

‘Two Concepts of Liberty’

Isaiah Berlin

Isaiah Berlin’s essay ‘Two Concepts of Liberty’* is one of the most important pieces of post-war political philosophy. It was originally given as a lecture in Oxford in 1958 and has been much discussed since then. In this extract from the lecture Berlin identifies the two different concepts of freedom – negative and positive – which provide the framework for his wide-ranging discussion. Negative freedom is, roughly, a matter of which doors lie open to you, it is concerned exclusively with opportunities; positive freedom is a question of whether or not you can go through the doors, whether you are master of your life. Berlin points out that historically the concept of positive freedom has been used to control and repress individuals in the name of liberty.

I

To coerce a man is to deprive him of freedom – freedom from what? Almost every moralist in human history has praised freedom. Like happiness and goodness, like nature and reality, the meaning of this term is so porous that there is little interpretation that it seems able to resist. I do not propose to discuss either the history or the more than two hundred senses of this protean word, recorded by historians of ideas. I propose to examine no more than two of these senses – but those central ones, with a great deal of human history behind them, and, I dare say, still to come. The first of these political senses of freedom or liberty (I shall use both words to mean the same), which (following much precedent) I shall call the ‘negative’ sense, is involved in the answer to the question ‘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 by other persons?’ The second, which I shall call the positive sense, is involved in the answer to the question ‘What, or who, is the source of control or interference, that can determine someone to do, or be, one thing rather than another?’ The two questions are clearly different, even though the answers to them may overlap.

The notion of 'negative' freedom

I am normally said to be free to the degree to which no human being interferes with my activity. Political liberty in this sense is simply the area within which a man can act unobstructed by others. If I am prevented by other persons from doing what I could otherwise do, I am to that degree unfree; and if this area is contracted by other men beyond a certain minimum, I can be described as being coerced, or, it may be, enslaved. Coercion is not, however, a term that covers every form of inability. If I say that I am unable to jump more than ten feet in the air, or cannot read because I am blind, or cannot understand the darker pages of Hegel, it would be eccentric to say that I am to that degree enslaved or coerced. Coercion implies the deliberate interference of other human beings within the area in which I could otherwise act. You lack political liberty or freedom only if you are prevented from attaining a goal by human beings.¹ Mere incapacity to attain a goal is not lack of political freedom.² This is brought out by the use of such modern expressions as 'economic freedom' and its counterpart, 'economic slavery'. It is argued, very plausibly, that if a man is too poor to afford something on which there is no legal ban – a loaf of bread, a journey round the world, recourse to the law courts – he is as little free to have it as he would be if it were forbidden him by Law. If my poverty were a kind of disease, which prevented me from buying bread or paying for the journey round the world, or getting my case heard, as lameness prevents me from running, this inability would not naturally be described as a lack of freedom, least of all political freedom. It is only because I believe that my inability to get a given thing is due to the fact that other human beings have made arrangements whereby I am, whereas others are not, prevented from having enough money with which to pay for it, that I think myself a victim of coercion or slavery. In other words, this use of the term depends on a particular social and economic theory about the causes of my poverty or weakness. If my lack of material means is due to my lack of mental or physical capacity, then I begin to speak of being deprived of freedom (and not simply of poverty) only if I accept the theory.³ If, in addition, I believe that I am being kept in want by a specific arrangement which I consider unjust or unfair, I speak of economic slavery or oppression. 'The nature of things does not madden us, only ill will does', said Rousseau. The criterion of oppression is the part that I believe to be played by other human beings, directly or indirectly, with or without the intention of doing so, in frustrating my wishes. By being free in this sense I mean not being interfered with by others. The wider the area of non-interference the wider my freedom.

This is what the classical English political philosophers meant when they used this word.⁴ They disagreed about how wide the area could or should be.

They supposed that it could not, as things were, be unlimited, because if it were, it would entail a state in which all men could boundlessly interfere with all other men; and this kind of 'natural' freedom would lead to social chaos in which men's minimum needs would not be satisfied; or else the liberties of the weak would be suppressed by the strong. Because they perceived that human purposes and activities do not automatically harmonize with one another; and, because (whatever their official doctrines) they put high value on other goals, such as justice, or happiness, or culture, or security, or varying degrees of equality, they were prepared to curtail freedom in the interests of other values and, indeed, of freedom itself. For, without this, it was impossible to create the kind of association that they thought desirable. Consequently, it is assumed by these thinkers that the area of men's free action must be limited by law. But equally it is assumed, especially by such libertarians as Locke and Mill in England, and Constant and Tocqueville in France, that there ought to exist a certain minimum area of personal freedom which must on no account be violated; for if it is overstepped, the individual will find himself in an area too narrow for even that minimum development of his natural faculties which alone makes it possible to pursue, and even to conceive, the various ends which men hold good or right or sacred. It follows that a frontier must be drawn between the area of private life and that of public authority. Where it is to be drawn is a matter of argument, indeed of haggling. Men are largely interdependent, and no man's activity is so completely private as never to obstruct the lives of others in any way. 'Freedom for the pike is death for the minnows'; the liberty of some must depend on the restraint of others.⁵ Still, a practical compromise has to be found.

