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be in a minority on a majority of occasions.⁴⁴ Over the longer run, when the outcome of a number of democratic decisions is reviewed, it may be that the tally of good achieved is not a simple sum of the good these decisions would have produced had they been considered separately. If there is a large but solid minority which votes together over a wide range of issues and attracts a sufficient number of different floating voters on each occasion of voting, the frequently disappointed majority will get increasingly fed up. The workings of the system will induce measures of frustration independently of those produced by specific decisions. If a majority is entrenched because of religious or ethnic affiliations this dissatisfaction will turn into the anger of perceived injustice. In which case, the majority principle will be rejected.

Third, the argument assumes not only that interpersonal comparisons are possible, but that the impact of decisions for and against is equal in respect of all those who implement or suffer them. Again, this may not be true. A majority may be lukewarm in favour of the winning policy. The defeated minority may be rabidly hostile. The utilitarian democrat must just hope that partisans of the opposing sides experience an equal average degree of satisfaction and dissatisfaction, each side being composed of protagonists hostile or in favour in roughly equal measure of intensity. Maybe, with a large enough population, this assumption is realistic. But the phenomenon, recognized daily, of the passionate minority interest group pursuing policies which would impact in a mildly inconveniencing fashion on large numbers of puzzled or cynical opponents, equally suggests that this assumption is complacent.

These are technical difficulties which it would be a mistake for the utilitarian to discount. Nonetheless, it would be quite wrong to dismiss wholesale the utilitarian instinct to ask people to register their preferences, then judge as right the policy which results from the ballot. We all know that majorities can be mistaken and that counting heads does not settle the matter of truth in a controversy, but we should remember that these truisms give strength to the elbows of those with something to gain from deciding issues for us. Bentham thought the arguments for democracy were perfectly straightforward – to the point where he suspected any rejection of them was motivated by class- or individual self-interest. ‘Sinister interest’ was the term he employed to characterize the motives of

those who advance claims for greater power under the cloak of greater wisdom. If the message of the utilitarian case for democracy, direct or indirect, is, 'Beware of sinister interests', we should be wise to heed it.

Conclusion

In this chapter I have introduced utilitarian theory as a powerful and influential project in ethics. I make no claim to have investigated the foundations of this theory in any depth. My main interest has been to show how utilitarianism finds application in the study of central problems in political philosophy. I hope, as a result, to have introduced the reader to issues which will be explored in greater depth later, with the utilitarian treatment of these issues in place as a foil.

Although I have mentioned difficulties in the utilitarian story, it would be fair to say that my emphasis has been on the strengths of the account, detailing the contribution which utilitarian thought has made to our understanding of the problems which emerge as we think philosophically about our political life. Let me end this discussion with a few remarks about what I see as utilitarianism's greatest weakness. I do not locate this in the foundations of the theory. For some, this is the source of its deepest flaws. Utilitarianism, we are told, does not take seriously the separateness of persons. It can give no satisfactory account of the importance to all agents of their individual projects and the sense of integrity which is challenged when these deep aspects of an agent's personality come into conflict with the greater good. It threatens the importance to us of claims deriving from particular relationships, claims of friendship, love and allegiance. These are strong objections⁴⁵ – and where they resonate in political philosophy I shall take them up later. But as one might expect, the utilitarian is putting up a robust defence.⁴⁶ The worry I have with utilitarianism is quite different and can be simply stated. It concerns the possibility of calculating the greater good. Here I suspect the utilitarian is caught between two stools. The first is the tendency towards conservatism which we identified in Hume's thoughts about justice in the distribution of property, the legitimacy of government and the duty of

obedience. Take any firmly entrenched institution or practice, or any generally accepted moral rule. How does the utilitarian evaluate these? Hume supposes that the lessons of history have taught us, over the long run, that the institutions and practices have proved themselves to be maximally beneficial. John Stuart Mill offers a similar account:

As men's sentiments, both of favour and aversion, are greatly influenced by what they suppose to be the effects of things upon their happiness, the principle of utility . . . has had a large share in forming the moral doctrines even of those who most scornfully reject its authority.⁴⁷

Again,

. . . mankind must by this time have acquired positive beliefs as to the effects of some actions on their happiness; and the beliefs which have thus come down are the rules of morality for the multitude and for the philosopher until he has succeeded in finding better.⁴⁸

Mill is not a conservative thinker. He is not suspicious of proposals for reform. If utility is promised, even the most radical reforms should be implemented. What I am emphasizing here is the assumption that utility *supports* existing rules and practices until utility dictates that reform is due, that present practice is the default position. And this assumption is grounded in nothing more than the thought that utility has guided history in the generation of optimal rules and practices. How could we possibly know this? The very necessity for radical reform in some instances – a thought more accessible to Mill than to Hume – shows that history may have taken a path away from that which utility shows to be optimal.

