

## NAVIGATING THE COMPLEXITIES OF INDIVIDUAL LIBERTY AND THE SECURITY NEEDS OF THE STATE

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### **Abstract:**

The ethical scope surrounding the relationship between individual liberty and the security need of the state is complex. Fundamental to this ethical discourse on individual liberty and state security need is the principle of human dignity. Liberty is fundamental to human dignity as it entails the essential rights of individuals to make choices about their lives, to express themselves freely and pursue their own happiness, in ways they deem necessary; the security need of the state is equally compelling as it stems from the primary obligation of the state to protect not just the territorial integrity of the state but also the well-being, safety and rights of its citizens. Thus, the challenge lies in harmonizing these two moral imperatives. While liberty is the foundation of personal agency and self-determination, security is indispensable for creating an enabling environment in which individuals can exercise their liberties without fear or unwarranted constriction. This paper therefore, argues that achieving this balance requires a careful consideration of the ethical principles that underpin both imperatives. Adopting a critical method, this paper concludes that this foundational moral imperative acknowledges the intrinsic worth of every individual and requires that security measures respect and protect the dignity of each person. It further argues that modern democracies strive to strike a dynamic equilibrium that adapts to these changing circumstances of technological advancements, and the ethical dilemmas that come with them. In the end, the trade-off remains an enduring and complex challenge in the realms of politics, ethics, and governance.

**Keywords:** Liberty, State-Security, Accountability, Individuality, Common Good.

### **Preamble**

In recent years, the debate over the trade-off between individual liberty and state security need has been intensified as a result of the growing global threats from terrorism and misapplication of individual liberty, which has prompted governments to justify the inevitability of more extensive security measures, such infringement on human rights through surveillance programs, access to personal and private data and restrictions on human freedoms. These debates have ignited ethical discussions questioning government's interference on individual liberty and as such, finding equilibrium between individual liberty and the state security need has become a complex subject at the heart of ethics, political philosophy and governance with societies determinedly struggling

with the need to safeguard their citizens' right to freedom on the one hand and the need to preserve law and order for political stability on the other hand.

“Security is a slippery term” (McSweeney, 1999:199), this is because; its meaning is socially dependent, but in considering the present-day global security drift, it is perhaps pertinent to expand the definition (and what it entails) to go beyond the traditional notion of security to a more comprehensive and all-encompassing definition i.e. incorporating the individual, the state and global protection from and resilience against potential harm and/or any infringement on individual liberty and state territorial sovereignty. At the individual level, it is the protection against any possible infringement on one's liberty. As such, the individual is the principal beneficiary of state security and this is where the friction lies; does the state have the power to restrict or deny the individual of his right or liberty for security reasons in which he is the primary beneficiary?

This friction often presents an ethical dilemma that demands careful and critical exploration. This is because from historical antecedence, governments have frequently taken measures by enacting laws in the name of security, which in turn often overstep and violate individual liberty. These measures range from surveillance and data collection to restrictions on speech, movement assembly and privacy in an effort to accomplish maximum security. On the other hand, individuals treasure their liberty, the right to privacy and confidentiality and the autonomy to make choices without unjustifiable meddling and interference. This is why the debate remains perennial thereby raising critical questions about ethics, morality, and the role of the state in our lives. Nevertheless, the pursuit for individual liberty has always coexisted with the need for state security as the state is charged with the onerous task to protect her citizen from both external threats and internal disorders and is sometimes obligated also to take measures (sometime harsh and drastic) that infringe on individual liberty. Throughout history, governments have engaged in surveillance, censorship, restrictions, prohibitions and other security measures in the name of safeguarding the common good and maintaining social stability.

In the light of the aforementioned considerations, the tension between these two concomitant imperatives has become increasingly prominent in the modern era especially with the attractiveness of liberal democracy and its emphasis and objectification of individual liberty and freedom. As societies grapple with the challenges of balancing individual rights with collective security, this study seeks to explore the moral dimension of this trade-off. By examining the historical evolution of this dilemma, analyzing its ethical implications, and considering existing justifications, this paper attempts to contribute to the discourse on how societies can traverse this complex terrain while upholding their fundamental values and principles.

### **The Moral Imperative of Liberty and Security**

Liberty according to J.S Mill is “lack of interference on individual freedom” (Mill, 1993: 78). This Mill's argument is established on the utilitarian assumption that individuals should be free to pursue whatever serves their self-interest unhindered but he goes further to state 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” (78). With this, Mill provides a condition for which the government can infringe or interfere on individual liberty. He argues that the greatest threat to individual liberty is social misuse of liberty which causes political tyranny and instability which calls for government interference. Thus, this interplay between liberty and government interference becomes a demanding ethical dilemma facing societies today and striking the right

balance between individual freedoms and collective safety is not only a legal and political challenge, but also a moral one.

