exercised towards one another in a sustainable spirit. Perhaps, the foregoing intellectual orientation is what constitutes the brain behind the United Nations Declaration of Human Rights (UNDHR). To that effect, the former American President, John F. Kennedy thought it wise when he admonished that the individuals should think of what to sacrifice to the state for sustainable development. This is well articulated in the African maxim of the *brotherhood*. In its proper context, it is the underlying assumption of the concept that provides a common ground for the success of social life and also a great weapon for instituting national unity and cohesion.

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