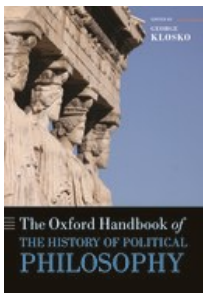

The Oxford Handbook of the History of Political Philosophy

George Klosko (ed.)

https://doi.org/10.1093/oxfordhb/9780199238804.001.0001

Published: 2011 **Online ISBN:** 9780191728365 **Print ISBN:** 9780199238804

CHAPTER

37 Freedom

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https://doi.org/10.1093/oxfordhb/9780199238804.003.0037 Pages 624–636

Published: 02 September 2011

Abstract

Freedom or liberty—the terms will be used interchangeably in this account—is obviously of fundamental importance to politics. The ideal of a free society is one that animates a range of political positions, and its pursuit has been a galvanizing force in both national and international politics. Ideas about freedom have varied through Western history. One of the major variations is to be found in the contrast between positive and negative liberty. A positive conception of liberty is that freedom is not just or even freedom from coercion and interference but, rather, is realized in living a particular way of life in accordance with a conception of virtue. Positive liberty in this sense is goal directed and implies that to be free involves living in accordance with certain moral values. It is frequently argued that there are two ways of grounding ideas of basic moral rights: liberty and interests. The distinction between negative and positive liberty is important here. On the negative view of rights, a right is a protection against forbidden forms of coercion.

Keywords: freedom, positive liberty, negative liberty, rights, coercion, politics, interests

Subject: History of Western Philosophy, Feminist Philosophy, Philosophy

Series: Oxford Handbooks

FREEDOM or liberty—the terms will be used interchangeably in this account—is obviously of fundamental importance to politics. The ideal of a free society is one that animates a range of political positions, and its pursuit has been a galvanizing force in both national and international politics. It is, however, a difficult concept to analyse, and indeed some of the complexities about liberty reflect an intrinsic connexion between liberty and wider ranges of political ideas in which it may be differently embedded and understood. In their turn, such ideas will be linked to ways of life and political cultures of which they were or are a part.

Ideas about freedom have varied through Western history. One of the major variations is to be found in the contrast between positive and negative liberty. So, for example, for the member of the Athenian city state in the fourth century BC, freedom essentially meant participation as a citizen in the governance of the city and maintaining its autonomy and independence against encroachments—a perspective illustrated, for instance, in the funeral speech of Pericles at the beginning of the Peloponnesian War (Thucydides 1954: 117).

On this view, liberty was associated with particular types of civic virtue, and a free man (and it was men only) could be free only by living such a life oriented to the discharge of civic obligations. Freedom was directed at a collective good, and virtue was living a life that would facilitate the achievement of this good or this type of human flourishing and fulfilment (Aristotle 1947) This also meant that the law could not be seen as the opposite of freedom, since the law required the performance of such duties (Herodotus 1998: 440). Freedom was not seen as being about preserving an area of private life free from the encroachment of the law. Indeed, the law in this period in Greek city states controlled private life to a very high degree. As Demaratus said to Xerxes in explaining the fighting prowess of the Spartans: 'their master is the law' (Herodotus 1998: 440). But the important point was that citizens were actively involved in law-making, and so the law was not to be seen as an alien power. This kind of approach is usually seen as embodying a positive conception of liberty: freedom is not just or even freedom from coercion and interference but,
p. 625 rather, ↳ is realized in living a particular way of life in accordance with a conception of virtue. Positive liberty in this sense is goal directed and implies that to be free involves living in accordance with certain moral values. This has been an enduring theme in Western thinking about liberty and was important in Roman and in what Quentin Skinner has called 'neo-Roman' conceptions of liberty (Skinner 1998). It can also be found as a central theme in Christian thought in the idea that the service of God and living in accordance with the will of God is 'perfect freedom', as the Book of Common Prayer says. This echoes St John's Gospel, 8:32, when Jesus says: 'And ye shall know the truth and the truth shall make you free.' It is also important in the theories of those philosophers—perhaps most notably a thinker like Spinoza—who believed that there are wholly rational metaphysically based goals of human action and that these are not matters of choice. Freedom means living in accordance with such rationally given goals (Hampshire 1960; Berlin 1997). So the moral values that give positive freedom its content may be community based, as in the Greek and Roman case; they may be religiously based, as in the Christian example; or they may be founded on some metaphysically posited assumptions about the nature of reason and humanity, as in the case of Spinoza.