Liberty is a fundamental to human dignity because it entails the essential rights of individuals to make choices about their lives, to express themselves freely and pursue their own happiness, in ways they deem necessary. This moral imperative of liberty is grounded in the belief that every person possesses intrinsic worth and autonomy that should be protected and respected (Oliver, 2011: 11; Kant, 2009:103). It demands that individuals be accorded the space and freedom to develop their identities, pursue their goals, and participate fully in society. Thus, dignity is an inherent moral worth which defines humanity and liberty is fundamental to it. This is why; any form of interference undermines this dignity as dignity provides sufficient reasons for man to exhibit his rational nature. Thus, liberty is morally compelling as it is intricately tied around the dignity of the human person to fully exhibit his rational nature by setting ends which is an exclusive property of the human person and what distinguishes him from animality (Dean, 2006: 392)

Liberty is fundamental to an effective democratic society as stated above encompasses a broad spectrum of individual rights and freedoms. These rights include freedom of speech, assembly, and privacy, among others. They are enshrined in constitutions and legal frameworks to safeguard citizens from undue interference by the state. Thus, liberty objectifies autonomy, self-determination and the pursuit of happiness, acknowledging that individuals have inherent worth and the right to make choices that governs their lives (Dryzek, 2002: 25).

Similarly, the moral imperative of the security need of the state is equally compelling. It stems from the responsibility of the state to defend not just the territorial integrity of the state but also the well-being, safety, and rights of their citizens. Security is not merely a matter of physical safety, but also encompasses the assurance of economic stability and social order. This imperative recognizes that individuals are entitled to live free from fear, violence, and undue harm and that it is the responsibility of the state to provide this (Gutmann, 2004: 457). Thus, the challenge lies in harmonizing these two moral imperatives. While liberty is the foundation of personal agency and self-determination, security is indispensable for creating an enabling environment in which individuals can exercise their liberties without fear or unwarranted constriction. Achieving this balance requires careful consideration of the ethical principles that underpin both imperatives.

### **The Moral Dilemma of Liberty and Security**

Throughout history, the pendulum of power has swung between individual liberties and state authority. Ancient civilizations, monarchies, and totalitarian regimes often prioritized the interests of the state over individual rights. In contrast, the Enlightenment era and the birth of democratic ideals championed individual freedoms as a safeguard against tyranny. Recognizing this historical framework is necessary in understanding the ethical dilemma involved in liberty and security trade-off (Freeman, 2011: 487). As observed by Rafael and Prados, individuality increases freedom but does so at the expense of a sense of community, (Rafeal and Prados, 2022:8). While some are of the view that individual liberty (with all it entails) should have preeminence over state security as a way to safeguard against totalitarianism, tyranny and misuse of state powers against the people, others maintain opposing views by drawing arguments heavily from evidences of abuse of liberty and what appears to be increased insecurity but as complex and tricky as this debate may appear, the most perturbing task is to make a choice in a period of increased anxiety and heightened insecurity like this, whether we prefer being secured to

maintaining our liberty

Moral philosophy plays a substantial role in shaping our understanding of this balance between individual liberty and security trade-off. Thinkers like John Locke, Jean-Jacques Rousseau, and Immanuel Kant provided foundational principles for evaluating the relationship between individual liberty and state security. Locke's concept of the social contract emphasizes the protection of natural rights, including life, liberty, and property, as a central duty of the state (Locke, 1988:138). This is because for him, all individuals are equal in the sense that they are born with certain "inalienable" natural rights and which provides a rational basis not only for promotion of individual rights but also the duty of the state to secure those rights. Thus, in Locke's notion of freedom, individual liberty impacts the security needs of the state. Locke argues that individuals have a natural right to freedom, even though Locke recognizes that in the state of nature, where there is no government to protect these rights, individuals may infringe upon each other's rights and create a state of insecurity and to address this, Locke advocates for the establishment of a social contract and the formation of a government. This government's primary role is to protect individual's natural rights including their freedom by enforcing law and maintaining order. However, Locke believes that the government's power should be limited and should only extend to protecting these rights. Therefore, in Locke's philosophy freedom is essential but it must be balanced with the need for security provided by the state. The state's security needs involve ensuring that individual freedoms are protected from external threats as well as from internal conflicts and violation of rights by others.

