

Liberty

Key Questions and Considerations

Key Readings and their Essential Arguments/Quotes

MacCallum's Triadic Relation (concept of liberty)

- Talks about the (structure) Concept of Freedom: positive and negative theories of freedom seem to be about (substantive) conceptions of freedom
 - Nature of freedom itself, about the relationships holding between the attainment of freedom and the attainment of other possible social benefits, about the ranking of freedom among such benefits, and about the consequences of this or that policy with respect to realising or attaining freedom
- The functional form of freedom: what freedom is
 - Triadic relation: Such freedom is thus always "of something (an agent or agents), from something, to do, not do, become, or not become something"
 - The different conceptions of freedom differ over the range of variables they take
 - Positive freedom: "The rational self is free from internal and external obstacles to do what he would rationally want to do"
 - Negative freedom: "The empirical self is free from human interference to do what he wants to do"
- MacCallum recognises that the agent in question about who is truly free would differ → but he posits that the distinction between positive and negative freedom prevents us from seeing this
 - Writers adhering to the concept of 'negative' freedom hold that only the presence of something can render a person unfree; writers adhering to the concept of 'positive' freedom hold that the absence of something may also render a person unfree
 - The former hold that a person is free to do x just in case nothing due to arrangements made by other persons stops him from doing x; the latter adopt no such restriction
 - The former hold that the agents whose freedom is in question are identifiable as natural persons; the latter sometimes hold quite different views as to how these agents are to be identified
- MacCallum argues that the triadic relation is incisive in that it allows us to see that **no one can be free simpliciter**
 - Inescapability of some restraints: No freedom simpliciter because "Freedom is always and necessarily from restraint; thus insofar as the adherents of positive freedom speak of persons being made free by means of restraint, they cannot be talking about freedom"

- Restraining Smith by means a from doing b produces a situation in which he is now able to do c because restraint d is lifted → one is free due to restraint a, made free from d to do c although he can no longer do b
 - Traffic lights make me less free to cross whenever I want, but makes me free from accidents
- However, the positive notion could hold that men can be free simpliciter even in society because certain things, which ordinarily are counted as interferences or barriers are not actually so, or **because certain kinds of behaviour ordinarily thought to be either free or unfree do not, for some reason, 'count'**
 - The burden of the argument is to show that “Everything from which a person in that society might ordinarily be considered unfree must be shown not actually an interference or barrier (or not a relevant one), and everything which a person in that society might ordinarily be considered not free to do or become must be shown irrelevant to the issue of freedom” Part of the argument may be regarding the identity of that person who is free
 - One may uncover that such arguments have tendencies to telescope questions concerning the legitimacy of interference into questions concerning genuineness as interference
- Perhaps the claim that certain men are free simpliciter is merely elliptical for the claim that they are free in every important respect, or in most important respects, or ‘on the whole’
 - Nevertheless, in talking about freedom, we are often asking “what are they free from” and “what are they free to do or become” → only then will we be in a position to judge the value or importance of the freedom(s) in question
 - We can’t simply ask “Is the man free?” → we must first determine what freedoms are important, and then move to calculate the value for human happiness and fulfilment of being free from that, to do the other thing → only with such specification can we make rational evaluations of the relative merits of societies with regard to freedom
- Arguments concerning the true identity of the person in question and what can restrict such a person’s freedom are important
 - But regardless, there is clearly something he is prima facie not free to do → otherwise meaningless to say that he was being made free by means of restraint
 - On this, we can ask 4 questions: (a) What is to count as an interference with the freedom of persons? (b) What is to count as an action that persons might reasonably be said to be either free or not free to perform? (c) What is to

count as a legitimate interference with the freedom of persons? (d) What actions are persons best left free to do

For Negative Liberty

Berlin's Two Concepts of Liberty

Negative Liberty:

- “What is the area within which the subject — a person or a 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”
 - Distinct from positive sense: “What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?”
- Intuitive and simple: “If I am prevented by others 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”
 - But coercion does not extend to natural limitations (I cannot fly) → it is instantiated by a person: “Coercion implies the deliberate interference of other human beings within the area in which I could otherwise act”
 - How important is deliberate interference? What about a socioeconomic arrangement that severely disadvantages me, but that was not specifically targeted at me?
 - The **mere incapacity to attain a goal is not lack of political freedom** → “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”
 - Coercion and lack of freedom 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 where by 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**”
 - So it is the unequal advantages resulting from a man-made arrangement that is sufficient for coercion
- But how wide should the area of non-interference be? If it were unlimited, then “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”
 - Interdependence would lead to conflict → Hobbes and Rousseau
 - But many like Mill thought 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.”

- Consider the objection that freedom is not primary → it must precede basic needs being fulfilled
 - What is freedom to those who cannot make use of it? → you need food and medicine before personal liberty
 - But Berlin thinks that freedom may not be everyone’s primary need and that is ok → what grounds freedom is its universalistic nature
 - “The Egyptian peasant needs clothes or medicine before, and more than, personal liberty, but the minimum freedom that he needs today, and the greater degree of freedom that he may need tomorrow, is not some species of freedom peculiar to him, but identical with that of professors, artists, and millionaires
- For Berlin, there are **a plurality of goals which man wants to pursue**; freedom is just part of that goal and it need not be of supreme value
 - “But liberty is also not the only goal of men” → economic prosperity among other things
 - Even if I sacrifice my freedom to share the misery of comrades, it is “freedom that I am giving up for the sake of justice or equality or the love of my fellow men”
 - **This sacrifice is not an increase in what is being sacrificed** (i.e. freedom) however great the moral need or compensation for it
 - Concepts and the goals of society are disjoint and distinct. “Everything is what it is: liberty is liberty, not equality or fairness or justice or culture, or human happiness...”
 - So if liberty of myself or my class or nation depends on the misery of others, the system is unjust → but the sacrifice of my liberty for the sake of alleviating inequality does not, on the account of negative liberty, increase overall liberty, but merely results in an “absolute loss in liberty”
 - This is despite the gains in justice or liberty
 - So, Berlin rejects outright the claim by positive theorists that policies to improve equality actually improve freedom → there is an unreasonable and erroneous reduction of all goals into that of achieving freedom
- Berlin recognises that in securing freedom for some we curtail the freedom of others; he then argues that freedom is not about being completely free or free simpliciter, but in **securing a minimum sphere of freedom from social control**
 - What is this minimum? “That which a man cannot give up without offending against the essence of his human nature” → what is this essence?
 - “Liberty in this sense means liberty from; absence of interference beyond the shifting, but always recognisable, frontier” → **“The only freedom which**

deserves the name, is that of pursuing our own good in our own way” →

Mill and his harm principle for otherwise, “Society will be crushed by the weight of collective mediocrity” and society will be unable to advance