However, a liberal account of freedom will differ in fundamental respects from those advanced by both ancient and modern defenders of virtue-oriented views of positive freedom. Central to the liberal idea is that freedom is the absence of coercion: A is free when B does not prevent him or her from doing what he or she desires to or does not require him or her to do what he or she would not choose to do. Given such a conception of liberty, the liberal ideal of a free society becomes 'a situation in which as many individuals as possible can realise as many of their ends as possible, without assessment of the value of these ends as such, save in so far as they may frustrate the purposes of others' (Berlin 1969: 153 n.). This is also a view that Berlin ascribes to John Stuart Mill and Benjamin Constant, whom he calls 'the fathers of liberalism' (Berlin 1969: 161). It is also central to John Rawls's *A Theory of Justice*—the most considerable statement of liberal political thought in the second half of the twentieth century (Rawls 1972: 235–43). The emphasis, therefore, is upon the freedom of individual choice and not the value of what is then chosen in contrast to the positive approach to freedom (Berlin 1969). On the negative view, the only basis for the assessment of the choices made by free—that is, uncoerced—individuals is where those choices prevent others choosing to pursue their own goals and purposes whatever they may be. Thus freedom can be limited only for the sake of freedom.

In a sense this position may seem to be uncontroversial to the modern mind, because such a conception of freedom seems to make few controversial moral demands. On the positive view of freedom, it seems as though we have to have some kind of agreed set of moral goals such that virtue is acting in the furtherance of such goals, whereas it might be argued that we now live in much more diverse and pluralistic moral communities and we cannot expect agreement on what the ends of human life actually are. Nor can we accept any longer religious or metaphysical arguments that seek to set out in a rationally authoritative way
p. 626 the ends and goals of human life. The growth of moral diversity and ↳ the decline in both religious belief and scepticism about metaphysical claims mean that freedom has to be detached from the pursuit of

particular goals and purposes and from community-based, religious, or metaphysically grounded claims about the ends of human life. In these circumstances of modernity we need to see freedom as being focused on individual choice and the framework of rules that will prevent the choices of one person infringing the choices of another. A framework of law securing mutual non-coercion is the liberal ideal in contrast to the positive liberty view of law as embodying some sort of morally authoritative set of substantial moral purposes.

There may be different ways in which this account can be made more specific and less abstract, but, as a starting point, it might be thought to be uncontroversial and acceptable, whatever one's own political point of view. So perhaps the point made earlier that the specification of the concept of liberty involves the engagement of other political ideas and the ideological positions within which they are embedded might seem rather far-fetched, since the idea of freedom as freedom from coercion seems to be morally uncontroversial, empirical, and objective. It is empirical and objective because, if freedom is the absence of coercion, we can give an objective and empirical account of what constitutes coercion and thus of liberty, which is the absence of coercion so defined. This view assumes that the idea of coercion is itself free from controversy.