Philosophers with an optimistic view of human nature, and a belief in the possibility of harmonizing human interest, such as Locke or Adam Smith and, in some moods, Mill, believed that social harmony and progress were compatible with reserving a large area for private life over which neither the state nor any other authority must be allowed to trespass. Hobbes, and those who agreed with him, especially conservative or reactionary thinkers, argued that if men were to be prevented from destroying one another, and making social life a jungle or a wilderness, greater safeguards must be instituted to keep them in their places, and wished correspondingly to increase the area of centralized control, and decrease that of the individual. But both sides agreed that some portion of human existence must remain independent of the sphere of social control. To invade that preserve, however small, would be despotism. The most eloquent of all defenders of freedom and privacy, Benjamin Constant, who had not forgotten the Jacobin dictatorship, declared that at the very least the liberty of religion, opinion, expression, property, must be guaranteed

against arbitrary invasion. Jefferson, Burke, Paine, Mill, compiled different catalogues of individual liberties, but the argument for keeping authority at bay is always substantially the same. We must preserve a minimum area of personal freedom if we are not to 'degrade or deny our nature'. We cannot remain absolutely free, and must give up some of our liberty to preserve the rest. But total self-surrender is self-defeating. What then must the minimum be? That which a man cannot give up without offending against the essence of his human nature. What is this essence? What are the standards which it entails? This has been, and perhaps always will be, a matter of infinite debate. But whatever the principle in terms of which the area of non-interference is to be drawn, whether it is that of natural law or natural rights, or of utility or the pronouncements of a categorical imperative, or the sanctity of the social contract, or any other concept with which men have sought to clarify and justify their convictions, liberty in this sense means liberty *from*: absence of interference beyond the shifting, but always recognizable, frontier. 'The only freedom which deserves the name is that of pursuing our own good in our own way', said the most celebrated of its champions. If this is so, is compulsion ever justified? Mill had no doubt that it was. Since justice demands that all individuals be entitled to a minimum of freedom, all other individuals were of necessity to be restrained, if need be by force, from depriving anyone of it. Indeed, the whole function of law was the prevention of just such collisions: the state was reduced to what Lassalle contemptuously described as the functions of a night-watchman or traffic policeman.

What made the protection of individual liberty so sacred to Mill? In his famous essay he declares that unless men are left to live as they wish 'in the path which merely concerns themselves', civilization cannot advance; the truth will not, for lack of a free market in ideas, come to light; there will be no scope for spontaneity, originality, genius, for mental energy, for moral courage. Society will be crushed by the weight of 'collective mediocrity'. Whatever is rich and diversified will be crushed by the weight of custom, by men's constant tendency to conformity, which breeds only 'withered capacities', 'pinched and hidebound', 'cramped and warped' human beings. 'Pagan self-assertion is as worthy as Christian self-denial.' 'All the errors which a man is likely to commit against advice and warning are far outweighed by the evil of allowing others to constrain him to what they deem is good.' The defence of liberty consists in the 'negative' goal of warding off interference. To threaten a man with persecution unless he submits to a life in which he exercises no choices of his goals; to block before him every door but one, no matter how noble the prospect upon which it opens, or how benevolent the motives of those who arrange this, is to sin against the truth that he is a man, a being with a life of his

own to live. This is liberty as it has been conceived by liberals in the modern world from the days of Erasmus (some would say of Occam) to our own. Every plea for civil liberties and individual rights, every protest against exploitation and humiliation, against the encroachment of public authority, or the mass hypnosis of custom or organized propaganda, springs from this individualistic, and much disputed, conception of man.

Three facts about this position may be noted. In the first place Mill confuses two distinct notions. One is that all coercion is, in so far as it frustrates human desires, bad as such, although it may have to be applied to prevent other, greater evils; while non-interference, which is the opposite of coercion, is good as such, although it is not the only good. This is the 'negative' conception of liberty in its classical form. The other is that men should seek to discover the truth, or to develop a certain type of character of which Mill approved – fearless, original, imaginative, independent, non-conforming to the point of eccentricity, and so on – and that truth can be found, and such character can be bred, only in conditions of freedom. Both these are liberal views, but they are not identical, and the connection between them is, at best, empirical. No one would argue that truth or freedom of self-expression could flourish where dogma crushes all thought. But the evidence of history tends to show (as, indeed, was argued by James Stephen in his formidable attack on Mill in his *Liberty, Equality, Fraternity*) that integrity, love of truth and fiery individualism grow at least as often in severely disciplined communities among, for example, the puritan Calvinists of Scotland or New England, or under military discipline, as in more tolerant or indifferent societies; and if this is so accepted, Mill's argument for liberty as a necessary condition for the growth of human genius falls to the ground. If his two goals proved incompatible, Mill would be faced with a cruel dilemma, quite apart from the further difficulties created by the inconsistency of his doctrines with strict utilitarianism, even in his own humane version of it.⁶

In the second place, the doctrine is comparatively modern. There seems to be scarcely any discussion of individual liberty as a conscious political ideal (as opposed to its actual existence) in the ancient world. Condorcet has already remarked that the notion of individual rights is absent from the legal conceptions of the Romans and Greeks; this seems to hold equally of the Jewish, Chinese, and all other ancient civilizations that have since come to light.⁷ The domination of this ideal has been the exception rather than the rule, even in the recent history of the West. Nor has liberty in this sense often formed a rallying cry for the great masses of mankind. The desire not to be impinged upon, to be left to oneself, has been a mark of high civilization both on the part of individuals and communities. The sense of privacy itself, of the

area of personal relationships as something sacred in its own right, derives from a conception of freedom which, for all its religious roots, is scarcely older, in its developed state, than the Renaissance or the Reformation.⁸ Yet its decline would mark the death of a civilization, of an entire moral outlook.

The third characteristic of this notion of liberty is of greater importance. It is that liberty in this sense is not incompatible with some kinds of autocracy, or at any rate with the absence of self-government. Liberty in this sense is principally concerned with the area of control, not with its source. Just as a democracy may, in fact, deprive the individual citizen of a great many liberties which he might have in some other form of society, so it is perfectly conceivable that a liberal-minded despot would allow his subjects a large measure of personal freedom. The despot who leaves his subjects a wide area of liberty may be unjust, or encourage the wildest inequalities, care little for order, or virtue, or knowledge, but provided he does not curb their liberty, or at least curbs it less than many other regimes, he meets with Mill's specification.⁹ Freedom in this sense is not, at any rate logically, connected with democracy or self-government. Self-government may, on the whole, provide a better guarantee of the preservation of civil liberties than other regimes, and has been defended as such by libertarians. But there is no necessary connection between individual liberty and democratic rule. The answer to the question 'Who governs me?' is logically distinct from the question 'How far does government interfere with me?' It is in this difference that the great contrast between the two concepts of negative and positive liberty, in the end, consists.¹⁰ For the 'positive' sense of liberty comes to light if we try to answer the question, not 'What am I free to do or be?', but 'By whom am I ruled?' or 'Who is to say what I am, and what I am not, to be or do?' The connection between democracy and individual liberty is a good deal more tenuous than it seemed to many advocates of both. The desire to be governed by myself, or at any rate to participate in the process by which my life is to be controlled, may be as deep a wish as that of a free area for action, and perhaps historically older. But it is not a desire for the same thing. So different is it, indeed, as to have led in the end to the great clash of ideologies that dominates our world. For it is this – the 'positive' conception of liberty: not freedom from, but freedom to – which the adherents of the 'negative' notion represent as being, at times, no better than a specious disguise for brutal tyranny.