- “All 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 his good” → this conception “springs from this individualistic, and much disputed, conception of man” → that one knows his own goals and those goals are subjectively and thus infallibly worth pursuing
- Berlin’s 3 points on Mill’s doctrine
 - Mill confuses two distinct notions: (1) coercion is, insofar 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. (2) The other is that men should seek to discover the truth, or to develop a certain type of character of which Mill approved...and that truth can be found, and such character can be bred, only in conditions of freedom
 - But these views are not identical → only an empirical connection between them
 - Doctrine is comparatively modern: scarcely any discussion of individual liberty as a conscious political ideal (as opposed to its actual existence) in the ancient world
 - Liberty in this sense is not uniquely grounded in self-governance → compatible with some kind of autocracy and the absence of self-governance
 - Liberty in this sense is principally concerned with the area of control, not with its source
 - Liberal-minded despot would allow his subjects a large measure of personal freedom → the free slave
 - Freedom in this sense is not logically connected with democracy or self government
 - “Who governs me?” is logically distinct from the question “How far does the government interfere with me?”
 - 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 as wish as that for a free area for action, and perhaps historically older. But it is not a desire for the same thing
 - Mill’s doctrine (and that of negative liberty) is consistent with being under the rule of a “liberal minded despot”

Positive Liberty

- “What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?”
 - Not freedom from, but freedom to — to lead one prescribed form of life — which the adherents of the ‘negative’ notion represent as being, at times, not better than a specious disguise for brutal tyranny
- “positive” sense of the world derives from the wish on the part of the individual to be his own master
 - “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” → “an instrument of my own, not of other men’s act of will”
- Self-directed and not acted upon by external nature or by other men → I can capable of “conceiving goals and policies of my own and realising them” → “what I mean when I say that I am rational”
 - What matters is the background decisions for the choices I make → is my will manipulated? → need not be a single, “rational” will that I am committed to → so the despotic notion is a caricature as Taylor suggests
- Why is this different? Berlin notes that it is not obvious why they are at great logical distance but they developed in divergent directions until they are in direct conflict with each other
 - We can be slaves to “nature” beyond just being a slave to “man” → we can be slaves to our own “unbridled passions” (though should we count this? Fundamentally not obvious)
 - The dominant self is then “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 myself ‘at its best’” → contrasted with my empirical self “swept by every gust of desire and passion”
- The plausibility lies in the fact that “we recognise that it is possible, and at times justifiable, to coerce men in the name of some goal which they would, if they were more enlightened, themselves pursue, but do not, because they are blind or ignorant or corrupt”
 - But can lead to totalitarianism → “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 must be identical with his freedom — the free choice of his ‘true’, albeit often submerged and inarticulate, self.”
 - “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-realisation”
 - Is this true? surely it just consists in eliminating the preconditions for the will not originating from oneself? Education etc → we do not need

to dictate a specific will, just how it comes about → weak form of rational desire

- “Positive conception of freedom as self-mastery, with its suggestion of a man divided against himself” → conceptions of freedom directly derive from views of what constitutes a self, a person, a man

Stoic idea that freedom consists in eliminating desires that cannot be satisfied

- The retreat to the Inner Citadel (reveals problems of manipulable/adaptive desires)
- “I am the possessor of reason and will; I conceive of ends and I desire to pursue them; but if I am prevented from attaining them I no longer feel master of the situation. I may be prevented by the laws of nature, or by accidents, or the activities of men...effects...often undesigned, of human institutions”
 - “What am I to do to avoid being crushed by them? I must liberate myself from desires that I know I cannot realise”
- Stoic idea: If you have a wound in your leg, two methods of healing. “One is to heal the wound. But if the cure is too difficult or uncertain, there is another method. I can get rid of the wound by cutting off my leg. If I train myself to want nothing to which the possession of my leg is indispensable, I shall not feel the lack of it”
 - Traditional self-emancipation → reveals the vulnerabilities of positive liberty, for one can be free by emancipating one from his desires while being controlled by the same forces
 - Is this too radical a view?
- Search for personal freedom
 - Kant, conversely, identified freedom not with the elimination
 - But this personal freedom seems to suggest homogeny → “heteronomy is dependence on outside factors, liability to be a plaything of the external world that I cannot myself fully control”
 - For if we are autonomous beings and “authors of values, of ends in themselves” then nothing is worse than to treat ourselves as “natural objects” vulnerable to exogenous causes
 - We cannot give up our ability to make choices → Kant ‘Paternalism is the greatest despotism imaginable’
- This notion of the free individual as a transcendent being, beyond the realm of natural causality, in its empirical form is at the heart of liberal individualism → the centrality is given to the rational life, conducted by an individual endowed by reason
 - “Autonomy, not heteronomy: to act and not to be acted upon. The notion of slavery to the passions is...more than a metaphor. To rid myself of fear, or love, or the desire to conform is to liberate myself from, the despotism of something which I cannot control”
- Berlin comments that this conception of the rational man who has retreated into the inner citadel seems to arise in the context of an extremely unjust world

- The notion of negative liberty seems to far away an ideal and thus “will not do”
- “If I find that I am able to do little or nothing of what I wish, I need only contract or extinguish my wishes, and I am made free:
- The problem is that “If the tyrant manages to condition his subjects into losing their original wishes and embrace the form of life he has invented for them, he will, on this definition, have succeeded in liberating them” → the “very antithesis of political freedom”
- Such “ascetic self denial” while being a “source of integrity...spiritual strength” is not an “enlargement of liberty”
 - But self-abnegation is not the only way to overcome obstacles, for removing these obstacles tend to be more freeing
 - We can use this thought for the middle ground → for natural causes like gravity, we should not think ourselves as unfree that we cannot realise our desire to fly → but is this not a slippery slope

