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Q40

Which one of the following reflects the most appropriate relationship between law and liberty? (a) If there are more laws, there is less liberty. (b) If there are no laws, there is no liberty. (c) If there is liberty, laws have to be made by the people. (d) If laws are changed too often, liberty is in danger. Official key: B.

UPSC Civil Services Prelims 2018 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation**(a)**

(a) If there are more laws, there is less liberty. That anarchist or simple inverse view is not the most appropriate relationship in the constitutional-theory sense the question wants. Law can enable liberty. This is not the key.

(b) Official key

(b) If there are no laws, there is no liberty. **(b) Official key:** In the liberal rule-of-law tradition, liberty exists through known general laws that restrain arbitrary power. Without law there is licence or domination, not liberty. That is the stored key.

(c)

(c) If there is liberty, laws have to be made by the people. Popular law-making is democracy, not the definition of the law-liberty link. This is not the key.

(d)

(d) If laws are changed too often, liberty is in danger. Legal stability matters, but it is not the most appropriate statement of the relationship. This is not the key.

Summary

Official key is (b). Classical liberal thought treats law as the condition of liberty, not its enemy: no law, no secure freedom. A mere count of statutes, popular authorship, or frequent amendment does not capture that relationship as well. Honour the stored letter (b).

Related possible facts

These can be asked in a future Prelims paper.

Locke

Where there is no law, there is no freedom

Dicey

Rule of law versus arbitrary power

Positive vs negative liberty

Berlin; law can constrain or enable

Article 21

Liberty with procedure established by law / due process

Harm principle

Mill; law limits liberty to prevent harm

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