The notion of positive freedom

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 other 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 his choices and able to explain them by reference to his 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.

The freedom which consists in being one's own master, and the freedom which consists in not being prevented from choosing as I do by other men, may, on the face of it, seem concepts at no great logical distance from each other – no more than negative and positive ways of saying the same thing. Yet the 'positive' and 'negative' notions of freedom historically developed in divergent directions not always by logically reputable steps, until, in the end, they came into direct conflict with each other.

One way of making this clear is in terms of the independent momentum which the, initially perhaps quite harmless, metaphor of self-mastery acquired. 'I am my own master'; 'I am slave to no man'; but may I not (as, for instance, T. H. Green is always saying) be a slave to nature? Or to my own 'unbridled' passions? Are these not so many species of the identical genus 'slave' – some political or legal, others moral or spiritual? Have not men had the experience of liberating themselves from spiritual slavery, or slavery to nature, and do they not in the course of it become aware, on the one hand, of a self which dominates, and, on the other, of something in them which is brought to heel? This dominant self is then variously identified with reason, with my 'higher nature', with the self which calculates and aims at what will satisfy it in the long run, with my 'real', or 'ideal', or 'autonomous' self, or with my self 'at its best'; which is then contrasted with irrational impulse, uncontrolled desires, my 'lower' nature, the pursuit of immediate pleasures, my 'empirical' or 'heteronomous' self, swept by every gust of desire and passion, needing to be rigidly disciplined if it is ever to rise to the full height of its 'real' nature. Presently the two selves may be represented as divided by an even larger gap: the real self may be conceived as something wider than the individual (as the term is normally understood), as a social 'whole' of which the individual is an element or aspect: a tribe, a race, a church, a state, the great society of the living

and the dead and the yet unborn. This entity is then identified as being the ‘true’ self which, by imposing its collective, or ‘organic’, single will upon its recalcitrant ‘members’, achieves its own, and, therefore, their, ‘higher’ freedom. The perils of using organic metaphors to justify the coercion of some men by others in order to raise them to a ‘higher’ level of freedom have often been pointed out. But what gives such plausibility as it has to this kind of language is that we recognize that it is possible, and at times justifiable, to coerce men in the name of some goal (let us say, justice or public health) which they would, if they were more enlightened, themselves pursue, but do not, because they are blind or ignorant or corrupt. This renders it easy for me to conceive of myself as coercing others for their own sake, in their, not my, interest. I am then claiming that I know what they truly need better than they know it themselves. What, at most, this entails is that they would not resist me if they were rational, and as wise as I, and understood their interests as I do. But I may go on to claim a good deal more than this. I may declare that they are actually aiming at what in their benighted state they consciously resist, because there exists within them an occult entity – their latent rational will, or their ‘true’ purpose – and that this entity, although it is belied by all that they overtly feel and do and say, is their ‘real’ self, of which the poor empirical self in space and time may know nothing or little; and that this inner spirit is the only self that deserves to have its wishes taken into account.¹¹ Once I take this view, I am in a position to ignore the actual wishes of men or societies, to bully, oppress, torture them in the name, and on behalf, of their ‘real’ selves, in the secure knowledge that whatever is the true goal of man (happiness, fulfilment of duty, wisdom, a just society, self-fulfilment) must be identical with his freedom – the free choice of his ‘true’, albeit submerged and inarticulate, self.

This paradox has been often exposed. It is one thing to say that I know what is good for *X*, while he himself does not and even to ignore his wishes for its – and his – sake; and a very different one to say that he has *eo ipso* chosen it, not indeed consciously, not as he seems in everyday life, but in his role as a rational self which his empirical self may not know – the ‘real’ self which discerns the good, and cannot help choosing it once it is revealed. This monstrous impersonation, which consists in equating what *X* would choose if he were something he is not, or at least not yet, with what *X* actually seeks and chooses, is at the heart of all political theories of self-realization. It is one thing to say that I may be coerced for my own good which I am too blind to see: this may, on occasion, be for my benefit; indeed it may enlarge the scope of my liberty; it is another to say that if it is my good, then I am not being coerced, for I have willed it, whether I know this or not, and am free – or ‘truly’ free – even while my poor

earthly body and foolish mind bitterly reject it, and struggle against those who seek however benevolently to impose it, with the greatest desperation.

This magical transformation, or sleight of hand (for which William James so justly mocked the Hegelians), can no doubt be perpetrated just as easily with the 'negative' concept of freedom, where the self that should not be interfered with is no longer the individual with his actual wishes and needs as they are normally conceived, but the 'real' man within, identified with the pursuit of some ideal purpose not dreamed of by his empirical self. And, as in the case of the 'positively' free self, this entity may be inflated into some super-personal entity – a state, a class, a nation, or the march of history itself, regarded as a more 'real' subject of attributes than the empirical self. But the 'positive' conception of freedom as self-mastery, with its suggestion of a man divided against himself, has, in fact, and as a matter of the history of doctrines and of practice, lent itself more easily to this splitting of personality into two: the transcendent, dominant controller, and the empirical bundle of desires and passions to be disciplined and brought to heel. This demonstrates (if demonstration of so obvious a truth is needed) that the conception of freedom directly derives from the view that is taken of what constitutes a self, a person, a man. Enough manipulation with the definition of man, and freedom can be made to mean whatever the manipulator wishes. Recent history has made it only too clear that the issue is not merely academic.