Freedom consists in rational self-direction (self-realisation: the only true method of attaining freedom is by the use of critical reason)

- Importance of reason
 - For example, suppose a schoolboy cannot understand how the vast theorems of mathematics follow from the axioms and instead the validity of these theorems are prescribed by some “external authority” vs when I understand the axioms and the “logic whereby the conclusions are obtained”, these mathematical truths no longer “obtrude themselves as external entities forced upon me” but something which “I now freely will in the course of the natural functioning of my own rational activity”
- “Passions, prejudices, fears...spring from ignorance...is a form of heteronomy, of being dominated by outside factors in a direction not necessarily willed by the agent”
 - Knowledge liberates by automatically eliminating irrational fears and desires
- Doctrine of liberation by reason
 - Marx maintained that the path of human beings are obstructed by the workings of their own social institutions (which they created but whose functioning they systematically came to misconceive)
 - “We are imprisoned by evil spirits which we have ourselves — albeit not consciously — created, and can exorcise them only by becoming conscious and acting appropriately: indeed, for Marx understanding is appropriate action. I am free if, and only if, I plan my life in accordance with my own will; plans entails rules; a rule does not oppress me or enslave me if I impose it on myself consciously, or accept it freely, having understood it, whether it was invented by me or by others, provided that it is rational, that is to say, conforms to the necessities of things” → such as my fundamental desires

- “To want necessary laws to be other than they are is to be prey to an irrational desire — a desire that what must be X should also not be X”
- The positive notion is not the negative notion where there is a field without obstacles but rather the notion of self-direction or self-control
→ I can do what I will with my own

Criticism of the self-rational view

- Berlin began his analysis from the assumption of the self-rational view: Thinkers thought that this problem of frontiers was not only soluble, but there existed a unique solution discoverable by any rational thinker
- On this assumption, the problem of political liberty was soluble by establishing a just order that would give to each man all the freedom to which a rational being was entitled
 - “My claim to unfettered freedom can at times not be reconciled with your equally unqualified claim; but the rational solution of one problem cannot collide with the equally true solution of another” → for two truths cannot logically be incompatible
 - Therefore, “a just order must in principle be discoverable — an order of which the rules make possible correct solutions to all possible problems that could arise in it”
- Freedom is self-mastery, the elimination of obstacles to my will, whatever these obstacles may be — the resistance of nature, of my ungoverned passions, of irrational institutions, of the opposing wills or behaviour of others
 - To remove human obstacles, I need to impose my will on them to → but this does not make them slaves, for if my plan is fully rational, it will allow for the full development of their ‘true’ natures, the realisation of their capacities for rational decisions, for ‘making the best of themselves’ as part of the realisation of my own true self → all true solutions to all genuine problems must be compatible
 - If the universe is governed by reason, then there will be no need for coercion; a correctly planned life for all will coincide with full freedom — the freedom of rational self-direction — for all
 - We can be coerced but we are not slaves, because they obey orders given in their own interests, and that the subject of a truth commonwealth is no slave, because the common interest must include his own — Spinoza
 - Locke: where there is no law there is no freedom, because rational law is a direction to a man’s proper interests or general good
 - Kant: Liberty lies in the “power of doing what we ought to will” → we can be restrained in our own interests, because the ‘presumed consent of every rational creature is in unison with the predisposed order of things’ → Burke
- Berlin’s criticism

- Common assumption: is that **“the rational ends of our true natures must coincide...however violently our poor ignorant...passionate, empirical selves may cry out against this process”**
 - Berlin is acutely aware of human pluralism → we have some common ends such as security but we lack universal ends
- The fatal flaw in Rousseau’s “In giving myself to all, I give myself to none” → his proposal is essentially in identifying freedom and liberation with just authority
 - In Rousseau’s ideal society, composed of wholly responsible beings, rules, because I should scarcely be conscious of them, would gradually wither away
- But the proponents of this view press harder by thinking of how empirical men can be transformed into rational beings → Rousseau’s notion of denaturing
 - Came to the conclusion of education → “Children cannot be expected to understand why they are compelled to go to school” → Even Mill is prepared to say that “I may forcibly prevent a man from crossing a bridge if there is not time to warn him that it is about to collapse, for I know...that he can not wish to fall into the water”
- Berlin rejects such democratic optimism
- My plan may not be able to be realised unless I act against my fellow citizens → Gray says that our permanent interests are security and autonomy (so does Rousseau) → but autonomy is realised in exercising in distinct plans originating from ourselves, so heteronomy is necessary
 - So these thinkers may be right in thinking of there being core permanent interests but are wrong in how they think that these interests manifest themselves
- This argument is used by every dictator or bully who seeks some moral justification for his conduct → that **“I must do for men (or with them) what they cannot do for themselves, and I cannot ask their permission or consent, because they are in no condition to know what is best of them”**
 - But I am responsible for public welfare, I cannot wait until all men are wholly rational → positive liberty is at least practically unrealisable
- Summary of the basic assumptions of positive liberty
 - First, that all men have one true purpose, and one only, that of rational self-direction
 - Second, that the ends of all rational beings must of necessity fit into a single universal, harmonious pattern, which some men may be able to discern more clearly than others
 - Third, that all conflict, and consequently all tragedy, is due solely to the clash of reason with the irrational or the insufficiently rational — the immature and

undeveloped elements in life, whether individual or communal — and that such clashes are, in principle, avoidable, and for wholly rational beings, impossible

- Finally, that when all men have been made rational, they will obey the rational laws of their own natures, which are one and the same in them all, and so be at once wholly law abiding and wholly free
- Berlin thinks that perhaps “not one of the basic assumptions of this famous view is demonstrable or perhaps even true”