This is, however, far from being the case. In one sense it can be regarded as uncontroversial, but that position is bought at the cost of a very narrow view of the nature of freedom and one that hardly fits our ordinary understanding of it. The uncontroversial idea of coercion is when A makes it *impossible* for B to do X or impossible for B not to do Y. Impossibility looks to be a wholly uncontroversial type of restraint. I make it impossible for you to go to the cinema, which is what you want to do, by locking you in the house. This is a wholly empirical and objective situation. It does not involve any morally controversial issues and nor do we need to link the idea of coercion as impossibility with other concepts. It is a brute matter of fact as to whether A has made it impossible for B to do Y. This is the view that, for example, Thomas Hobbes articulated in Chapter 14 of *Leviathan* (Hobbes 1955 [1651]: 84): 'By Liberty, is understood, according to the proper signification of the word, the absence of external impediments…' The factual and objective nature of this claim is very important in that, if the sense of coercion is intrinsically *subjective*, then freedom, as the absence of coercion, will itself become a subjective state. There would be no distinction to be drawn between *being* free (objective state of affairs) and *feeling* free (subjective perception). For many thinkers the maintenance of this distinction is of vital importance and in that context the claim that the absence of coercion is a wholly objective position and has to do with impossibility is of vital importance. The idea of impossibility is also linked to that of prevention. If A prevents B from doing Y, then, on this understanding of prevention, A has made it impossible for B to do X—by locking him or her in the house, for example.

However, it is not clear that things are as simple as this. It is, of course, true that A making it impossible for B to do X is a form of coercion. There are, however, two deep difficulties with this as a full account of the nature of coercion.

p. 627 The first is that it does not cover all the sorts of cases that we would normally regard as cases of coercion. This is particularly true of the case of threats. Threats are usually seen as forms of coercion, and, indeed, the coerciveness of the law depends upon the threats contained in it: if A does X, then he or she will go to prison. A threat does not make it impossible for A to do X; rather it imposes the threat of a sanction if he or she does X. A threat is not a form of rendering something impossible; it is an attempt to change behaviour by imposing or attaching higher costs to the behaviour than existed before the threat was issued. So, A can make it impossible for B to do X by locking B in the house or A can attach a threat to B's desire to do X such as, if B does X, he or she will lose his or her job. Now this does not make it impossible for B to do X. It does, however, make it a very costly choice, and people may well respond to that choice in different ways: B may say: 'I won't do X because of the threat'; C may decide to do X under the same threat because he or she knows that another job will be easy to secure. This, however, is the rub. Impossibility is a situation that affects both B and C in the same way, or so it might be thought so far in the analysis. Threat, on the other

hand, has to be linked far more to the scale of values and the preference schedules of the person who is threatened as to whether the person believes him or herself to be coerced by the threat. In an simple case, B may see a threat as coercive: I cannot park there because the notice says there will be a fine of £50 payable; C may see the same threat as an opportunity and the fine almost as an equivalent of a parking fee, or even as an offer (if C is rich)—I can park here for only £50! The point here is that a threat is a much more subjective matter than prevention or impossibility. This matters because, if freedom is the absence of coercion and coercion has a subjective element to it, then freedom becomes subjective. This has an effect on the idea of equal freedom. How could we know that citizens enjoy equal freedom if threats are part of coercion and the perception of the threat as coercive depends upon the scale of values and preferences of the person so threatened (Steiner 1974).

This moves us quite a long way from the seemingly objective and factual basis of impossibility. However, before leaving this point it is worth examining the view that impossibility itself is subjective. The argument here reflects the same point as was made about threats. It may be that character and temperament make a difference to impossibility. The point here is this that the factual nature of coercion as impossibility has to be bought at the cost of a wholly physicalist account of A making it impossible for B to do X. That is to say that A makes it physically impossible for B to act in this way by means of physical restraint, and anything beyond that, however strong the condition that A lays on B, will be a threat rather than coercion from this physicalist point of view just because how severe the threat is will depend on subjective judgement. If A issues a threat say to a politician B: 'Do X and I will assassinate you', this does not make it impossible for B to do X. It leaves B with a choice and a choice that will reflect his scale of values and preferences (Hayek 1960: 138). Undoubtedly some people would be deterred from doing X, but others of strong mind and character may persist in doing it. On the physicalist view of coercion, the threat of assassination is not
p. 628 coercive: it is a threat and does not make it impossible for B to do X. There is, however, a question ↳ mark over this. If impossibility has to be reduced to purely physical incapacitation to be a form of coercion and the threat of death is not therefore a form of impossibility just because it engages the subjective point of view of the person threatened, then it seems that coercion can apply only to a very small number of cases and that the threat of murder is not an infringement of liberty because it is not coercive in the impossibilist sense of coercion. There may be a consistent line here, but it is bought at the cost of being a very implausible account of coercion and thereby of freedom as a political ideal.