Rousseau notion of liberty particularly in his work *The Social Contract*, explores the idea of the general will of the collective will, highlighting the importance of collective decision-making that respects individual liberty. As such, true freedom could only be achieved when individuals participate in creating the laws and regulations that govern society, thereby ensuring that they are governed by rules they have consented to (Rousseau, 1968: 118). Thus, Rousseau emphasizes the importance of the state and the collective good over individual right and liberty, viewing liberty as being achieved through active participation in the political process. In Rousseau's notion of the social contract, the government's role impacts individual liberty. Rousseau believes that individual should enter into a social contract, forming a collective politics or community. This community would then establish a government to represent the general will and enact laws that promote the common good. However, the government's role is to enforce the general will of the people, which represent the common interests and desires of the entire community. Rousseau emphasizes that the government should not merely enforce the will of the majority but should instead strive to discern and enact what is truly in the best interest of the community as a whole. Therefore, while Rousseau values individual liberty, he also believes that the individual must be willing to submit to the authority of the general will, as represented by the government. In this sense, the government's interference is not seen as a limitation on individual liberty but rather as an expression of collective freedom, where individuals participate in shaping the laws that govern them. It is essential however to note that Rousseau's concept of the general will can be controversial, as it can potentially lead to the suppression of both the individual and minority rights in favour of the majority. Even though Locke and Rousseau value freedom, Locke emphasizes individual rights and limits government interference, thus, it is more individualistic as it focuses on the right and freedoms of the individuals within the society, on the hand, Rousseau emphasizes collective freedom and the importance of the state in determining the laws that regulate activities of the individual.

Kant's categorical imperative underscores the principle that individuals should be treated as ends in themselves, not as means to an end, which resonates strongly with the protection of individual

dignity. Kant's notion of freedom and the security needs of the state are intertwined within his broader ethical and political philosophy. Kant's understanding of freedom is deeply rooted in his concept of autonomy and moral agency. Kant emphasizes autonomy and moral agency and sees the state as having a crucial role in protecting individual freedom by providing security within the framework of a just and law-governed society. However, Kant also stresses the importance of limiting state power to prevent it from infringing upon individual rights and autonomy

Kant defines freedom as autonomy, as the ability to act according to principles that one gives to oneself, rather than being subject to external coercion or merely following inclinations (Kant, 2009: 105). For Kant, true freedom is the ability to act in accordance with rational principles and moral laws. Kant also believes that the state has a crucial role in protecting individual freedom. He argues that the state should establish and enforce laws that uphold the freedom and autonomy of its citizens. This includes laws that protect individuals from external threats to their freedom, such as aggression or coercion from other individuals or foreign powers.

Kant however recognizes that security is essential for individuals to exercise their freedom effectively. In his work *Perpetual Peace: A Philosophical Sketch*, Kant argues that a just state should ensure the security of its citizens through measures such as a system of laws, a judiciary, and, in some cases, a military for defense against external threats (Kant, 1997: 16). By providing security, the state creates the necessary conditions for individuals to pursue their own goals and moral autonomy without fear of harm or interference. While Kant sees the state as necessary for protecting freedom and security, he also emphasizes the importance of limiting state power. He argues for the rule of law and constitutional government, where political authority is constrained by principles of justice and individual rights. Kant believes that a just state should respect the autonomy of its citizens and not infringe upon their freedom except to the extent necessary for ensuring the freedom and security of all. Thus, peace between individuals within a state can only be permanently secured by the institution of a republic, so the only guarantee of a permanent peace between nations is the establishment of a federation of "Frees".

### **Liberty and Security Trade-off**

In the modern world, ensuring a balance between individual liberty and security is a complex task as it faces so many novel challenges, predominantly in the context of technology, globalization, and transnational threats. Issues such as mass surveillance, data privacy, counter terrorism measures, and the ethical implications of emerging technologies demand careful consideration. The tension between safeguarding individual liberties and ensuring public safety has never been more pronounced as we have today (Fukuyama, 2014: 87). Thus, an ethical approach to this balance highlights the importance of the *principles of proportionality and necessity*. These principles are crucial in balancing liberty and state security.