Freedom and collective self-determination cannot be assimilated into one another

- Begins from analysing the relation between society and freedom
- “Insofar as I live in society, everything that I do inevitably affects, and is affected by, what others do”
 - Virtually all Mill’s critics have pointed out that everything that I do may have results which will harm other human beings
- Impossibility argument against retreating into the Citadel → we cannot coincide because we are inherently shaped by our society → we will trivially coincide in the sense that we all want food
 - **Our conception of the self is influenced by society:** For “I am not disembodied reason. Nor am I Robinson Crusoe, alone upon his island. It is not only that my material life depends upon interaction with other men, or that I am what I am as a result of social forces, but that some, perhaps all, of my ideas about myself; in particular my sense of my own moral and social identity, are intelligible only in terms of the social network in which I am an element” → inconsistency within Rousseau?
 - If there is some coinciding goal, it will manifest itself differently in each person because “What I may seek to avoid is simply...not being treated as an individual, having my uniqueness insufficiently recognised...purposes of my own”
- Berlin calls the positive theorist as “hankering after status and recognition” and recognition of human uniqueness: “This is the degradation that I am fighting against — not equality of legal rights, nor liberty to do so as I wish..., but for a condition in which I can feel that I am, because I am taken to be, a responsible agent, whose will is taken into consideration because I am entitled to it...”
 - What the positive liberty proponents want “is simply **recognition as an independent source of human activity, as an entity with a will of its own, intending to act in accordance with it...and not to be ruled...with however light a hand, as being not quite fully human, and therefore not quite fully free**” → far wider than a purely rationalist sense to Kant’s paternalism is the greatest despotism imaginable

- It is despotic not because of its oppression, but because it is an insult to my conception of myself as a human being, determined to make my own life in accordance with my own purposes, and above all, entitled to be recognised as such by others
- The problem is that this desire for status and recognition cannot be easily identified with negative or positive liberty
 - “The essence of the notion of liberty, both in the ‘positive’ and the ‘negative’ senses, is the holding off of something or someone — of others who trespass on my field or assert their authority over me, or of obsessions, fears, neuroses, irrational forces — intruders and despots of one kind or another”
- “The desire for recognition is a desire for something different: for union, closer understanding, integration of interests, a life of common dependence and common sacrifice” → it is only the confusion of desire for liberty with this profound and universal craving for status and understanding, further confounded by being identified with the notion of social self-direction, where the self to be liberated is no longer the individual but the ‘social whole’, that makes it possible for men, while submitting to the authority...to claim that this in some sense liberates them”
 - But are we to call the struggle for higher status, the wish to escape from an inferior position a “struggle for liberty?” → seems to make this word useless and vague
- All liberties must contain a minimum level of negative liberty → but Mill wanted a maximum degree of non-interference compatible with the minimum demands of social life
- But unlikely since the bulk of humanity has been prepared to sacrifice this for other goals: security, status, prosperity, power, virtue, rewards in the next world; or justice, equality, fraternity, and many other values which appear wholly, or in part, incompatible with the attainment of the greatest degree of individual liberty, and certainly do not need it as a precondition for their own realisation → so conceptions of liberty are composite?

Democracy and freedom may be conflicting ideals

- Mill and the tyranny of the majority
- Democracies can suppress freedom → Mill and Tocqueville require that no power except rights can be absolute
- Difference between negative and positive: negative wants to curb authority as such, latter wants it placed in their own hands → not two different interpretations of a single concept, but two profoundly divergent and irreconcilable attitudes to the ends of life → both claims cannot be satisfied for each of them make absolute claims
 - Can exemplify this using Mill and Rousseau as contrasting examples of social arrangements

Berlin's negative libertarian view that humans have fundamentally diverse goals that cannot be harmoniously realised together

- Many goals can conflict with one another: "that justice and generosity, public and private loyalties, the demands of genius and the claims of society, can conflict violently with each other" → not all goods are compatible
 - But some object to this by saying that "To admit that the fulfilment of some of our ideals may in principle make the fulfilment of others impossible is to say that the notion of total human fulfilment is a formal contradiction" → a priori true
 - But Berlin rejects this: "But if we are not armed with an a priori guarantee of the proposition that a total harmony of true values is somewhere to be found — perhaps in some ideal realm the characteristics of which we can, in our finite state, not so much as conceive — we must fall back on the ordinary resources of empirical observation and ordinary human knowledge"
- Conclusion: "it is the notion of freedom in its 'positive' sense that is at the heart of the demands for national and social self-direction which animate the most powerful and morally just public movements of our time, and that not to recognise this is to misunderstand the most vital facts and ideas of our age. But equally, it seems to me that the belief that **some single formula can in principle be found whereby all the diverse ends of men can be harmoniously realised is demonstrably false**"
 - "If, as I believe, the ends of men are many, and not all of them are in principle compatible with each other, then the possibility of conflict — and of tragedy — can never wholly be eliminated from human life, either personal or social" → "the necessity of choosing between absolute claims is then an inescapable characteristic of the human condition. This gives its value to freedom...as an end in itself"
- This does not mean to say that liberty is the sole of the dominant criterion of social action → there are curbs to freedom → but this should not stem from a justification of some other freedom, but that we ought to pursue other goals such as prosperity etc in favour of freedom
 - "To protest against the laws governing censorship or personal morals as intolerable infringements of personal liberty presupposes a belief that the activities which such laws forbid are fundamental needs of men as men, in a good society"
 - "To defend such laws is to hold that these needs are not essential, or that they cannot be satisfied without sacrificing some other values which come higher — satisfy deeper needs — than individual freedom, determined by some standard that is not merely subjective; a standard for which some objective status — empirical or a priori — is claimed"