If we admit threats to the scope of coercion, does this not make the idea of freedom as the absence of coercion inextricably subjective? This is possible, but there is potentially a way out of this difficulty. The subjectivist problem is that a threat and even whether it is perceived as a threat has to involve the scale of values of the person threatened, and that makes it subjective. However, it is possible to argue that there are certain types of human goods that may be regarded as generic or universal, so that a threat against those sorts of goods can always be regarded as coercive. On the face of it this might look like a return to full-blown positive ideas of freedom outlined earlier, requiring a community to have either a unified sense of a flourishing human life or some religious or metaphysical basis for such a conception. However, there is a difference from older forms of positive freedom and what they require to underpin them. The idea here is that there are universal values and universal norms of human flourishing in terms of which freedom has to be understood in that a threat to those values will always be a form of coercion and freedom is the absence of coercion. So, for example, it might be argued that a good such as life itself, a good such as autonomy, and the fulfilment of basic needs can be regarded as universal or generic goods—if not for all human beings then at least within a particular society with a particular culture. What gives them this generic status is that they are necessary conditions for the pursuit of any other good, whatever it may turn out to be. In this sense, while it is a positive conception of freedom, it is so in a rather different way from those mentioned earlier (Gewirth 1978). Those conceptions of positive freedom diminished or even eliminated the scope of individual choice: freedom is living in accordance with metaphysically, religiously, or socially given values and does not focus on choice. The current idea, however, retains the centrality of choice and the fact that

what is chosen is not subject to moral evaluation other than when it infringes the choices of others but at the same time argues that there are in fact certain types of goods that are essential preconditions of choice. Such goods are generic goods or primary goods (Rawls 1972; Gewirth 1978; Plant, Lesser, and Taylor-Gooby 1981). A threat to these goods is in fact a threat to the possibility of choice and is thus inherently coercive. This would certainly make the idea of coercion normative in that a threat would be coercive if it was a threat against a generic good but not necessarily at the cost of subjectivism, if we can agree on a set of generic goods that would then be central to the idea of coercion and thus to the idea of freedom. However, the issue of whether there can be a coherent account of generic or necessary goods is itself a large issue in political theory. It is revealing that the revival of this idea in political theory has been called 'neo-Aristotelian' (Nussbaum 1990, 1993). The point at this stage of the analysis, however, is that without such an account it
p. 629 might ↳ well seem that freedom would become radically subjectivist. Nevertheless, it is argued by critics of this approach that ideas about basic needs and other sorts of generic goods are subject to quite a lot of interpretation and dispute, and that the escape from subjectivism may be more apparent than real. Also, as Amartya Sen has argued, the ideas of basic needs and primary goods may be inadequate do the work suggested by theorists who support the universal goods approach. This argument turns upon the point that people will have different capacities and abilities in terms of transforming basic or primary goods into instruments for achieving their self chosen ends. So, if we are to secure equal or even fair allocations of freedom we have to look at the types and sources of differential capacities to make use of primary or generic goods. This again is going to involve moral controversy (Sen 1999).

This leads on to two further interrelated points: the relationship between freedom and a range of choice and the link between that question and determining whether a society is free or unfree. Does our view of freedom link up intrinsically with the idea that to be free a person has to have a range of significant choice open to him or her? There is nothing in the idea of freedom as being just the absence of coercion that would require this. A defender of this view of what is normally called negative liberty would say that the question of the identification of liberty is one thing and what someone is able to do with it, and the choices that are open to that person, is quite another. Liberty is negative; it is about the absence of coercion; the alternative view is a positive account that requires that there should be a range of morally significant choices open to a person before we can count the person as being free. On the negative view of liberty, the range of choices open to a person has nothing to do with freedom and again is a way of subjectivizing liberty (Hayek 1960). What is a morally significant range of choice? How is it to be decided what it is? How would it fit with the idea of equal freedom? We can make sense of the idea of equal freedom if we are all to be equally free from the same forms of coercion, but what about if freedom were to be understood as having a particular range of choices? How would such a moralized concept of positive freedom fit with the fact that we live in pluralistic and morally divergent societies, and therefore agreement about a morally significant range of choice is difficult if not impossible to attain?