The utilitarian's readiness to consider that existing institutions, practices and rules maximize utility *by default* seems tailor-made to achieve a reflective equilibrium between theory and moral beliefs. The insight should not be dismissed, but it should be recognized that there are challengers in the field. Some philosophers, Rousseau for one, have claimed that history is the record of the

degeneracy and immiseration of the species.⁴⁹ The utilitarian appeal to history for vindication seems to reflect, by contrast, a belief, if not in providence, then in the progress of mankind towards the best possible condition.

One thing is for sure – the utilitarian has not done the work his quasi-science suggests should be undertaken if he is content to make the sort of grand gestures towards history we have seen in Hume and Mill. Furthermore, the critic will not be surprised at this omission. How could this work be accomplished? What sort of facts do we have available for a genuine contrast of government and anarchy, liberty and authoritarianism, private and common property, societies with promises and societies without them? Experiments are impossible and historical episodes are too cluttered with the particularities of time and place to permit ready generalization.

Utilitarianism on the grand scale might therefore seem an exercise in rationalization or wishful thinking, depending on whether its focus is on the present collection of rules and institutions or on future alternatives. But perhaps utilitarianism works successfully when its focus is narrowed to the judgements of specific acts or policy proposals. Again, I have my doubts. The most ambitious attempts to quantify outcomes are the work of welfare economists, and it is fair to say that this work has not been widely persuasive. I remember listening to E.J. Mishan describing the work of the Roskill Commission. Their task was to find the optimal site for a third London airport and different sites had advantages and disadvantages which required evaluation and comparison. The whole audience was doubled up with laughter as Mishan listed the factors the Commission had solemnly taken account of. These included prospective damage to the black-bellied race of Brent Geese who migrate each winter to feeding-grounds at Foulness on the Essex coast, the destruction of medieval churches in Hertfordshire and the provision of non-seasonal employment for citizens of Southend-on-Sea who were overly reliant on summer migrants from the East End of London.

Of course, the cost–benefit analyst does not suppose that there is an easily identifiable common denominator which will permit a ranking of alternative policies. Radically different goods such as those I have mentioned are assessed in terms of the preferences

consumers express with respect to them, and preferences are signalled by willingness to pay as signalled by questionnaires and opinion polls where no money changes hands. 'Shadow prices' are worked out for goods, like the Brent Geese and medieval churches, which do not have a market price.

I am persuaded by critics of these methods that the enterprise is misguided, particularly in respect of environmental goods. From my study window in the centre of Glasgow I can see the mountains of the Isle of Arran, fifty miles away, whenever there is some north in the wind. Fifty years ago, factories cast a smokescreen over the city which was dispersed only rarely, on Sundays and public holidays. My life is better for the view – but how can that be quantified?⁵⁰ I conclude (after too little argument) that when utilitarianism abandons the assumptions of a providential history and gets down to the brass tacks of policy appraisal using the techniques of welfare economics, it is likely to fail here, too.

There may be a middle road – of common-sense evaluation of outcomes in terms of an objective list of values that we are used to comparing and trading off in familiar dilemmas.⁵¹ This will have to be worked out in detail. We can properly reserve judgement on the success of the utilitarian enterprise, even as we keep in mind its systematic contribution to the problems of political philosophy.

Chapter 3

Liberty

Introduction

One enjoyable, though probably fruitless, way to spend an afternoon would be to discuss which is the most prominent or important political value, which ideal carries most clout in political debates – in public bars or parliaments. Candidate values might include justice (more particularly, human rights or equality), democracy, and certainly, liberty. It is hard to think of a political manifesto that does not trumpet the prospect of liberty – and it is easy to think of fractious political disputes where freedom¹ is a contender on both sides of the issue. Freedom in education requires the provision of educational opportunity for all, free at the point of service, some say; others, that it signals the parents' freedom to choose the education they judge best for their child. These different aspirations may collide if resources do not permit them both to be fulfilled.