Hannah Arendt's Freedom and Politics

- A natalist conception of freedom: an action is free not in choosing from a set of options but rather in doing the unexpected; to (freely) act means the ability to do the unanticipated, original and creative (after all, what is distinctively human is the ability to create)
 - “It is in the nature of beginning that something new is started which cannot be expected from whatever may have happened before. This character of startling unexpectedness is inherent in all beginnings ... The fact that man is capable of action means that the unexpected can be expected from him, that he is able to perform what is infinitely improbable. And this again is possible only because each man is unique, so that with each birth something uniquely new comes into the world”
 - Arendt's view is fundamentally pluralist: the unexpected, heteronomous (Kantian influence) is constitutive of freedom; there is no singular rational path of action that is constitutive of freedom, which is what positive theorists argue for – Arendt argues for a theory that purports that human actions and desires are fundamentally diverse
- Freedom is necessarily embedded in the notion of a political community for freedom arises inherently from “intercourse with others” and not “intercourse with ourselves”
 - Importance of politics and freedom → The end of politics is to establish and keep in existence a space where freedom as virtuosity can appear; this is the realm where freedom is a worldly reality, tangible in words which can be heard, in deeds which can be seen
 - “Freedom is the end of politics only if it designates a realm which is public and therefore not merely distinguished from, but even opposed to, the private realm and its interest”
- Arendt argues that freedom is identical with acting and is not a prior evaluative status
 - “Men are free – as distinguished from their possessing the gift for freedom – as long as they act, neither before nor after; for to be free and to act are the same”
 - Because of this, freedom is not observable: we can never say that a man is free as a result of some outcome or social precondition
 - What we can see is merely the end product, or as per Arendt's analogy, the “work of art” but what is constitutive of freedom is precisely the “free creative process” which creates the art
 - We cannot observe freedom from the result of action and so “The element of freedom remains unobservable”
- Arendt differs from Mill in extensionally equating liberty with the public/private sphere

- For Mill, liberty is equivalent with expanding the private sphere and place of unimpeded action
- For Arendt, **liberty is equivalent with the creation and protection of a public sphere, where the unexpected can break into reality**
- But in the defence of freedom as manifesting only in the public sphere, Arendt explicitly denies the Rousseauian notion of positive freedom
 - Arendt argues that “the identification of freedom with sovereignty perhaps the most pernicious and dangerous consequence of the philosophical equation of freedom and free will”
 - Either realise that men can never be truly sovereign or that such sovereignty can only be purchased at the price of freedom of others
 - “Where men wish to be sovereign, as individuals or as organised groups, they must submit to the oppression of the will, be this the individual will with which I force myself or the ‘general will’ of an organised group...If men wish to be free, it is precisely sovereignty they must renounce”
 - For Arendt, the ‘general will’ **denies the fundamentally diverse and pluralistic nature of man which is constitutive of freedom**
 - Freedom, according to Arendt, is about novel creation and beginnings, of unexpected action breaking into the sphere of reality; it follows that realising some homogeneous set of common actions cannot itself be freedom
- The goal of politics then, is to locate the answer to the extraordinarily difficult question of **preserving freedom of action under the conditions of non-sovereignty**
 - So it seems that although Arendt (background: she advocates for many fundamental political rights) differs from Mill in arguing that freedom needs to exist in tandem with the existence of the public sphere, she argues for the preservation of a legitimate political community through the legislation of rights in the public sphere
 - In other words, Arendt argues for the preservation of autonomy in the public sphere; **our political community ought to allow people to pursue their unanticipated rational life plans**
 - But Arendt justifies this via the assumption of the inherent value of freedom rather than some utilitarian justification

For Positive Liberty

Taylor’s What’s Wrong with Negative Liberty

Launches a collapse argument against Negative Liberty: that for us to make negative liberty even plausible requires us to discriminate at least against significant and trivial obstacles which it turn forces us to discriminate against the significance of our purposes

- Taylor notes that negative liberty invariably must discriminate between obstacles, and in turn, requires us to independently discriminate between our purposes.

- Examining the quotation describing liberty as “freedom from interference by others to act as one wishes”, we note that the quotation has already moved from identifying “external obstacles” with a smaller set of “interference by others”.
- It qualifies the objects which are to be considered as obstacles are those resulting from human arrangements. Intuitively, such discrimination is necessary since we value liberty because it allows us to do “what we really want” – this would entail wanting to cross the road safely rather than wanting to cross the road whenever I want – presumably, negative liberty would endorse the creation of traffic lights precisely because it identifies certain interests (such as safely crossing roads) as more important
- **This discrimination is informed by a “background understanding” of which goals are more important to me** – Taylor characterises this as examining our “desires about desires”, a rationalist understanding of our fundamental purposes (that we can be mistaken about).
 - So, to preserve the value of liberty, negative theorists have not only incorporated some mild form of discrimination but need to go further in adding rationality constraints and including internal obstacles, eventually collapsing into positive liberty.
- In fear of being accused of permitting totalitarianism, Taylor never makes his ‘second step’ explicit, to introduce a ‘doctrine purporting to show that we cannot...follow our real will, outside of a society of a certain canonical form, incorporating true self-government’. In this way, Taylor seems more inclined to incorporate rationalist constraints on Mill’s harm principle (as to what is considered interests) and to call that a considerable departure from negative liberty, as Mill himself already seems to do via grounding the principle in ‘permanent interest(s)’, than to endorse a Marxian or Rousseauian society moved by collective self-governance.
 - But I suspect that such latter forms of collective self-government are the only way to sufficiently carry out positive freedom in society.
- Problems with Taylor’s argument
 - Assumes that negative liberty even makes the descent into positive liberty
 - Taylor’s fundamental premise is that negative liberty selects purposes as significant to us by only counting human interference as liberty-restricting. Therefore, I implicitly discount the importance of my purpose of flying compared to my purpose of freely going grocery shopping
 - But Taylor is wrong in ascribing such an explanation to only counting human interference as liberty-restricting. Rather, as Arendt notes, freedom, in the political sense, makes logical sense only when described in the context of social interdependence, or the existence of a public sphere where my actions can affect others → when we talk

about freedom in the context of politics, we really are just talking about social interdependence