One way of trying to fix more clearly the issues at stake here would be to ask the question of how we could know that one society is freer than another. If freedom is to be a useful idea in politics, then we need to know how to answer this question. From the standpoint of a defender of a strictly negative view of freedom, this poses a difficult if not fatal objection to the positive theorist who links freedom with a range of significant choice. Any account of such a range is going to be highly controversial and yet would be central to the judgement that society A is a freer society than society B, because A reflects this range of choice, which might include, for example: the ability to choose a government, to emigrate, to be able to criticize the government, to own property, and so on. One has only to start considering what might fall within the range to see that it is controversial. From the negative liberty point of view in which there is a desire to avoid
p. 630 morally controversial assumptions, the answer to the question as to whether society A ↳ is freer than society B has to be *quantitative*. If freedom is the absence of coercion, then the central question at stake here is that of how many rules there are preventing action in society A as opposed to society B, not what morally significant range of choice is available in society A as opposed to society B. We avoid that qualitative

question by a focus on the quantitative one about the number of coercive rules operative in each society. This reduces the issue to a quantitative and empirical one, not a highly moralized one, as it would be for the defender of positive freedom. Leaving aside the fact that, as we have seen, the issue of coercion may not be as uncontroversial as this argument assumes, there are in its own terms defects in it. As Charles Taylor has pointed out, this purely quantitative approach is likely to lead to highly counter-intuitive results, because it is almost inevitably going to be the case that an underdeveloped society is going to have fewer coercive rules, since there are fewer differentiated areas of life to which such rules would apply (Taylor 1985). So, to take Taylor's own example of Albania under communist rule, it may well be that there were in fact fewer coercive rules there than say in the UK at the same period, because there was very little needed in the way of traffic regulation, very little in the way of financial rules, very little if anything in the way of rules to do with property and contract, and so forth. So, on a purely quantitative and empirical view of it, we would arrive at the highly counter-intuitive result that Albania was a freer country than the UK at the same time. Surely the answer is, the defender of positive liberty will say, that whatever the number of rules there are certain important things that one is able to do in the UK that you were unable to do in Albania, and it is this contrast between being able to realize certain valuable human abilities and not the bare number of rules that makes one society freer than another. In a sense this brings us back to the issue of necessary or generic goods mentioned earlier and what is the link between freedom and ability to realize such basic or generic goods.

This also extends the range of such basic goods to include ideas about independence and non-domination as well as a set of basic or primary goods to meet basic physical needs. If we regard autonomy as crucial to an account of human goods, then such goods as independence and non-domination are also necessary goods for the achievement of freedom (Skinner 1998). Along with other primary goods, such features are essential to those abilities that are conditions of agency and action.

The defender of negative liberty may well seek to deny any link between liberty and ability. On this view there is a categorical distinction between A being free to do X and A being able to do X. Whether someone is able to do what he or she is free to do has nothing to do with the nature of freedom. This position relies on the following claim: there must be a categorical difference between freedom and ability because when I am free I am not coerced; within that sphere of freedom as the absence of coercion there is an indefinitely large number of things that I am free to do in the sense that I am not prevented from doing. However capable, clever, and rich I am, I am able to do only a small number of that indefinitely large number of things. Hence freedom and ability are not extensionally equivalent. This attempt to draw a distinction between freedom
p. 631 and ability is centrally important in the theory of freedom and is also politically ↳ relevant. Hayek, for example, argues in *The Constitution of Liberty* (Hayek 1960: 17) that, if freedom is identified with ability or power, then the liberal ideal of a free society in which there is equal freedom from coercion becomes transformed into a socialist order, because freedom means ability, and the state as the guarantor of equal freedom would have to go as far as it could to equalize abilities, and this would mean radical redistribution of all sorts of resources to improve the abilities of the least able in the interests of arriving at a free society. This is apart from the question about how we should identify, fix, and rank the abilities that bear most on the exercise of liberty. This again is a normative exercise about which we should not expect agreement. It also raises a more metaphysical question in the view of the defender of negative liberty—namely, that positive freedom that links freedom, ability, and the realization of a set of valued human goods has to presuppose quite a complex and detailed account of human nature and human agency, which is absent from the position of negative liberty—so it is said. Such a conception of human nature and human agency is going to be highly disputable and does nothing to help fix the idea of liberty in a clear and operational way.