Liberty, liberalism, libertarianism

We shall examine the different ways in which liberty may be appealed to, but one thing is sure: whoever makes such appeal is attempting to claim the moral high ground. Just why this is so is a matter of delicate analysis, not least since ‘the meaning of this term is so porous that there is little interpretation that it seems able to resist’,² as Isaiah Berlin notes. Before we proceed in this direction, however, it will be useful to distinguish the value of liberty from a couple of other terms closely associated with it – ‘liberalism’ and ‘libertarianism’.

Of the two, ‘liberalism’ is the hardest to capture in a nut-shell definition. As with other ‘-isms’ in the domain (conservatism, socialism . . .) it signals a cluster of political ideals advocated (and put into practice) within a tradition of political thought and political activity. Major contributors to the literature of liberalism include thinkers as diverse as Locke, Montesquieu, the Federalists, Constant, de Tocqueville, J.S. Mill, T.H. Green, Karl Popper, F. Hayek and latterly, John Rawls and Joseph Raz – and this is a very selective list. Probably the only thing that unites members of this list is that they all subscribe to a strong value of individual liberty – and even then we should note that they speak in different voices when this value is canvassed for our endorsement. For some, the heart of liberalism is captured in Locke’s claim that all men are born free and equal; others shudder at the commitment to equality. For still others, liberalism requires the opportunity to participate in democratic institutions; some liberals discount this, insisting that democracy represents a separate or subordinate value, or no value at all, or even a threat to liberty.

Conspicuously, liberalism amounts to a different political agenda in different places. In Britain, liberalism as a political movement is a halfway house between conservatism and socialism, shifting in policy content as these other political movements veer away from or move towards the middle ground. In the United States, liberals have bleeding hearts, and for many ‘liberal’ has become a dirty word. Anyone who advocates welfare programmes, indeed much public spending beyond what is necessary for defence and law and order, is likely to be castigated as liberal.

Key liberal themes include the right to private property and

advocacy of the rule of law as well as defence of the traditional freedoms – freedom of speech and artistic expression, freedom of association, religious freedom, freedom to pursue the work of one’s choice and freedom to participate in political decision procedures. ‘Liberalism’ is a poor, but indispensable, label, perhaps best understood when one has a clear idea of the movements or ideologies which most conspicuously oppose it in its different manifestations.

Libertarianism is a much less amorphous creature. It is the theoretical stance of one who strictly limits the competence of government to collective defence, the protection of negative rights, rights of non-interference, and enforcement of contracts. The state on this account has the two tasks of the night-watchman – to guard the city walls against outside attack and to patrol the city streets, ensuring that citizens are not murdered, raped, robbed or defrauded. The state has no role in the provision of education, health-care or social security payments, no duty to redistribute resources amongst citizens for purposes other than the rectification of violations of rights. We shall study the libertarian agenda in Chapter 4. In the meanwhile we shall try to understand better the concept of liberty.

Analysis

Philosophical analysis promises clarification, but with a concept as diffuse and battle-scarred as liberty, we should not expect quick results. We shall soon see that there are many concepts of liberty, as Berlin suggested. It is not that the term is ambiguous in any straightforward way. ‘I sat by the bank and wept’ is quickly sorted out, but a dictionary won’t tell us what Patrick Henry had in mind when he cried ‘Give me liberty or give me death!’ If there are indeed more than two hundred senses to this word, I would rather someone else took on the job of charting them. We need to put some limits on the enterprise of analysis.

In the first place, we shall focus on liberty as a political value. There are two aspects to this demand: we can ignore obviously non-political usages and we shall insist that a proper analysis makes clear why proponents of liberty have claimed it as a value.

