
Hayek and Freedom

BY STEVEN HORWITZ

A few years ago I had the opportunity to look through a transcription of a set of note cards that F.A. Hayek kept through the latter years of his life. It was fascinating to see how he wrote for himself and to get glimpses of ideas that would later be more fully fleshed out. One theme that emerges in those cards, and that has been pervasive over Hayek's career, is his understanding of freedom. It is a nuanced and sophisticated conception of human freedom that differentiates itself from the ways the term is used by the left and the right. Classical liberals should understand Hayek's view of freedom, and its connection to tradition and the coordinating role of institutions, to avoid the problems that confront other conceptions of freedom.

Hayek's conception is perhaps best captured by this note: "Restraint is a condition, not the opposite of freedom." He expands on this idea: "The basis of freedom as well are [sic] the restraints commonly accepted by the members of the group in which the rules of morals prevail. The demand for 'liberation' from these restraints is an attack on all liberty possible among human beings." And perhaps most tellingly: "Freedom is order through law." For Hayek, freedom is not the absolute liberty to do as one pleases, rather it is the recognition of the necessity of law and morality in order to ensure that human interaction is cooperative and orderly. In some sense, this is the theme that underlies his life's work: human cooperation, social order, and economic prosperity are only possible where human freedom is maxi-

mized, subject to the constraints of a legal and moral code that demarcate the realms of mine and thine.

Hayek's more narrow work within economics furthers this larger notion of freedom. The competitive process of the market is seen as enhancing human cooperation and prosperity by providing a network of institutions that both bound human choice within the rule of law and enable market actors to freely express their preferences within those boundaries. Freedom of action

within the law gives rise to market phenomena such as prices and profits, both of which make the private knowledge of actors socially accessible to others, which in turn generates economic coordination. More specifically, this market freedom is linked to our ignorance: we need freedom within the law not because we know what to do and freedom allows us to do it, but because we are *ignorant* of what to do and freedom allows us to discover the best ways of doing things. As Hayek says elsewhere in those note cards:

"Competition is the only way to show error and therefore lead to wisdom" and "It is in a great measure competition which has made cooperation possible." By enabling us to learn from one another, the competition resulting from freedom reveals our ignorance, provides the knowledge and incentives to correct that ignorance, and furthers the process of human cooperation and social order. It is therefore no surprise that Hayek's pre-



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ferred political system was one in which constitutional restraints on the political process limit its ability to intervene in ways not bound by the rule of law.

This conception of freedom is in stark contrast to that often found on the left. For many on the left, freedom is equivalent to “liberation,” particularly liberation from the institutions and morals that frame Hayekian freedom. This demand for liberation is, of course, historically part of socialism and the demand for social justice via redistribution. The “fatal conceit” behind planning has always been that human reason could organize economic resources better than obeying the restraints of market institutions could. On the softer left the demands for social justice imply that some humans must be freed from the rule of law so they have the power to determine who is deserving of what and to command the resources necessary to provide it to them. In these economic contexts the left’s conception of freedom has always been one that involves liberation from the institutions of “several property” and the rule of law.

For many on the New Left, and for modern-day cultural critics, the demand for “freedom” is not so much about economic institutions but social ones. Whether it be in the form of race, gender, or sexuality, the complaint of the cultural critics is that liberal institutions suffocate “genuine” freedom by the noncoercive enforcement of social norms and practices (traditions). For example, the fact that existing economic and social institutions generate difficult choices for mothers who wish to work is seen to be evidence of a lack of “freedom” and such institutions are referred to as “repressive” and the like.