So we need to look in more detail at the issue of agency and ability. It can certainly be argued that the defender of negative liberty is wrong in thinking that he or she can produce a full account of negative liberty that does not raise similar questions. I have already pointed out that the concept of coercion, which is central to negative freedom, either has to be restricted to impossibility, which is implausible, or is in fact

going to engage some quite large-scale account of those goods, a threat to which will always be regarded as coercive (Hayek 1960: 138), and any defence of such a set of goods is going to have to draw upon ideas of human nature, agency, and ability. The only alternative is to take the view that coercion is always subjectively perceived, and that therefore there is no distinction between feeling free and being free. This is an even worse position—radical subjectivism about freedom and coercion—than the alternative view, which has to include an account of agency and ability.

However, there is a more constructive way of looking at the matter than this. In order to see why we do need a conception of agency in order to have a fully developed concept of freedom, we might consider what conditions have to be satisfied to make it intelligible to ascribe freedom to an individual. After all, a stone is an individual thing, and, while it may roll down a hill and be moved, we would find it unintelligible to ascribe freedom to it (unless, of course, as in children's stories, human characteristics were given to the stone). The ascription of freedom applies only to agents who are capable of reasoned choice. This is a necessary condition of the concept of freedom being intelligible to us. So, if agency is a necessary condition of the ascription of freedom, it is difficult for the defender of negative liberty to rule out of court the concept of agency and its specification. In terms of its specification, it might be thought to require both basic needs being met and generic human capacities and capabilities being recognized as central to the ascription of freedom to such an agent. This point can be made a bit more concrete in a simple example. As we have seen,
p. 632 there is an argument to say that freedom and ability are two separate things, but this can be ↳ doubted. It makes no sense to ask whether someone is free to do something that no one is able to do. It is not intelligible to ask whether someone is free to jump from Oxford to New York, because it is not a human capability. No one was free to run a hedge fund in 1066, since no one was capable of doing so, and there was no institutional setting to make it possible. From these examples we might want to say that a *generalized ability* to do X is a necessary condition of determining whether A is free or unfree to do X. If a generalized ability is a necessary condition for the ascription of freedom or unfreedom, then it cannot be the case that there is a categorical difference between freedom and ability. So, on this account we have to set the range of freedom within the range of human capabilities, and we cannot do that without knowing what they are, which are the most important, and which enable human beings to flourish the most. The answers to these questions will be disputable, but they cannot be bypassed. Hence, it is very difficult to argue that freedom and ability are separate things and that an account of freedom can be given without engaging with some view of capabilities.