- This is why we do not actually preclude all internal obstacles in negative freedom; it depends on the origin of the obstacles i.e. if my fear from speaking in public arises due to public manipulation rather than naturally ingrained
- Positive freedom would be moved to acknowledge that a person can remain unfree even when he is like Robinson Crusoe, a castaway on an island
- Taylor makes the assumption that there is a convergent, universal end that everyone must share
 - After all, he rejects the objection that “once we admit that the agent himself is not the final authority on his own freedom, that we open the way to totalitarian manipulation...we legitimate others who are supposedly wiser about his purposes than others, redirecting others on the right path” precisely because there is something to be “wrong about” for our desires
 - Positive liberty has broad Kantian contours, for as Berlin notes, “autonomy” is pitted against “heteronomy”. Autonomy is thereby achieved by a “homogeneity” of purposes
 - Taylor does not admit the importance of the plurality of purposes; what Taylor mistakes is that this plurality extends beyond our first-order desires to our desires about desires → certain people value security more so than prosperity and the converse holds
 - When met with such plurality of fundamental desires, we cannot, in a non-circular way, advocate for the relative importance of one over the other
- Negative liberty is perfectly consistent with the qualitative discrimination of our purposes; it merely denies that there is a universal, objective standard for such qualitative discrimination
 - So, on most people’s accounts, Albania is less free than London but there is no rational reason for the convergence of their assessments
 - Taylor’s Charlie Manon example of murderers and cult leaders being mistaken about their purposes is presumably dangerous, for it renders us unable to ascribe blame to them since we have to consider them ‘unfree’

Freedom as Non-domination

Skinner’s Neo-Roman Theory of freedom (non-domination)

- Context: Emerges out of the Roman Law and the distinction between a free man and a slave

- Core idea is that what makes you a slave is that you have a dominus and what makes a person as a master is his ability to interfere in another's life
- Freedom is freedom of the individual from power of arbitrary interference to do what one wishes; it is the existence of such a power not the exercise of such power that matters → the benevolent slave master is still liberty-restricting
- Freedom as non-domination manifests in a liberal constitutionalist way: restricts the government so that the government no longer has arbitrary power (Rousseauian sense)
 - So the solution seems to manifest via a social contract, a free entry into a contract such that the interest of the sovereign cannot be contrary to the interest of the individual
 - This is why Skinner focuses his analysis on "free states" as the sufficient condition for "free individuals"
- Non-domination and freedom as "defined by their capacity for self-government"
 - **"A free state is a community in which the actions of the body politic are determined by the will of the members as a whole"**
 - "Just as individual human bodies are free, they argue, if and only if they are able to act or forbear from acting at will, so the bodies of nations and states are likewise free if and only if they are similarly unconstrained from using their powers according to their own wills in pursuit of their desired ends
 - "[If] a state or commonwealth is to count as a free, the laws that govern it – the rules that regulate its bodily movements – must be enacted with the consent of all its citizens, the members of the body politic as a whole"
 - "For to the extent that this does not happen, the body politic will be moved to act by a will other than its own, and will to that degree be deprived of liberty"
 - Freedom is consent-based
 - "[Romans] were 'free indeed' because 'no laws could be imposed upon them without a consent first had in the people's assemblies'"
 - The only way to prevent arbitrariness of interference is that no laws or dominated whatsoever be made, but by the people's consent (Nedham)
- Procedure to achieve non-domination through "equal right of participation in the making of laws"
 - Unlike Rousseau, the will of the people is seen to be extensionally equivalent to "nothing more than the sum of the wills of each individual citizen" or the "will of the majority"
 - Avoids the metaphysics of some "rational will" or some naive expectation of convergent wills

- But seems to be equally vulnerable to the conflict between political disagreement and non-domination as Rousseau's social contract
 - Perhaps there is a prior contractual agreement/consent to agree to whatever will result from the democratic procedure under fair conditions of equal right of participation?
 - Non-domination in the political sphere/body politic translates to individual freedom
- How freedom as non-domination is distinct from positive and negative freedom
 - Negative freedom: negative freedom is about the exercise of coercive power rather than the existence of coercive power
 - Positive freedom: positive freedom makes an appeal to the rational self, that freedom consists in rational self-direction rather than being non-dominated i.e. one can be non-dominated by an arbitrary power while still being psychologically constrained by his fear of speaking

Liberty and Poverty

Key Questions and Considerations

Key Readings and their Essential Arguments/Quotes

What is Poverty?

Sen's Capability-deprivation as Poverty

Part 1: Importance of substantive freedoms

- Procedural vs Substantive unfreedoms
 - Opportunities vs processes are both important
 - Substantive freedom is not the only basis of evaluating success or failure but also the principal determinant of individual initiative and social effectiveness
→ greater freedom enhances the ability of people to help themselves and the world
- Instrumentality of wealth
 - The usefulness of wealth lies in the things that it allows us to do e.g. the substantive freedoms it helps us to achieve
 - The relationship between wealth and the achievement of substantive freedoms is highly qualified and contingent → high wealth does not imply high capability
 - Political factors + differences in relational perspectives (relatively poor in rich community can prevent a person from achieving some elementary functionings even if absolute real income is high)
- Evaluative systems
 - We want to determine who and which countries are better off; depart from the traditional economic policy analysis which has the primacy of income and wealth or the utilitarian focus on mental satisfaction
 - But there is a merely indirect link between substantive freedoms and wealth
 - Substantive freedoms are valuable both for freedom itself and fostering the person's opportunity to have valuable outcomes → quality of life
 - Sen proposes substantive freedom due to its direct link with quality of life
- Valuation
 - Criticism of the freedom-based approach is that different weights must be assigned to different freedoms → Sen argues that this is in fact an important asset for a valuational exercise especially for it to be open to public scrutiny and criticism
 - Allows for discourse surrounding the selection of values in the choice of priorities
 - Poverty as substantive freedoms or capabilities

Part 2: Problems with utilitarianism as an informational base (links to Mill?)