Proportionality as a principle dictates that any limitation on individual liberties by the state for the sake of security must be proportional to the threat being addressed. In other words, the measures taken should not be more restrictive than is necessary to achieve the intended security objective. For example, if the government imposes surveillance measures to combat terrorism, those measures should be narrowly tailored to target specific threats and minimize the intrusion on individuals' privacy rights. On the other hand, the principle of Necessity requires that any restriction on liberty must be necessary to achieve a legitimate aim, such as protecting national security or public safety. It means that the government should exhaust all less restrictive means before resorting to more intrusive measures. For instance, before implementing censorship laws to combat hate speech, the government should explore alternative approaches, such as education and community outreach, to address the underlying issues. In essence, the principle of

proportionality ensures that the response to a security threat is commensurate with the level of risk posed, while the principle of necessity ensures that only the least restrictive measures are employed to achieve the security objective. Upholding these principles helps prevent the arbitrary or excessive use of state power and safeguards individual liberties in the face of security concerns. Security measures implemented by the state should be proportional to the threat at hand and necessary to achieve a legitimate aim. Overreach or disproportionate restrictions on individual rights are ethically problematic and may undermine the legitimacy of state actions.

*Accountability and transparency* are other twin principles that play critical roles in safeguarding individual liberty while addressing the security needs of the state. Holding government institutions and officials accountable for their actions is essential for ensuring that they operate within the bounds of the law and respect individual rights. When security measures are implemented, accountability mechanisms, such as oversight bodies or judicial review, help monitor the conduct of security agencies and ensure that they act lawfully and ethically. This accountability serves as a check on potential abuses of power and helps maintain public trust in the government's ability to balance security with liberty.

Transparency on the other hand involves openness and disclosure of government activities, policies, and decision-making processes to the public. When it comes to security measures, transparency helps build trust and legitimacy by allowing citizens to understand the rationale behind those measures and assess their impact on individual liberties. Transparency also enables public scrutiny of security policies and practices, which can help identify and address potential abuses or inefficiencies. By promoting transparency, governments can enhance accountability and foster a culture of respect for civil liberties while still addressing security concerns effectively. Transparency is imperative as it facilitates public participation in the democratic process, allowing citizens to engage in debates and decision-making related to security policies. When individuals have access to information about government actions and policies, they can contribute to discussions about the trade-offs between liberty and security and advocate for policies that strike an appropriate balance. Public participation strengthens democracy and helps ensure that security measures are aligned with the values and preferences of the population. In summary, accountability and transparency serve as foundational principles in the relationship between individual liberty and the security needs of the state. By holding government accountable for its actions and promoting transparency in decision-making, societies can mitigate the risks of excessive state power and protect individual freedoms while still effectively addressing security challenges (Gray, 1983: 58)

At the core of the ethical imperative of balancing the dilemma is the recognition of human dignity and universal rights. The protection of individual rights is not solely a matter of policy but a moral duty. Upholding human dignity means recognizing the intrinsic worth of every individual and respecting their autonomy, irrespective of their background or circumstances. Ethical considerations in striking a balance between individual rights and state protection also require cultural sensitivity and an appreciation of diversity, as cultural sensitivity plays a crucial role in navigating this trade-off between state security and individual liberty because it acknowledges and respects the diverse cultural perspective and values within the society. Different societies may have varying interpretations of what constitutes individual rights, and these perspectives should be respected and considered in the policymaking process by incorporating cultural considerations into policy making process, societies can achieve a more balanced and inclusive approach to the trade-off between liberty and security (Gray, 1983: 58).

## Conclusion

The trade-off between individual liberty and state security need is a multifaceted ethical dilemma. Philosophical perspectives, ranging from John Locke's emphasis on individual rights to Immanuel Kant's primacy of the autonomy of the individual and, Jean-Jacques Rousseau's concept of the general will, have all offered distinct insights into this complex issue. Nevertheless, the evaluation of this trade-off reveals that there is no one-size-fits-all solution, as context, societal norms, and geopolitical factors play significant roles in understanding the complexities (Young, 2011: 105). Moreover, the diversity of philosophical viewpoints reflects the moral pluralism inherent in this ethical debate, highlighting basically the complexity of ethical decision-making in governance. This is why practical application often presents challenges, as the effectiveness of state security measures, the potential for abuses of power, and the impact on individual liberties may not align neatly with abstract moral ideals of individual liberty. Modern democracies strive to strike a dynamic equilibrium that adapts to these changing and novel circumstances of technological advancements, and emerging ethical dilemmas that come with them. In the end, the trade-off between individual liberty and state security remains an enduring and complex challenge in the realms of politics, ethics, and governance. It requires continuous reflection, adaptation, and careful consideration of the moral principles that underpin our decisions as societies strive to protect both individual freedoms and collective well-being.

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