

## **Collaborative Discussion 2 – Initial Post – Michael Geiger**

The Cambridge Dictionary (N.D.) defines liberty as “to be allowed to do something” or as “freedom to live as you wish or go where you want”. What is striking here is that liberty generally refers to the rights of people to self-determination and freedom of choice. When considering human rights, it is noticeable that a large number of articles, such as Article 1 (freedom, equality, solidarity), Article 3 (right to life and liberty), Article 4 (prohibition of slavery and the slave trade), Article 9 (protection from arrest and deportation), Article 12 (individual sphere of liberty), Article 13 (freedom of movement and emigration), Article 18 (freedom of thought, conscience and religion), Article 19 (freedom of opinion and information) and Article 20 (freedom of assembly - and freedom of association) apply and can thus be regarded as a central point of human rights (United Nations, 1995).

While liberty in human rights must be viewed as normative, differs Brownsword et al. (2016) this liberty from the practical liberty, which are considered as real options available to people. Practical liberty is therefore the limitation of normative liberty due to the actually existing conditions. These limitations are based on various factors and may differ in their respective extent. For example, everyone has the normative liberty to participate on the Internet and to express opinions, but is limited in practical liberty in one respect due to the required hardware (device and Internet connection) and, depending on the place of residence and the type of expression of opinion, has to fear imminent legal or social consequences and is therefore practical limited in another respect.

Liberty can for this reason be viewed in the normative form as a desirable state, which is limited in practical form due to a combination of many factors.

## References:

Brownsword, R., Scotford, E. & Yeung, K. (2016) The Oxford Handbook of Law, Regulation and Technology. Oxford University Press. Available from: <https://academic.oup.com/edited-volume/27999/chapter/211731564> [Accessed 20 September 2022].

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United Nations (1995) Universal Declaration of Human Rights. Available from: <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english> [Accessed 20 September 2022].