Perhaps the best example of these conflicting notions of freedom is the use of the term “deconstruction.” Although Hayek was surely unafraid to criticize existing institutions and to question who the real beneficiaries of such institutions were (see his attacks on unlimited democracy), he recognized that it was not possible to remove such institutions completely and replace them with something brand new. The word “deconstruction”

carries with it the implication that the institutions in question *were* “constructed” in some meaningful sense and that they *can be* “reconstructed” to better address the problem at hand. Hayek’s work gives us powerful reasons to suspect that social institutions were not intentionally constructed to benefit particular groups and that such institutions could not be reconstructed to serve new purposes. Whatever freedom might mean, it cannot mean total liberation from existing institutions or the power to reconstruct them as one sees fit. For Hayek, such a notion of freedom is self-contradictory: “The enemies of the discipline of rules are the enemies of freedom.”

No Comfort for the Right

That having been said, Hayek’s conception of freedom should not provide much comfort to those on the right for whom freedom is very tightly tied to a reverence for tradition. It is certainly true that he had great respect for tradition and for the institutions that have emerged through long social-evolutionary processes. However, he also recognized that these processes do not ossify and that social evolution continues. Social institutions can and should evolve in ways that respond to genuine cases of maltreatment (for example, the abolition of slavery in the United States and

the reformation of property laws to provide equal treatment for married women). He is also adamant, in contrast to the caricature of him often offered, in arguing that what has evolved is not automatically good. As one of the note cards reads: “Tradition is not good simply because it is tradition. It is for what it has given us and only so long as an alternative does not prove by its effect that it is better.” In earlier work Hayek emphasized that it is the job of the social scientist to hold up each and every social institution to critical scrutiny, but that one cannot critically scrutinize *all* social institutions at once. So his attitude toward tradition is rightly characterized as “respectful” but not “reverent.”

Unlike true conservatives, who see in both the pres-

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ent and the past, traditions to be recaptured and preserved at almost any cost, Hayek recognizes that society is the product of continuing evolutionary processes that are unintended consequences of the choices and values of the humans who constitute them. Attempting to “flash-freeze” the social order of either some mythical golden past or some salvageable present, closes off the learning process of cultural evolution. Hayek’s note on this subject reads: “The eternal conflict between preserving tradition, the product of the evolution of the past, and keeping the way open for further evolution. The Conservative defender too inclined to treat as ultimate wisdom what by the same token is bound to be superseded.”

Thus despite his trenchant criticisms of the left and its conception of freedom, Hayek is ultimately not a conservative (as, of course, he himself argued in 1960). The evolution of social institutions and practices is not to be automatically regarded as problematic from a Hayekian perspective. All such changes should of course be carefully analyzed, but should hardly be rejected out of hand simply because they aren’t the way it’s always been done. For Hayek, what matters is whether the institutions in question are performing a valuable func-

tion, not whether they perform the same function they always have, or whether they take the same form we have always known.

And this argument comes back to Hayek’s conception of freedom. It is not just a matter of obeying restraints at all costs. Rather, Hayekian freedom recognizes that by obeying such restraints in general, we open up space to reflect critically on particular restraints and, in so doing, challenge them. Hayek’s notion of freedom includes room for differentiation and experimentation: “Majority opinion must act as a restraint but not as a guide to individual action—all advance has been due to individual views in conflict with majority opinion” and “It must be admitted that culture is something we must in the first instance conserve but cannot make. But we must and can as individuals endeavor to improve it.” Hayekian freedom is a freedom that emerges from, but is not completely limited by, legal and moral restraints. It is a freedom that recognizes both the functional value of evolved traditions and the importance of the differentiation and innovation that drive all evolutionary processes. In recognizing both dimensions of freedom, Hayek’s conception of freedom is superior to the conceptions found on both the left and right. 

Why I Am Not a Conservative

That the conservative opposition to too much government control is not a matter of principle but is concerned with the particular aims of government is clearly shown in the economic sphere.

Conservatives usually oppose collectivist and directivist measures in the industrial field, and here the liberal will often find allies with them. But at the same time conservatives are usually protectionists and have frequently supported socialist measures in agriculture.

—F.A. Hayek, “Why I Am Not a Conservative,” 1960