Notes

* This version of the essay is from A. Quinton (ed.) *Political Philosophy*, Oxford University Press, Oxford Readings in Philosophy, 1967, pp.141–52. The quotations from 'Two Concepts of Liberty' in the main text sometimes have a slightly different wording from this version of the essay.

¹ I do not, of course, mean to imply the truth of the converse.

² Helvétius made this point very clearly: 'The free man is the man who is not in irons, nor imprisoned in a gaol, nor terrorized like a slave by the fear of punishment ... it is not lack of freedom not to fly like an eagle or swim like a whale.'

³ The Marxist conceptions of social laws is, of course, the best-known version of this theory, but it forms a large element in some Christian and utilitarian, and all socialist, doctrines.

⁴ 'A free man', said Hobbes, 'is he that ... is not hindered to do what he hath the will to do.' Law is always a 'fetter', even if it protects you from being bound in chains that are heavier than those of the law, say, arbitrary despotism or chaos. Bentham says much the same.

⁵ 'Freedom for an Oxford don', others have been known to add, 'is a very different thing from freedom for an Egyptian peasant.'

This proposition derives its force from something that is both true and important, but the phrase itself remains a piece of political claptrap. It is true that to offer political rights, or safeguards, against intervention by the state, to men who are half-naked, illiterate, underfed, and diseased is to mock their condition; they need medical help or education before they can

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 disbarred – 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.

What is distinctive here is that I disvalue getting what I want. We shall discuss this view, most familiar perhaps from Kant's moral philosophy, later under Rousseau's rubric of 'moral liberty'.²² This dispute cannot be adjudicated here, but notice how sharp the conflict is. The one example gives rise to diametrically opposed verdicts concerning the smoker's freedom of action and the difference between the two verdicts derives from the applicability to the judgement of whether I act freely of normative considerations concerning whether what I do is best. On the Hobbesian account of free action norms concerning what I ought to do are irrelevant. On the Rousseauian or Kantian view, they are central.

We can shift the discussion towards an analogous political dispute. Do all coercive laws limit my freedom? The coercive instruments of the state, generally the police, may just stop me from getting what I want, but in the usual case the whole apparatus of the criminal law (police, courts, prisons) works by raising the potential cost of illegal activities – a cost specified by the conventional tariff of punishment. There are two views one might take. On the first, I am unfree whenever the criminal law proscribes what I want to do. Suppose what I most want is to eliminate my rival for promotion. The bad news is that since this is illegal, I am unfree to kill her; severe penalties are prescribed for murder. Judging that the possible gains are not worth the risk, I refrain. The good news is that the disvalue of my unfreedom is outweighed by the value to her of her survival.

A very different (positive) analysis of freedom requires that the option variable, what it is that I am not forbidden to do when I am free to do it, is not satisfiable by an action that is morally wrong. Suppose I make a very bad moral mistake and think that all is permissible in love and war and business, including the killing of rivals for promotion. On this positive analysis of freedom, my error is compounded. Since it is wrong to murder rivals, murdering rivals is not the sort of thing one could logically (or conceptually) be free to do. It follows that one's freedom is not impugned by laws that threaten punishment for those who are convicted of murdering their rivals for promotion. Extrapolating from this example to the common case, one's freedom is not limited by coercive laws which prescribe punishment for wrong-doing. It is, in Locke's

phrase, licence, not liberty, that is curtailed. It is not a case of the bad news (my freedom's being limited) being outweighed by the good news (less murder). There is no bad news when I am stopped or inhibited from doing what is wrong in any case. Opportunities to do wrong with impunity do not enhance my freedom. If I am inhibited from doing what I most want by what I believe the state demands of me – and hence resist the temptation to murder the competitor – my freedom will not be abrogated. As we saw above, citizens should welcome the power of a state which constrains them to keep to what they know is the right path. If we think of freedom as the condition of social empowerment canvassed above, almost paradoxically, we can recognize the coercive agency of the state as enabling us to do what we believe to be right, refraining from wrong-doing and pursuing the good life.

I have outlined two opposing positions. Which is best? The question is still open despite my biased exposition of the differing claims they make. A theory of freedom developed in recent years takes a very clear view of the issue.

The republican theory of freedom

The republican theory of freedom has its recent origins in the work of Quentin Skinner and has been developed in some depth by Philip Pettit and Jean-Fabien Spitz.²³ The republican theory has classical foundations in the ideal of liberty proposed for the Italian city-states of the Renaissance. Historically, it was an aspiration for both states and citizens, celebrating both their independence from potentially dominant neighbours and a constitution which was republican, with citizens (generally, some portion of the adult male population) taking up public offices and living under the rule of law. Such a constitution contrasts notably with despotic or monarchical regimes; citizens have a robust moral and civic standing – they are not slaves or the ethical subordinates of arbitrary rulers. This way of thinking about liberty is the product of a distinctive tradition, with respectable classical sources. It incorporates a specific conceptual analysis and is claimed to present an attractive political ideal.

It is glossed by Pettit as 'non-domination':

someone dominates or subjugates another, to the extent that

1. they have the capacity to interfere
2. on an arbitrary basis
3. in certain choices another is in a position to make.²⁴

Non-domination is to be distinguished from non-interference, from self-mastery and from that collective self-mastery which is exhibited in participation in directly democratic decision procedures. It is a *status* concept, expressive of the equal comparative moral and legal standing of all citizens. So, against those theorists who value negative liberty, it is claimed that one can be subject to dominion without interference. If a woman has a gentle master, a master, perhaps, who is susceptible to her wiles, if he will not interfere so long as, like Sheherazade, she can spin out his entrancement, she is free according to the negative theory, but not on the republican account. As a dancing girl, *raconteuse* or slave, or, in modern times, a clever wife with a doting husband but no legal rights against his possible molestation, she is unfree even if, *de facto*, in charge.