Defenders of negative liberty have wanted to resist the link between freedom and ability for another reason too. That is that they have wanted to say that freedom as the absence of coercion is clear and definite; the ability to make use of freedom thus defined is best seen in terms of a set of conditions for freedom. Thus, while each person may be free to dine at the Ritz Hotel in the sense of not being prevented from doing so, nevertheless the resources that one needs to dine at the Ritz should be seen as conditions without the fulfilment of which one would not be able to do so. The conditions for dining at the Ritz are, however, different from the objective definition of the freedom to dine at the Ritz. The question of whether an individual has the resources to do so or not is quite a different matter. On this view, there is no logical connection between the conditions and the freedom. This, however, may be doubted if one takes into account the agency-focused view of freedom set out as an alternative above. There is in addition an argument that involves no departure from negative accounts of liberty but that shows that conditions are not just contingent features of freedom (Swift 2001). If a country has a law that bans a particular group of people from using the trains, then we would normally regard that as a coercive law (putting on one side some of the issues about coercion cited earlier). At the same time, a railway company—or for that matter the state, if the railway is nationalized—may say that no one is free to travel on the train without a valid ticket. The ticket costs money, which A does not have. Hence he or she is not free to travel on the train. That is to say the condition of not having the money enters into the specification of the freedom in question and therefore is not merely a contingent factor or condition of freedom but part of what makes the individual

free to travel on the train. On this view, therefore, questions about conditions and abilities cannot be separated from the basic nature of freedom.

I want now to go back to the issue of the individual's own consciousness of freedom and take up a different theme, although it is linked to the idea of the perception of coercion or prevention. What are we to make of the idea that someone may be prevented from doing something, not by some form of external coercion but
p. 633 by ↳ something about their own character or their own nature. An obsessive compulsive disorder gets in the way of A doing X and indeed may require him or her to do Y (to follow the dictates of the compulsion and wash his or her hands every few minutes, let us say), which otherwise A would not do. The question for this account is does this situation have any political significance? Or is it just a matter of personal pathology? Some have argued that there is a link between mental disorder and a political order, such that personal pathologies cannot be separated from the social context in which someone finds him or herself and that this social situation may well have some strong political salience. On this view, a pathology that prevented someone from doing something has political significance and might be thought of as a form of coercion that arises at least indirectly from society at large. Certainly R. D. Laing (1967), Herbert Marcuse (1964), and Eric Fromm (1963) have argued in this sort of way, and this idea of freedom as liberation not just from the coercive power of the state but also from aspects of one's own self that inhibit the capacity for action was a powerful one in the 1960s (Berlin 1997). It has a resonance in the argument deployed in this chapter too in the following way. In the discussion about coercion and impossibility, I pointed out that circumstances that might lead one person to regard a course of action as impossible for him or her might for another person be seen as a challenge but one that could be overcome. That is to say that the perception of coercion is related to features of an individual's mental state. If this state is pathological, then so too is likely to be the perception of the potentially coercive set of circumstances. Again this would reinforce two points made earlier. The first is that, once we move beyond physicalist types of impossibility, then the perception of coercion has a strong psychological element and that this will lapse into subjectivism without some idea of the basic goods of agency. In the pathological state, the basic goods approach becomes even more important in the sense that, if such goods constitute some kind of generic or universal feature of agency, then a failure to recognize these goods may be part of the threshold for the judgement that this failure of perception is indeed pathological as opposed to being only an alternative perception. This idea is consistent with one of the criticisms of positive freedom that it is intrinsically paternalistic. If being free involves pursuing and recognizing a set of basic goods, does this sanction interference with an individual to ensure that he or she is pursuing these goods, even if that is not what he or she desires or has a conscious interest in. This would be a modern version of Rousseau's dictum about ‘forcing someone to be free’. In the view of critics of positive freedom, this is an intrinsic feature of positive freedom.

I now want to turn to the idea of rights and the link between rights and freedom. It is frequently argued that there are two ways of grounding ideas of basic moral rights and they are liberty and interests. In this chapter on liberty I shall concentrate on rights and liberty. Again, the distinction between negative and positive liberty is important here. On the negative view of rights, a right is a protection against forbidden forms of coercion: the right to life is a right not to be killed; a right to property is a right not to have the property sequestrated; a right to bodily integrity is a right not to be raped, assaulted, and so forth. These are
p. 634 essentially rights to negative freedoms. The duties ↳ imposed on others by such rights claims are also negative. They are fundamentally to do with forbearance. I respect your right to life by abstaining from killing you, your right to property by abstaining from seizing it, and your rights in your body by not abusing your body in proscribed ways. These forbearances are also duties in respect of negative liberty. Negative liberty is compromised by coercion, so respecting another person's negative liberty implies that I will not coerce them. On this view, there is an intrinsic link between negative liberty and essentially negative rights, along with the recognition of mutual forbearance in the common interest of securing negative freedom.