The former point is perhaps trivial; political philosophy has no interest in explaining why liberty bodices are so called or in relating freedom of speech to newspapers which are free, gratis and for nothing (as against frank, fearless and free!). The latter point – that freedom is a value – is of considerably more importance, since there are clear accounts of freedom which can be criticized and rejected on the grounds that they offer either no account of why freedom is a value or an account that is plainly defective. One way of arguing for this conclusion is to claim that liberty is not a value-neutral concept, it is always normative, always accompanied by a positive ethical charge. Thus to describe a condition as one of liberty is to attribute a positive value to it and hence to begin making out a case for it. On this account, it would be self-contradictory to disvalue a liberty or to describe a condition of liberty as wrong or evil. John Locke clearly employed the concept of liberty in this way when he made a sharp distinction between liberty and licence, claiming that the state of nature as he describes it, is ‘a State of Liberty, yet it is not a State of Licence’,³ since man is governed by the law of nature.

I am inclined to think this is right, but there are plenty of reasons to give one pause. ‘Is liberty of the press a good thing?’, ask pundits and parliamentarians, anxious that they might be found out. This question would only make sense if the use of ‘liberty’ here does *not* imply that liberty is a positive value, if the usage is in some way non-standard – which it may well be, finding a purely descriptive meaning in terms of the specific institutional practices of a particular state. My own view, which could not be defended without some measure of stipulation, is that this debate may indicate the only distinction that can be drawn between liberty and freedom. The concept of freedom, I believe, is thinner than that of liberty and carries less evaluative baggage. ‘Ought citizens be free to . . .?’ is a perfectly straightforward question. We have no difficulty in thinking of some freedoms as worthwhile and others not so. If I could tidy up the language, I would do so, distinguishing two kinds of freedom: that which we approve I would designate liberty; that which is disreputable I would call licence. Sadly, I am impotent in these matters, so let us leave this matter of terminology unresolved.

This does not mean, however, that the connection between

liberty or freedom and value is indeterminate. Whilst it may not be a conceptual truth that liberty is valuable, it must still be required that philosophical accounts of liberty explain why it has generally been accepted as valuable and why its advocates regard it as valuable. Of course the political philosopher need not endorse such accounts – they may bear witness to widespread illusion – but if so the error must be comprehensible.

Second, despite my insistence that we focus on liberty as a political value, we must not draw the lines of conceptual demarcation too tightly. John Stuart Mill begins his essay, *On Liberty*, with a disclaimer in the first sentence: ‘The subject of this Essay is not the so-called Liberty of the Will, so unfortunately opposed to the misnamed doctrine of Philosophical Necessity; but Civil, or Social Liberty.’

Mill may be right to separate these philosophical questions. It may turn out that the metaphysical question of whether or not there is such a thing as free agency is quite independent of issues concerning political liberty. But we cannot *begin* our enquiries with such an assumption in place since it may turn out that an account of the value of political liberty which is successfully embedded within a wider account of free action will be deeper and more satisfying. A link between a satisfactory account of free agency, considered generally, and political or social freedom may also help us with our first objective – to see why liberty is of value to its protagonists.

Mill’s specific objective limits the range of the concept of liberty in another way, since it ought to be an open question whether, as he believes, the question of liberty is exhausted when we have investigated ‘the nature and limits of the power which can be legitimately exercised by society over the individual’ (as the quotation above continues). Mill imposes this latter restriction deliberately because he believes that, in his day, democracy poses sharp threats to civil liberty. He has in mind the possibility of majority tyranny and the levelling spirit of democracy which may lead to an intolerance of social experimentation and personal eccentricity. He believed de Tocqueville’s reports of democracy at work in America: give a measure of power to everyone at the town meeting and conformity will soon become a parochial priority. These dangers are real, but as we shall see, liberty may require democratic

institutions just as surely as democratic institutions require strong liberties.

Isaiah Berlin: negative and positive liberty

Isaiah Berlin's Inaugural Lecture, 'Two Concepts of Liberty', has proved to be one of the seminal contributions to political philosophy in the twentieth century. It is remarkable for the resonance of its analytical apparatus and the depth of its historical foundations. It is also notable for the strength, and perhaps dogmatism, of its conclusions. Berlin distinguishes negative and positive liberty and, on his account, these different senses of liberty are elicited as the answers to two different questions.