Further, we may be subject to interference but not dominated, by just coercive laws. These will be laws that are not arbitrary – and non-arbitrariness comes in two forms: the laws are enacted by the processes of a proper constitution and they are in accordance with citizens' interests as informed by their values. In the first form, we have the 'empire of laws, and not of men'.²⁵ This wonderful slogan is more perspicuous for what it excludes rather than designates. It excludes the caprice of monarchs and the whim of suspicious dictators. It includes (probably) a host of constitutional devices intended to protect the innocent citizen from this sort of unpredictable intervention in her daily business. Laws must be enacted by the citizens or their representatives, promulgated widely and comprehensible universally; offices should be open to all on the basis of ability and popular endorsement.

Second, the laws which direct citizens' conduct and legitimize sanctions against criminals should be fully in accordance with their interests and values. It is possible that laws which are ideal in point of their provenance can still get it wrong. In which case, an aberrant majority, say, will still prescribe arbitrarily. Such laws,

impeccable in point of their source, will infringe freedom. So, we may conclude that arbitrariness in two distinct fashions must be absent if laws (or other coercive social instruments) are to leave freedom intact.

This is a complex and wide-ranging theory of freedom; what holds it together is the idea of non-domination. I have my doubts about this. Non-domination is an important and central personal and political value, and the republican theorists deserve great credit for giving it new life. It is related in clear ways to liberty. The difficulty, to my mind, is that the theory gives the concept of non-domination too much work to do. Non-domination can be understood narrowly, embracing differences of status or quasi-moral authority; here what is vital is a *capacity* to interfere in the actions of others solely on the grounds of differential status. Slave-owners best exemplify this model of domination. Their interference in the lives of the slave will be arbitrary in that the slave will have to do *whatever* the slave-owner wishes. His demands may be more or less onerous in fact, but it is clear who is the master and who is dependent on the master's requirements.

The slave's debilities are twofold: she is subject to the master's commands and dependent on his graces. She is both biddable and vulnerable. For Rousseau, dependency was the great vice of economic systems which foster inequality; differences in property holdings are soon magnified into differences of social status which are then entrenched as differences of political power. Strikingly, dependency becomes symmetrical. Everyone suffers, though not plausibly in equal measure, when the masters become dependent on their slaves.²⁶ In *The Phenomenology of Spirit*, Hegel amplifies this criticism of human relationships which are marked by domination and subordination.²⁷ In disbarring the possibility of mutual recognition, they distort the self-images of the protagonists to the point where they are both incapable of fulfilling their potential as equally human self-consciousnesses. This material, which stresses the psychological damage inflicted in unequal power relationships, has been used to criticize all manner of social dependencies: men/women, husband/wife, employer/employee, imperial power/colony. At its heart is a thesis concerning the personal and social importance of reciprocal, mutual recognition and the necessity of various forms of equality in achieving this.

I concede that this thesis has strong implications for politics; it calls directly for some version of equal citizenship, most evidently that of equal participators in a democratic decision-making procedure. Non-domination, thus construed, amplifies that strand of thinking about liberty which stresses self-control in both its personalized and social versions – important elements in the positive conception as described by Berlin. It is hard to see how non-domination, identified in this narrow fashion, can be used to place limits on a sovereign power which comprises a body of equally powerful citizens.

And yet Mill, famously, and Pettit, latterly, insist that it must. To be fully non-dominating on the republican account the laws must track the interests and values of the citizens.²⁸ Legislation, however non-dominating its source in democratic institutions, must be non-arbitrary in its content as well. Mill's solution was to insist that legitimate legislation should respect the harm principle – 'the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others'.²⁹ Other philosophers have stressed the role of human rights in delineating the proper competence of the sovereign power, howsoever democratic it may be. These are issues we shall broach later. For the moment, let me conclude simply that I cannot see how such restrictions on the content of law-making can be derived from non-domination in the narrow sense that I have sketched. Perhaps a wider one will serve, but we should be wary of losing the clear content of the concept of non-domination as we extend its application. The real lesson we should learn from the republican theory of liberty is the necessary complexity of any persuasive account of the value of political liberty.

The value of freedom

In what follows, I shall attempt to give such an account. First though, let us review our progress so far. We have on the table versions of the ideals of positive and negative liberty charted by Berlin, together with an example of how (and how not) to construct a hybrid theory. All three are candidates for our philosophical allegiance; they have sound analytic credentials. How do

we select between them? My suggestion is that we accept as an anchor the thought that political liberty is a value and endorse that account, or construct a fresh one from the assembled ingredients, which best explains why it is precious to us, *in extremis*, why so many have been prepared to die in its cause.

This approach requires us to strike out negative conceptions which stress the intrinsic value of our being able to get what we want without being stopped. Unless what we want is itself of some value, the freedom to pursue it is just about worthless. Contrariwise, and this is the lesson of one way of thinking about positive liberty, the value of liberty is the instrumental value of whatever worthwhile opportunities liberty grants. So, freedom of thought and discussion is valuable because thought and discussion is valuable. Freedom of worship is valuable because religious worship is valuable. And so on. These would be poor liberties, though, if their exercise was compulsory. We would value being able to speak up at Hyde Park Corner a good deal less if we were required to do so once a year. So the *whole* value of liberty cannot be instrumental. In the most impressive recent work on freedom, Joseph Raz suggests that freedom is of value since it is defined as a condition of personal autonomy.³⁰ But personal autonomy turns out to be a very complex personal and social condition. Whilst acknowledging my debt to Raz's work, I want to develop from scratch – or at least from more classical philosophical material – an elaborate account of freedom which does justice to a range of persuasive views about the value of the condition. In so doing we shall interweave some of the doctrines that have been outlined above.

A theory of freedom is no doubt tidier if it can encompass the traditional problems of free will and free agency as well as the issue of political liberty. Theorists who attempt a unifying theory – Hegel, amongst the great dead; Stanley Benn in modern times³¹ – are ambitious, but for many, including John Stuart Mill, confusion and muddle are the intellectual cost of this synthesizing ambition. I have no brief for tidiness against truth, but I do believe that those strands of the positive liberty tradition which emphasize the link between freedom of action, generally considered, and political liberty contain an important insight. To make this point, I need to outline in more detail that strand of thinking about the nature of free action which I mentioned as the first ideal of positive liberty

and labelled 'self-control'. Readers who are properly sceptical about my conclusions are invited to pursue the literature on these difficult issues. Readers who are knowledgeable of the literature on free will will recognize what follows as a tendentious gloss.