- Utilitarianism as aggregation and thus is distribution insensitive
 - Limited informational base
- Modern forms of utilitarianism is not seen as pleasure or happiness but the fulfilment of desire via some kind of representation of a person's choice behaviour
 - First component of consequentialism: denies normative theories to regard some principles as right irrespective of their results
 - Second component of welfarism: restricts the judgement of state of affairs to the utilities in the respective states
 - Third component of sum-ranking: aggregation of utilities of different people to get aggregate merit (distribution-invariant)
- Economics takes utility to be defined as some numerical representation of a person's observable choices (revealed preference)
- Merits of the utilitarian approach
 - Considers the importance of the results of social arrangements in judging them; the need to pay attention to well-being
- Demerits/limits of utilitarianism as an informational base
 - Given the economic interpretation of revealed preference which focuses on individual choices, there is no ability to have interpersonal comparability and thus it is impossible to aggregate utilities together
 - This is because utility functions are ordinal rather than cardinal (representation of nothing other than person's preferences) → resolution is to assume exactly same utility functions across individuals
 - Sen argues that choice behaviour can be represented by different utility functions → but the assumption is that utility functions are the same so Sen's point is strange? → but the point on the diversity of human being stands
 - Can we use a social welfare function instead? But this doesn't actually maximise utilities together in the sense of maximising the sum of each person's utility
 - Neglect of non-utilitarian concerns such as rights
 - Adaptation and mental conditioning: preferences can be easily swayed by mental conditioning and adaptive attitudes (Stoicism) → deprived people tend to come to terms with their deprivation
- Rawls' priority of liberty (side constraint theory)
 - Why should the status of intense economic needs, which can be matters of life and death, be lower than that of personal liberties?
 - Complete priority (lexicographic) can be disputed by demonstrating the force of other considerations

- Sen argues that the critical issue is not about complete precedence but whether a person's liberty should get just the same kind of importance (no more) that other types of personal advantages – incomes, utilities and so on – have → preeminence of liberty is disputable
 - Sen thinks that rights and liberties have political importance independent of an increase in an individual's own personal advantage; therefore, it is independent of the citizens' political judgements of the value of liberty and rights

Part 3: Poverty as capability deprivation

- Wealth/primary goods have a tenuous link to quality of life
 - What is important is not simply the quantity of primary goods, but one must also account for the relevant personal characteristics that govern the conversion of primary goods into the person's ability to promote her ends
- Capability is a kind of freedom: the substantive freedom to achieve alternative functioning combinations (the freedom to achieve various lifestyles)
 - Different people have different capability sets; a person's actual achievement can be seen as a functioning vector; the extent of functioning enjoyed by a person may be represented by a real number (is this not a subjective mental thing like utilitarianism)
 - The capability set represents the freedom to achieve: the alternative functioning combinations from which this person can choose
 - Evaluative focus can either be on realised functionings (achievement) or the capability set of alternatives she has (her real opportunities/substantive freedoms)
- Inescapably heterogenous when making interpersonal comparisons of overall advantages
 - Assign weights to more important functionings + substantive freedoms
 - What weight to attach to substantive freedom (the capability set) vis-a-vis the actual achievement

For Poverty restricting Liberty

Waldron's Homelessness and the Value of Freedom

- Waldron then launches an argument that homelessness, and by extension poverty, limits our negative liberty.
 - He begins by arguing that an action must be done somewhere and given that the essential human actions of sleeping and urinating are restricted in public spaces and that the homeless lack a private space, the poor and homeless are comprehensively unfree to do essential human actions
 - Not only is this utterly degrading, but the qualitative importance of such actions renders such unfreedoms extremely damaging to one's liberty

- Extension 1: locating the entity responsible as Waldron breezes past locating the entity responsible for the interference
 - Prima facie, the issue of poverty and homelessness is not dissimilar with Mill's example of the unsuccessful student in the competitive examination not being a restriction on one's liberty: this is because there is no coherent entity which caused the homeless to be comprehensively unfree to do X. Rather, each private owner simply says "you can be anywhere but here", without the intention to make the poor comprehensively unfree – as Waldron puts it, "the cumulation is not in itself the product of anyone's intention" .
 - It is therefore worth considering models of joint responsibility for collective actions. Parfit argues that we should consider whether our actions are part of the set of actions that would harm people, for "It is not enough to ask, 'Will my act harm other people?'" as my actions can still affect other people without harming them directly.
 - This is given plausibility especially with respect to private ownership, where we can expect each private owner to act in the same way. And because there is now a model of joint responsibility for the harm, we can locate the responsibility of liberty-restriction with society-at-large in a principled manner, and call this "interference by society".
 - Or negative liberty is additive in nature: individual prohibitions which are intended add up to make one comprehensively unfree
- Extension 2: denying that an entity responsible is even important for negative liberty; negative liberty is an extensional not intensional concept
 - It is a mistake to suppose that there even needs to be a coherent entity responsible or intending for such interference with liberty; in suggesting that *human interference* is what obstructs freedom, it does not necessarily imply that a particular human or a set of humans needed to intend for the poor to be homeless but only that the homelessness resulted (in an extensional, causal sense) from a social arrangement and not some natural cause
 - A man-made wall erected to put paintings on them restricts my passage and by extension my liberty because someone interfered with my liberty without intending for it to be so
 - So, my liberty is restricted due to private property laws which are by definition legal social arrangements

Against Poverty restricting Liberty

Hayek's Freedom and Coercion

- Hayek defines with as the state in which a man is not subject to coercion by the arbitrary will of another or others
 - Being free always mean the possibility of a person's acting according to his own decision and plans, in contrast to the position of one who was

irrevocably subject to the will of another, who by arbitrary decision could coerce him to act or not to act in specific ways