If we ask, 'What is the area within which the subject – a person or group of persons – is or should be left to do or be what he is able to do or be, without interference from other persons?' we characterize an agent's negative liberty. 'Political liberty in this sense is simply the area within which a man can act unobstructed by others.' If we ask instead, 'What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?'⁴ we aim to describe the agent's positive liberty. This is summarized later as 'the freedom which consists in being one's own master'.⁵

Negative liberty

Let us look more closely at negative liberty. The clearest exponent of the simplest version of negative liberty was Thomas Hobbes, who defined a free man quite generally as, 'he, that in those things, which by his strength and wit he is able to do, is not hindered to do what he has a will to'.⁶ Negative liberty is often glossed as the absence of coercion, where coercion is understood as the deliberate interference of other agents. In recent times, the most rigorous version of negative liberty, 'pure negative liberty' has been articulated by Hillel Steiner, but since it is an implication of Steiner's analysis that not even the most draconian laws can inhibit liberty, because they render acts ineligible rather than impossible, I judge that it has little relevance to political philosophy, despite its

influence.⁷ Negative liberty, of the Hobbesian kind that is compromised by coercive threats as well as other modes of prevention, is often contrasted with theories (if there are such) which imply that mere inabilities inhibit liberty. Berlin quotes Helvetius to make this point: 'It is not lack of freedom [for people] not to fly like an eagle or swim like a whale.'⁸

The evident truth of this conceals a difficulty, nonetheless. Suppose I can't walk because my enemy has tied me up or broken my leg. Here, too, there is a straightforward inability but we would judge this to be a case of freedom denied because the inability is a direct result of another's action. But suppose that my inability to walk is the result of a medical condition – and this condition can be remedied by an operation which I cannot afford. Am I unfree if others fail to pay for my treatment? The case differs from my inability to fly like an eagle in two ways. First, humans can walk in normal circumstances but they will never be able to fly like eagles. Second, the condition is remediable whereas human flightlessness is not. Do these differences count? Before we tackle this question, let us see how this problem arises within Berlin's account of negative liberty.

Berlin insists that we should distinguish between the value of (negative) liberty and the conditions which make the exercise of liberty possible.⁹ Thus there may be freedom of the press in a country where most citizens are illiterate. For most, the condition which would give point to the freedom – literacy – does not obtain. In these circumstances, Berlin would insist that illiteracy does not amount to a lack of freedom. Clearly something is amiss in a society which fails to educate its citizenry to a level where they can take advantage of central freedoms, but that something need not be a lack of freedom. A basic education which includes literacy may be an intrinsic good, or it may be a human right. Its provision may be a matter of justice, its denial, transparent injustice. But however this state of affairs is described, we should distinguish a lack of freedom from conditions under which it is hard or impossible to exercise a formal liberty.

Berlin has his own reasons for insisting on this point. He has a laudable concern for clarity; obfuscation and confusion result if different values are elided by careless argumentation. More importantly, he wants us to recognize that different fundamental

values may conflict. The demands of justice or security may require the truncation of liberty, or vice versa, in circumstances of moral dilemma or irresolvable tragedy. There is a natural tendency to seek escape by assimilating the strong differences, by attempting to redescribe the awful circumstances as having only one value at stake – in which case we can take whichever course of action maximizes the unifying value or minimizes its violation. For Berlin, these are strategies of self-deception. They lead to ‘absurdities in theory and barbarous consequences in practice’.¹⁰

It is hard to dispute this claim. The twentieth century is replete with examples of regimes which have instructed their subjects that solidarity or the service of the state comprise true justice, real freedom, genuine democracy or the greatest happiness, wrapping up all tensions and incipient conflicts in a totalitarian cocoon which silences the clamour of otherwise inescapable debate. This tendency is the chief target of Berlin’s philosophical endeavours and we should endorse his aims. However, it is difficult to relate this general caution to the issue concerning liberty and its conditions.

In the first place, it is worth noting that Berlin himself cannot maintain the distinction wholeheartedly. Negative liberty *has* been curtailed by ‘social and economic policies that were sometimes openly discriminatory, at other times camouflaged, by the rigging of educational policies and of the means of influencing opinion, by legislation in the sphere of morals’.¹¹

It would seem that the key to determining whether such policies inhibit negative freedom is whether the limiting condition on the exercise of liberty was either an intended limitation or, if unintended, a limitation which it is possible to abolish. Policies which are openly or covertly discriminatory are likely to be unjust, but if they restrict opportunities available to others they offend against freedom as much as justice. Berlin is quite correct to insist that we should keep separate values distinct. But we do not confuse or conflate different values when we condemn a practice that offends two or more of them – we strengthen the criticism.