Freedom of action

We do not act freely when nothing or no one stops us getting what we want, if we have no control over these wants. For many, as we have noticed, the experience of unfreedom is most acutely felt when one pursues the satisfaction of desires he despises himself for suffering. If I know my hands are clean, accept that no good purpose is served by washing them for the umpteenth time this morning, recognize that my obsession disables me from other, better, projects, and still find myself going to the hand-basin – since that, it appears, is what I most want to do, for reasons that are unfathomable to me, I get what I want, but act unfreely. To act freely, reason, in some fashion must be brought to bear on my desires. At its simplest, I must want to want what I try to get, appraising the first-order desires which assail me in the light of second-order desires which operate on them.³² But not just any second-order wants will serve to establish my freedom. What if I am uncritical, a 'wanton', in respect of my second-order desires?³³ True freedom is realized when actions are determined by desires which are ordered in the light of some conception of the good or are expressive of qualities of character (virtues) produced by strong evaluations of how it is best to live.³⁴

This account of free action is not new, although it is certainly fashionable. Important elements of it can be traced in Locke, Rousseau, Kant and, most thoroughly, in Hegel's *Philosophy of Right*. It captures one strand of thinking about autonomous action – we are free when we are in control of what we do, acting against what, phenomenologically, are our strongest desires when this is called for by reason or morality or the ethical demands of communities we recognize as authoritative.

This ancient and modern way of thinking about free action raises many difficult questions which I shall sweep aside for present purposes. There are two central points which I want to lift from

these discussions: the first can be expressed in positive or negative fashion; I act freely when I am the author of what I do, when my actions issue, in recognizable fashion, from my own deliberations. Reversing the coin, my freedom is evinced in actions that are not the product of brute nature working through me by prompting desires which I blindly follow. Further, if I follow rules or ordering principles when I oppose, control or select amongst the heteronomous forces that assail me, these are rules which *I* select or endorse. They must pass some test or filter imposed by my capacity for reason, most famously the Kantian rule of the Categorical Imperative. Negatively, they are not alien impositions. They may have been taken on board at the command of some superior authority, be it parent, priest or politician, but such commands will be legitimate only if the commands directly or their putatively authoritative sources have passed some test of rational legitimation. (Some have asked, concerning Kant's Categorical Imperative: Where is the freedom in following rules which are the product of quasi-algorithmic calculation? One answer to this hard question is that the rules which pass the test are not the commands of anyone else.)

The second point we should notice is that freedom of action, far from being constrained by rules or principles of conduct, requires their positive endorsement and efficacious employment. There is a danger that this point may look overly restrictive and overly moralized. Do I not act freely when I select the colour of toothbrush I wish to use? What rules or principles are in play here? Most choices that we make can be effected absent of any moral considerations. When did *you* last take a decision that hinged on scrupulous moral deliberation?

A plausible response to this objection is to claim that free actions must be *sensitive* to appropriate moral considerations when these are in play. The free agent has a moral gyroscope, finely balanced and firmly set. He will be alert to circumstances in which principles of conduct may impact. Suppose there has been trouble and strife in the family caused by careless use of toothbrushes (and what issue is in practice too trivial to disturb domestic harmony?). If Fred has promised that he won't buy a pink one again, alarm bells should ring as he approaches the supermarket shelf. If he is insouciant and thinks only of what colour would match his razor,

something has gone wrong. If the alarm bells *never* ring for Fred – and this sort of moral blindness is chronic – we have a case of someone who is not fully in control of his actions. Contrariwise, if Fred thinks through what colour toothbrush to buy in the light of the agreements that he has made and the principles which dictate fidelity to those agreements, his actions are not unfree simply because they are constrained by his moral scrupulousness.

I don't think an acceptable account of political liberty can be *derived* in any thoroughgoing fashion from insights such as these concerning freedom of action. But they are suggestive. They are likely to colour the story told by one who accepts them. They may delineate the contours of the favoured account, as we shall see.

Autonomy

A different starting point can take us towards a similar conclusion. On the starkest conception of negative liberty, that of Hobbes, we act freely when we are not hindered in getting what we want, given that this is physically achievable. Mill, in a careless moment, endorses this account: 'liberty consists in doing what one desires.'³⁵ The value of freedom can be swiftly inferred. It is the value of getting what we want, doing as we please. Thus put, the value of freedom is instrumental; it amounts to the value of whatever we want, which our freedom is instrumental in enabling us to get. If we are unfree in a given respect, we either cannot get, or can get only at too great a cost or risk (of punishment, generally) whatever is the object of our desire. This account of the value of freedom has the great virtue of being simple and straightforward. Moreover it enables us to rank freedoms in respect of their value to us. This will be a function of the value of the activities that freedom permits. The more important is the object of desire, the more important the freedom to get it, the more serious the restriction in cases where we are made unfree.

The weakness of this account should be evident from our consideration of freedom of action. Although I am prepared to admit the general importance of getting what we want and, *a fortiori*, the freedom that permits us to achieve it, we cannot assume that this is true across the board. What the agent wants may be plain evil – the

thrill of causing pain and suffering to someone else – or harmful to the agent himself. In such cases, since the satisfaction of his desire is not itself a good, neither is the freedom to achieve it. We should conclude that freedom is an instrumental good only where there is some positive value to the agent's satisfaction of his desire. If freedom is an intrinsic good, good *per se*, its goodness must be at least, in part, independent of the value of the opportunities it makes available. So even where the choice is that of doing something evil or refraining, the news is not all bad, since there is some positive value to the agent in being able to actively select amongst the options available.

This idea has to be treated very carefully, since it has great intuitive appeal. What is the value of choice? Minimally, choice is just plumping, going for one alternative rather than another with no grounds to guide one's selection. Do I choose heads or tails when you toss a coin, do I put my chips on the red or the black at the roulette table? No doubt I would feel (and be) deprived if you were to both toss the coin and choose heads for me. It would be a funny roulette table were the croupier to place the bets! So the value of choice even in this minimal situation is not negligible. Nonetheless, the value to me of just plumping is not great. The lottery punter who goes for the Lucky Dip rather than selecting her own six numbers has forgone little of value.