If, however, freedom is seen in a positive way as involving the satisfaction of needs and the development of powers and abilities, then the connection with rights become very different. On the negative view, rights are respected by forbearance and not by positive action, whereas, if rights are positive in terms of the protection of positive freedom, then in turn this requires positive action to protect rights. However, there is a difference, it is argued, in that, in the case of negative rights, the corresponding negative duties lie on both individuals and the state, since these are negative duties that can always be performed whether by the individual or by the state. In each case all that is required is that the individual refrains from coercion. This is not the case with positive rights, which are typically going to be social, economic, and welfare rights. In order for these rights to be protected, the absence of coercion is not enough. There is a positive duty to provide the resources necessary for meeting the right in question. No longer is the right to life, for example, to be seen as a negative right not to be killed—that is a defence of negative freedom—but as a right to the means to life as a positive right in defence of positive freedom. The problem, as critics see it, is that such rights, unlike negative rights, run up against the issue of scarcity. Positive duties involve costs, whereas duties of forbearance are costless. This leads to the point that positive rights typically cannot be held against all others—fellow citizens and the state—since fellow citizens as individuals do not have the resources to meet these positive claims. So, if positive rights protect positive freedoms, it is argued by critics that this implies a fundamental difference between what it means to respect liberty in the negative sense and what it means in the positive sense, and in the latter case it means that the state has to take responsibility for the duty, which can be held equally in terms of negative rights against both the state and the individual. So the difference between negative and positive liberty means that there are differences between the duties in respect of these two sorts of liberties and differences in the role of the state and one's fellow citizens in terms of protecting each type of liberty (Plant 2009).

The issue of freedom and coercion enters in another way too, and that is in the context of the market economy. It is central to the ideas of economic liberals and libertarians that the outcomes of free markets are legitimate, whatever may be the degree of inequality that attends those outcomes (Hayek 1960; Nozick 1974). The point is that, if each act of exchange in a market is uncoerced, then it is legitimate. The aggregate effect of the innumerable acts of uncoerced exchange that occur in a market is to produce at any one time a 'pattern' of income and wealth. That pattern, however, is not intended by anyone and is legitimate because
p. 635 it has arisen out of free exchange. ↳ In a sense, uncoerced exchange gives a kind of procedural legitimacy to the outcome. We have, however, seen that the issue of coercion is a complex and disputable one, and yet it lies at the heart of free-market defences. On the impossibility understanding of coercion, an exchange is coercive only if someone is physically forced into it—otherwise it is an act of free exchange. This is somewhat implausible as a full account of coercion and yet, if we move to the idea of threat, this is quite complex in economic contexts. As we saw, a threat may well depend upon the perception of the person threatened, and in the economic context this is likely to be heavily influenced by that person's economic position and the resources that he or she has. So what would be a coerced or for that matter uncoerced contract in economic terms is likely to depend on the relative bargaining powers and resources of the parties to the contract. Two points are worth making about this. The first is that, on the pure theory of negative liberty, resources do not bear upon the issue of freedom, but yet they are bound to do so in the context of coercion or lack of it in respect of economic contracts. What constitutes a contract that you cannot refuse will depend very much on the resources of the individual who is party to the contract (Green 1888; Hayek 1960). So, if coercion is partly a matter of perception, this is problematic, since it lies at the heart of the economic liberal view of the legitimacy of market outcomes. Obviously a positive theory of liberty would regard any transaction that threatened basic or generic goods as potentially coercive, and a free market would have to be modified in its operation to protect those goods or to have an extra-market set of arrangements like the welfare state to protect the goods.

So we can see that the issue of liberty is crucial to modern politics as one of the central values of the modern world, but it is much easier to invoke than to analyse.

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