There is another error induced by Berlin’s emphasis on the clear-minded discrimination of different values. No one could object to the distinction between liberty formally achieved and the satisfaction of conditions which are necessary if the full value of

liberty is to be attained. It is important that both be implemented and vital that breakdowns or shortcomings be accurately identified if remedies are required. Nonetheless, if it is true in a particular case that the full value of liberty is not obtained, because of remedial illiteracy or physical handicap for example, then the prime reason for reforming the inhibiting conditions will be liberty itself. If we *have* identified social conditions which frustrate the achievement of a recognized good, then that good itself serves to vindicate efforts to eliminate these conditions. Suppose we discover that a system of land tenure has become a cause of famine; we don't need any reason beyond the abolition of famine to tackle the conditions which created it. And the same is true of liberty; if freedom of the press is worthwhile, being necessary if citizens are to be informed participants in the democratic process, this is reason enough to secure the condition of widespread literacy which enables citizens to make use of it.

What is really at stake here is an issue of political rhetoric. If we are concerned to effect reform in health provision or education or social security, it may well be that we have a choice of values that we can cite in order to gain support for our proposals. We can advance our cause under different banners. Social justice and freedom may both serve; in which case, it is a matter of practical, strategic judgement which value we highlight in our campaign. The temper of the times, signalled by the success of an opposing party, may favour an appeal to liberty. The astute politician may then argue that liberty requires obvious conditions on social provision to be met if the proclaimed value is to serve as more than a shelter for the privileges of the rich. This rhetoric may succeed or it may fail. The electorate may judge the argument which has been advanced as too elaborate to be convincing – and vote against. Having learned his lesson, the astute politician will try a different route and rediscover social justice.¹² I stress that this process of selecting values in which to couch political rhetoric is philosophically respectable. We do not equate or confuse the different values of liberty and social justice when we recognize that a case for specific reforms can be supported by either or both. Which value we choose for a particular campaign is not a matter of philosophical propriety. Both could be advanced together if this were thought to be effective.

We have reached a capacious understanding of negative freedom by exploiting materials furnished by Isaiah Berlin. The most obvious difference between his proposal and ours is that we are more ready to countenance as hindrances or obstacles, conditions which limit persons' opportunities; which conditions may not have been imposed by human agency, but if they can be eliminated, they ought to be.

How do we identify conditions which ought to be eliminated? On the account, thus far, I am unfree with respect to any opportunity which I cannot presently take, but which I could take advantage of were others to resource me. I am therefore unfree to visit the moon, whereas I am not unfree to fly like an eagle. Does this fact, of itself, establish a claim on my behalf against those individuals or governments which could furnish me with the necessary resources (as they have found them for some fortunate others?) If claims of freedom are moral claims, as I insisted at the beginning of this chapter, we need some further account of which opportunities *ought* to be available to persons, since I take it that no one would identify a case of unfreedom in my inability to make a moon landing.

I have in mind a condition of freedom which has been described by Ralph Wedgwood as *social empowerment*.¹³ On this account, the ingredients of freedom will comprise 'the social conditions that confer favourable prospects with respect to wealth, income, and the knowledge and skills that can be acquired through education',¹⁴ as well as the standard list of liberal freedoms – so long as those social conditions are attainable. But again, not all social empowerment is of value. We should not empower potential bank robbers by reducing legal limitations on their access to weapons or by granting them resources to purchase them. A principle of liberty which is going to be useful must enable us to identify *justifiable* claims for empowerment – and I don't think this can be achieved within the framework of the negative concept of liberty. In order to advance, we need to specify the opportunities that *ought* to be available to claimants. This requires the development of a positive concept of liberty.