But not all choices are as experientially bereft as these. Mill himself dwelt on the value of choice to the chooser. He described what he called 'the distinctive endowment of a human being' as 'the human faculties of perception, judgement, discriminative feeling, mental activity, and even moral preference' and claimed that these 'are exercised only in making a choice'.³⁶ What sort of choices did Mill have in mind? Clearly it was not choices of the 'heads or tails' variety, nor even more challenging ones, concerning the texture of the anaglypta wallpaper, perhaps. He was concerned rather with choices amongst alternative plans of life.

Again, this is a point which must be advanced carefully. It is not sufficient that we have in mind something like big moral decisions. This is the Kantian value of autonomy. It is realized when human agents deliberate about the right thing to do. They apply the rational will, a transcendental capacity to employ reason to test or generate moral principles in the light of which they thereupon act.

We can grant that Kantian autonomy is exercised under conditions of freedom which permit agents significant opportunities to work out what is the right thing to do, but if this is the core value of freedom we may find that freedom does not provide the best circumstances in which autonomy may be developed. In the aptly named 'Kantian Gulag',³⁷ Flint Schier points out that

autonomy can flourish under the most oppressive and despotic regimes. Poets like Mandelstam and Akhmatova continued to produce their own poetry even in the darkest moments of Stalinist terror and repression. Bruno Bettelheim has told us how communists and priests in particular were able to maintain their moral gyroscopes even in the grotesquely convulsed circumstances of Nazi concentration camps.

Schier noticed how survivors of the camps could *fear* freedom, anticipating that the free life would not have the moral density experienced in surroundings where daily life was fraught by decisions concerning how best to live a life of moral integrity. It can be a hard decision that one should look one's captors in the eye. And to do so continually can be a hard and risky policy. It is no surprise that those who left the camps, especially those who took up a comfortable life in the USA, Western Europe or Israel, were prone to deplore the superficiality of the culture they embraced, contrasting it unfavourably with the horrors they had escaped in respect of the opportunities it afforded for a life of deep moral seriousness.

What is missing from life in the Gulag is the freedom to live one's life in accordance with goals of one's own choosing.³⁸ Mill's notion of a plan of life is central here, so long as we do not read his prescription in too literal a fashion. Encouraged by talk of agents as authors of their own life, constructors of their own life-narrative, one may construe this ideal in implausibly dramatic terms. Politicians, writing their autobiographies, encourage us to do so when they portray the happenstance of a successful climb up the greasy pole as the successful implementation of youthful designs executed on the back of an envelope. We can write the story for them. Success at school is to be followed by an Oxford Scholarship. Stunning reviews for her role of Portia in a garden

production of Merchant of Venice will accustom her for future glory as President of the Union. After a few years in the city or at the bar, having earned a fortune, she will stand for Parliament in a by-election. Swift promotion will see her as Prime Minister at the door of 10 Downing Street – and out come the family photographs of her posing with policeman and proud parents in the same doorway, thirty years before.

This should *not* be our model of an autonomous life. Mostly, autonomous agents will see their lives as a muddle, but their *own* muddle, a series of advances and withdrawals meeting with moderate success and some (perhaps frequent) failure. Far from being a blueprint resolutely followed, the autonomous life will be identified retrospectively as the agent claims *responsibility* for the courses she has followed and the streams down which she has drifted.

We must not make the autonomous life too heroic an aspiration. The modest measure of autonomy I have described requires a societal framework where pathways are available for exploration even if the traveller is likely to take a wrong turn or get lost. Negatively, gates must be open; positively, capacities must be developed as agents are empowered to select amongst realistic or challenging options. We know well the sort of blocks to autonomy that our fellows can meet. Parents may project their own ambitions on to a docile child and go to their grave unsuspecting that their doctor son hates his patients and his profession. Schools may go about their business educating their charges to be the workforce of the mine or mill, long after the mills and mines have closed, unsuspecting of the talents they ignore and so fail to foster. The conformist traditions of a well-disciplined community may induce social paranoia in otherwise generous and outgoing souls. And states, following the middle road to electoral success and hence pandering to perceived majorities, may suffocate what Mill called experiments in living. The widespread achievement of a sufficient measure of even that modest variety of autonomy I have described requires a tolerant public ethos as well as strong liberal institutions. It should not be authority's grudging tribute to mankind's natural bloody-mindedness.

'A poor life, but mine own' characterizes the sort of autonomy a society can realistically aspire to on behalf of its members. It need

not educate them to be career planners of business school proportions. Does this do justice to the generous liberal ideal? Is this a morally worthy goal?

It must be confessed that it falls short of one well-known model – that of the life organized around an individual ideal.³⁹ Ideals of the sort I have in mind may be thought to give meaning to the lives of their proponents and hence, though they do not prescribe universal ends, they do have a moral tinge to them. Any account of the phenomenon of ethics which ignored them would be incomplete. Thus we might admire a life devoted to public service or religious devotion. We may recognize as worthy practices of asceticism and stoical self-discipline. A life devoted to art, as practitioner or as connoisseur, may command a similar respect in many quarters. And we should not ignore the value of loyal domesticity. Such ideals fade into pursuits which may be equally demanding but are barely ethical except perhaps for their display of executive virtues – intelligence, foresight, resolution, indeed many items on Mill's list of distinctive human endowments. Thus one may be fully committed to a career or a club, or both together in the case of political advancement. We see the shadow of asceticism in the pursuit of good health, organic vegetables, personal trainers and the like. We are well used to the idea of lifestyle choices, having glossy embodiments of them paraded daily in newspapers and magazines.

