

Differences And Similarities Between Berlin And Pettit

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Laws have the capacity to infringe civil liberties however they also provide a forum for its creation and development. For Berlin, his conception of liberty is based upon the idea of positive and negative freedoms. Liberty according to Berlin is viewed as freedom from interference; therefore laws which respect our freedoms are preferable as they allow for different paths of self-actualization. Pettit however considers liberty in terms of freedom from domination and considers the role laws and democracy can play in assuring individual freedoms. In addition to considering the respective approaches of Berlin and Pettit, their theories will also be considered in relation to terrorism. By considering their respective arguments in the context of [...show more content...](#)

This means that laws which respect individual freedoms and those which interfere with our liberties are subject to arguably rigorous examination. Pettit considers Bentham who views laws as generally representing an infringement upon civil liberties. Pettit disagrees and argues that law need not abrogate the civil liberties of a person, rather it can enhance or secure individual freedom . Whilst the rule of law may restrict the choices of an individual, it is not in direct opposition to liberty. This is so because law does not constitute domination rather it can enable individuals to secure their respective rights as citizens . In addition law is able to uniformly protect citizens against uncontrolled interference and may prevent “invigilatory and intimidatory control” . Therefore it is possible to adopt a Lockean

view of law as expanding individual liberties as law itself is not arbitrary or [...show more content...](#)

Berlin considers security and liberty not in terms of an inverse scale but of absolute values and therefore it must be either freedom or security . As the antonym of freedom is interference, security and protecting society from terrorism can constitute an infringement of individual liberties. The question therefore becomes how much liberty can be sacrificed before an individual's ability to self-actualize becomes infringed. As they are considered in terms of two distinct entities rather than a complex relationship, this does not provide a satisfactory response in terms of how laws can and should respond to these

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