Positive liberty

This is how Isaiah Berlin introduces the concept of positive liberty:

The 'positive' sense of the word 'liberty' derives from the wish on the part of the individual to be his own master. I wish my life and decisions to depend on myself, not on external forces of whatever kind. I wish to be the instrument of my own, not of other men's, acts of will. I wish to be a subject, not an object; to be moved by reasons, by conscious purposes which are my own, not by causes which affect me, as it were, from outside. I wish to be somebody, not nobody; a doer – deciding, not being decided for, self-directed and not acted upon by external nature or by men as if I were a thing, or an animal, or a slave incapable of playing a human role, that is, of conceiving goals and policies of my own and realizing them. This is at least part of what I mean when I say that I am rational, and that it is my reason that distinguishes me as a human being from the rest of the world. I wish, above all, to be conscious of myself as a thinking, willing, active being, bearing responsibility for my choices and able to explain them by references to my own ideas and purposes. I feel free to the degree that I believe this to be true, and enslaved to the degree that I am made to realize that it is not.¹⁵

This is a capacious nut-shell. But we shall see that the notion of positive liberty is more expansive yet. As Berlin develops his historical-cum-conceptual story, a sequence of ideals, initially attractive then progressively more sinister, is charted. To summarize, in cavalier fashion:

- (a) *Self-control and self-realization*. This involves my working on my own desires – ordering, strengthening, eliminating them – in line with a conception of what it is right or good for me to do or be. This is a complex notion, with its heart in a sophisticated account of freedom of action. In modern times the development of this account can be traced through Locke, Rousseau, Kant and Hegel. It has re-emerged in the recent work of Harry Frankfurt and Charles Taylor.¹⁶ We are well

used to the idea that we exhibit self-control when we resist temptation. Freedom of action consists in our ability to appraise the desires which prompt us to act and to decide whether or not to satisfy them. On this account, the paradigm of freedom consists in our going *against* what we most want, doing what we think best. But as Hegel pointed out, the best of all worlds for the free agent is that in which what, after due reflection, we believe is the right thing to do is also what we discover we most want.

- (b) *Paternalism*. Suppose I am not able to exercise this self-control. I may be ignorant of what is best for me. I may not understand the full value of alternatives. Like the child who does not wish to take the nasty-tasting (but life-saving) medicine, I mistake my real interests. In such circumstances, the wise parent will not be squeamish. She will force the medicine down. Might it not be justifiable, then, for *you* to exercise the control over me that I am unable to achieve or sustain? Might not my freedom require whatever control over me that *you* can exercise – absent my own powers of self-control? This thought is particularly apt where your paternalistic intervention creates for me or sustains conditions of autonomous choice that my own activities thwart. This is a deep issue, which we shall examine later, but it is hard to see how some varieties and instances of paternalism can be rejected. And it is hard to deny that my freedom is promoted when you liberate me from temptations that I would reject were I in a calmer, saner or more knowledgeable condition, when you empower me to act, despite my self-inhibiting dispositions.
- (c) *Social self-control*. But if I exercise my freedom through self-control, and if you promote my freedom by appropriate paternalistic intervention, may not my freedom be further enhanced by institutional measures that I endorse? In the republic of Rousseau's *Social Contract*,¹⁷ citizens achieve moral and political liberty by enacting laws, backed by coercive sanctions, which apply to themselves as well as to others. If, as an individual, I cannot resist a temptation which will likely cause me harm, wouldn't it be a wise stratagem to devise some social mechanism which will bolster my resolve? If I realize that the threat of punishment against me will keep me on the straight

and narrow path which wisdom alone cannot get me to follow, shouldn't I institute and accept social restraints which are more forceful than my unaided moral powers? And in doing so, don't I expand my true freedom? Ulysses tied himself to the mast to resist the Sirens' call. As a result, he gained a freedom lost to his unfortunate shipmates. Addicts of all sorts can seek the discipline and social order of the clinic or self-help group as a means of liberation. A wise citizen in a democratic state will establish laws and voluntarily submit to the regulatory power of the state where self-control cannot suffice, and thus achieve freedom – or so the argument goes.

- (d) *State servitude*. An unwise citizen, unable to exercise immediate self-control and insufficiently far-seeing to enact or endorse devices of social coercion, can nevertheless attain freedom indirectly and at second hand if the state effects the necessary control, notwithstanding his disapproval or lack of participation. The state can control us in the service of our real interests – and thereby make us free. This is a recipe for totalitarianism – in four seductive philosophical steps!

This is a brief, analytic summary of Berlin's potted history. But I think it carries the drift. More importantly, it shows the complex dialectic whereby a plausible and historically influential understanding of freedom of action can be elaborated into a doctrine of social freedom. Second, and equally important, it illustrates how the doctrine of positive liberty acquires its moral content. The central thought – that liberty is the opportunity or capacity to achieve something *worthwhile* – is explicit at the first stage of the argument in the ideal of self-realization. This canvasses one's freedom as the control of her desires in the light of some conception of the good life, some account of the virtues, some principles of right action.