Respect for autonomy demands acceptance of others' devotion to a range of moral ideals to which one may not subscribe – and to which one may be hostile. (I shall discuss the issue of toleration later.) But the pursuit of an autonomous life need not involve such all-consuming aspirations. Self-realization need not be so strenuous an exercise as liberals have portrayed it.⁴⁰ An autonomous life single-mindedly engaged in the pursuit of a great ideal evidently requires appropriate freedoms – but so does that species of autonomy which is displayed in less exalted enthusiasms, stamp-collecting or bird-watching, perhaps, or a range of enthusiasms conducted by Jack-of-all-trades. So, too, does the unsettled and wide-ranging pursuit of fancy, trying this and that as a means of occupying leisure time, a different evening class every winter, none producing true mastery. In each case we find humans balancing, compromising or sacrificing conflicting demands on their active attention and fashioning a life out of the debris.

On my account freedom is justified as instrumental to the worthy activities it permits and as the necessary precondition of an autonomous life. Why is autonomy a good? We shall have more to say on this question when we discuss rights in the next chapter. But as a hint to my way of responding to it, I invite readers to consider whether or not, after due deliberation, they desire it and believe, in consequence, that the demands of others for it should be respected. If this question seems too abstract, focus on the denial of autonomy, and consider whether you are averse to that in its characteristic manifestations. If your philosophical temperament inclines to a more ambitious and more soundly anchored way of thinking, you will see autonomy as a *jewel*, as expressive of mankind's rational will, the transcendent capacity to reach beyond the trammels of our natural state towards a spiritual, even Godlike facility of self-creation.

If so, a *Philosophical Health Warning* should be issued. Think of the man who is mistaken. He believes that humans should adopt something akin to the sexual lives of pygmy chimpanzees. He accepts the Freudian story about infantile sexuality and believes that children are a legitimate target of his desires. He accepts that his community excoriates his attitudes and so takes them underground. Gathering appropriate degrees and diplomas, he works his way into positions of responsibility, say, manager of a children's home, and expresses his sexuality by the physical and mental abuse of the children in his care. He then lives a life of appropriate, careful, pleasure. Absent of any considerations about the sources of his sexual appetites, this is an autonomous life – indeed it is unusual in respect of the cleverness and forethought that has been invested in its plan. Is this a model of the good life?

It would be, if the executive virtues were all that is necessary for its success. A denser exhibition of the executive virtues would be hard to find, excepting the prescient politician I described above. Still, we should accept that autonomy, without its Kantian overtones of sound moral judgement, may be the source of the greatest evil. There are two ways forward here: either we can *moralize* the notion of autonomy so that the autonomous agent does no wrong (the Kantian route) or we can accept the possibility of autonomous evil.

We should stick fast to the insight that freedom is a good. In

which case, we should modify our understanding of autonomy or accept that its connection with freedom is contingent. If autonomous action can be evil, freedom cannot be vindicated as the expression of an autonomous will. If we take the Kantian route, we need to say more about autonomous action to disbar the possibility of autonomous wrong-doing. Why not return to our sources in Rousseau, try to work out what moral liberty requires and develop a more robust theory of positive liberty?

Moral freedom

On Rousseau's account, this is the freedom which is attained by those who can control their own desires. It is developed further in Kant's account of autonomous willing which stresses how we bring to bear our resources of rational deliberation in the face of our heteronomous desires, those desires which we are caused to suffer by the nexus of our (internal) human nature and (external) nature. If we follow reason's guidance we shall act freely, willing actions which it must be possible in principle for all to accomplish, laws which all must be able to follow. Kant's account suggests to many a strenuous form of moral athleticism; actions of moral worth are the product of a continuing internal struggle wherein agents wrestle with temptation. 'Do with repugnance what duty commands'⁴¹ is one caricature of this style of morality.

Rousseau, writing before Kant, believed that this stern conception of duty expects too much of us. We are weaker creatures than Kant believes us to be, not least because our moral natures have been corrupted by the degenerate society which is the product of human history. We do not have the personal resources to consistently act well. Perhaps weakness of will, exhibited through our knowledge of what is right and our inability to achieve it, has become a social malaise. We recognize that social remedies are needed to cure what has become a social problem. This is the third ideal of positive liberty canvassed above. The state, making laws in accordance with the general will (of which more in Chapter 7) provides the collective resource we require. In a society where subjects endorse the rules of the sovereign – for Rousseau, a direct democracy – and accept that these should be backed by sanctions,

citizens force themselves to be free by subjecting themselves to a common discipline. They give themselves additional (prudential) reasons to behave well, recognizing their (and others') susceptibility to go astray.

We can see this sort of reasoning at work in the case of laws which prohibit theft. Grant that I believe it is wrong to steal, right to respect the private property of others. But I also believe that I, along with many others would be severely tempted to steal if I were hard pressed and could escape with impunity. On these assumptions, I should have no objection to such a law, indeed may welcome it as improving the likelihood that I shall act well. Furthermore, I recognize, as a property holder, that my freedom is enhanced by the restrictions which such a law places on others. It makes them less likely to interfere with the use I may make of the property I own. My freedom is protected by laws which guard a domain where my own decisions and choices are decisive. Self-interested agents will look for a beneficial trade-off between the surrender of their own powers to take or use the property of others and the augmentation of their own powers of self-protection which the authority of the state can effect. Moral agents will see no loss. Of course they welcome the limitation of the powers of others who would inhibit their freedom but the surrender of their own powers to do wrong is something they equally endorse.

This story, of autonomous agents, willingly and rationally subjecting themselves to the coercive powers of the state, will be explored in Chapter 6, where we examine the grounds of political obligation. For the moment, the lesson to be taken is that laws which keep us and our fellow citizens on what we recognize to be the straight and narrow path of duty do not infringe our liberty.

As Berlin saw clearly, this is a dangerous argument, and the danger comes from two different quarters. First, there is the obvious threat that *others* may determine what our duty requires and then regiment us to perform it. This danger is avoided so long as we insist that the moral liberty which is achieved by state coercion be the product of political liberty, of democratic institutions. The second threat is that democratic majorities may get it wrong, proscribing under penalty of imprisonment and like measures of punishment activities which are innocent. Since the decisions of democratic bodies do not of themselves constitute verdicts on