Berlin himself favours the sparse, negative concept of freedom, believing this can accommodate all political aspirations to the core liberties and enable us to locate liberty within a range of potentially conflicting values. His chief criticism of positive liberty is that the sequence of ideals we have just canvassed represents a slippery slope. If we endorse the initial equation of freedom and self-control, we shall be unable to arrest a fall into the

embrace of the ideals of totalitarianism, whereby the state promulgates a conception of the good life and yokes everyone into its pursuit. The most potent criticisms of Berlin deny this. But before I discuss this response, I should deal with another influential objection to his analysis.

MacCallum's response

Gerald C. MacCallum, Jr proposes an alternative analysis. For him, freedom is best understood as a triadic relation between agents, opportunities and preventing conditions. Thus each statement of freedom (and unfreedom) can be unpacked in terms of this schema: x is free (unfree) from y to do or be z . This analysis of freedom statements carries the implication that all freedom is both negative and positive – freedom *from* as well as freedom *to*.¹⁸ Joel Feinberg has argued for a similar analysis, finding additional variables through, for example, a distinction of internal and external constraints: an inhibiting neurosis, such as agoraphobia, can restrict my freedom as strongly as a locked door.¹⁹

How can one adjudicate this dispute? Berlin, himself (and one of his recent defenders, John Gray)²⁰ claims this is mistaken; a person in chains may wish to rid themselves of their chains without having any clear idea of what they wish to achieve through their freedom. This strikes me as a possible but most unusual case. It is certainly not a paradigm of negative freedom, since, in the standard case, MacCallum's analysis not only will apply but must apply if we are to identify the demand for freedom. Taking the example literally, one will generally suppose that the prisoner wishes, at least, to move around unshackled, but there may be more at stake. The demand that I be unshackled may be predicated on a case for freedom of assembly, freedom to attend church, freedom to engage in any activity from which I am effectively barred – and it is as well to know which freedom is at stake.

Gray's objection to Feinberg's more sophisticated analysis is equally unpersuasive, viz., that since the admission of internal constraints allows 'as *constraints on freedom* constraints and evils (such as headaches, disabilities) that are not unfreedoms at all' freedom is obliterated as a distinct political value.²¹ Feinberg can

reply directly that the distinctness of freedom as a political value is best captured by investigating which constraints do, and which do not, inhibit *political* freedom. Headaches may cripple personal freedom. They are not likely to figure amongst the constraints that politicians either impose or could alleviate, but if they do so figure, they limit political freedom, too.

I conclude that, so far as the analysis of the language of freedom is concerned, the criticisms of McCallum and Feinberg must be well taken. Linguistic analysis does not permit us to draw the distinction which Berlin employs. But this is not the end of the matter. McCallum goes further, arguing that the use of analytically unsound labels will lead to confusion and error as we affix them to inappropriate positions. He thinks we should avoid dubbing Smith a theorist of negative liberty or Jones a proponent of positive liberty since most philosophers of historical significance will advance complex doctrines which are best viewed as a combination of the two. I think this caution is timely, too.

However, I don't think that Berlin has made this mistake; despite the grand sweep of the historical materials he surveys, he is remarkably sure-footed. Moreover, I suspect that Berlin is right in his claim that much of the literature on political liberty can be fruitfully placed within one or other of two major traditions within the history of ideas. Berlin's chosen apparatus for identifying the different traditions – distinguishing two leading questions – is certainly clumsy, but the distinction he draws captures a very real difference.

We can pinpoint this difference by considering a problem concerning freedom of action. Take the case of the addict. What I want most now is a cigarette – and so I smoke one. I don't, however, want to be a smoker. When I smoke, do I act freely? On that starkly negative conception of freedom elaborated by Hobbes, my freedom is attested by my getting what I most want. No one has stopped me doing what I please. On the alternative conception of freedom, described above as the first step on the road to positive liberty, I have not acted freely. If I don't want to be a smoker, if I want to be in a condition where I don't want cigarettes, if I view myself as a pathetic appetitive creature whose desires have got out of control, the experience of doing what I most want to do will be the very experience of unfreedom, a personal slavery to obnoxious desires.