- Does Hayek subscribe to the Hobbessian notion that only the exercise of coercion is a limitation on freedom, and that the threat of coercion is not sufficient
- “Freedom refers solely to a relation of men to other men, and the only infringement on it is coercion by men”
 - Freedom is not the existence of choice: “the rock climber on a difficult pitch who sees only one way out to save his life is unquestionably free, though we would hardly say he has any choice”
 - The question of “how many courses of action are open to a person” is different from the question of “how far in acting he can follow his own plans and intentions, to what extent the pattern of his conduct is of his own design”
 - Seems to be more about the empirical self —> not positive liberty yet
 - “Freedom thus presupposes that the individual has some assured private sphere, that there is some set of circumstances in his environment with which others cannot interfere”
- Tightens the definition of negative liberty from “human interference” to “coercion”
 - “Coercion occurs when one man’s actions are made to serve another man’s will, not for his own but for the other’s purpose”
 - It is not that the coerced does not choose at all; if that were the case, we should not speak of acting
 - It is my becoming of someone else’s tool for his own purposes → I still choose but that my mind is made someone else’s tool
 - Weaker condition than Hobbes’ notion —> threat is still coercive
 - “infringements on liberty consists largely in people’s being prevented from doing things, while ‘coercion’ emphasises their being made to do particular things.”
 - Coercion does not include all influences that men can exercise on the action of others; does not even include all instances in which a person acts or threatens to act in a manner he knows will harm another person and will lead him to change his intentions
 - Coercion implies both the threat of inflicting harm and the intention thereby to bring about a certain conduct
 - A person who blocks my path in the street and causes me to step aside cannot be properly said to coerce me
- Even though the coerced still chooses, the alternatives are determined for him by the coercer so that he will choose what the coercer wants

- So individual liberty is not a matter of being able to make choices, but that the choices I make will be not of my own design, but someone else's
 - He is not altogether deprived of the use of his capacities but he is deprived of the possibility of using his knowledge for his own aims
- Most human aims can be achieved only by a chain of connected actions, decided upon as a coherent whole and based on the assumption that the facts will be what they are expected to be
 - It is because we can predict events that we can achieve anything. And though physical circumstances will often be unpredictable, they will not maliciously frustrate our aims. But if the facts which determine our plans are under the sole control of another, our actions will be similarly controlled.
- Coercion is thus bad because it prevents a person from using his mental powers to the full and consequently from making the greatest contribution that he is capable of to the community
 - Though the coerced will still do the best he can do for himself as any given moment, the only comprehensive design that his actions fit into is that of his mind
 - Coercion implies why specific exercise of power is bad: it is not power simpliciter that is bad (i.e. the capacity to achieve what one wants), it is only the power to coerce, to force other men to serve one's will by the threat of inflicting harm that is bad
 - It is the subjection of other human wills to ours, the use of other men against their will for our purposes
- Distinguish coercion from the conditions or terms on which our fellow men are willing to render us specific services or benefits (paying one to do his job)
 - Life in society implies interdependence on others for the satisfaction of our needs and wants
 - It cannot be called coercion "if a producer...refuses to supply me with what I want except at his price"
 - Except in cases where the services are crucial to my existence → otherwise the conditions he exacts for rendering these services cannot properly be called coercion
 - A monopolist could exercise true coercion if he owns water
- The best way to curb coercive power of the state (or a monopolist) is to probably require that he treat all customers alike
 - Prohibit discrimination on his part → how we curb power of the state → is this true?
- Same as a supplier
 - He may cause pain but he cannot properly said to be coercive → he can only remove only one opportunity among many to earn a living and not all

- But there are ad hoc conditions that create opportunities for coercion like during a huge recession, the threat of dismissal may be used to enforce actions other than those originally contracted for
 - So it is not merely the threat of removal but the demands beyond what was initially agreed upon
- Someone withholding a benefit cannot be properly said to coerce me either
 - It will just make me reconsider all my decisions → does not force me to act on his own design (I may have to act under great pressure)
 - Even if I am at the mercy of the only man willing to employ me, I am not coerced by him or anybody else (due to the threat of starvation)
 - It is not some other will that guides my action → sufficiency condition is following a will that is not your own (by this Hayek does mean the empirical self)
- True coercion occurs when armed bands of conquerors make the subject people toil for them, when organised gangsters extort a levy for protection, when the knower of an evil secret blackmails his victims, and of course, when the state threatens to inflict punishment and to employ physical force to make us obey its commands
 - Many degrees of coercion
- Protection against Coercion
 - Since coercion is the control of the essential data of an individual's action by another, it can be prevented only by enabling the individual to secure for himself some private sphere where he is protected against such interference
 - The assurance that he can count on certain facts not being deliberately shaped by another can be given to him only by some authority that has the necessary power
 - It is here that coercion of one individual by another can be prevented only by the threat of coercion
 - Qualitative discrimination over which purposes are more important
 - Given the protected sphere, we often call coercion "the interference with legitimate expectations" or "infringement of rights"
 - But in defining coercion we cannot take for granted the arrangements intended to prevent it
 - Coercion would be much more common without the private sphere → not contingent on the existence of rights
 - Recognition of private or several property is thus an essential condition for the prevention of coercion, though not the only one
 - We are rarely in a position to carry out a coherent plan of action unless we are certain of our exclusive control of some material objects
 - The recognition of property is clearly the first step in the delimitation of the private sphere which protects us against coercion

- Legal rights are to secure a known sphere of unimpeded action
- Threat vs actual coercion
 - Threat of coercion has a very different effect from that of actual and unavoidable coercion, if it refers only to known circumstances which can be avoided by the potential object of coercion
 - These kinds of avoidable coercion must be the majority of the threats of coercion that a free society must employ
 - The sanctions of the law are designed only to prevent a person from doing certain things or to make him perform obligations that he has voluntarily occurred
 - Rousseauian common will?
 - Things like national service and taxation are coerced actions on the part of the state
 - But they are at least predictable and are enforced irrespective of how the individual would otherwise employ his energies → this deprives them largely of the evil nature of coercion
 - Though compulsory military service involves severe coercion, a predictable limited period of military service certainly restricts the possibility of shaping one's own life less than would a constant threat of arrest resorted to by an arbitrary power to ensure what it regards as good behaviour
 - But surely the gangsters who charges fees for protection could be justified by the same measure of predictability
 - Hayek (wrongly I posit) argues that the interference of the coercive power of government with our lives is most disturbing when it is neither avoidable nor predictable.
- Rejects positive liberty
 - Positive liberty refers to "the extent to which a person is guided in his actions by his own considered will, by his reason or lasting conviction, rather than by momentary impulse or circumstance"
 - Opposite of this is "not coercion by others but by influence of temporary emotions, or moral or intellectual weakness" → but includes external obstacles as well
 - "Slave of his passions"
 - Hayek argues that "Whether or not a person is able to choose intelligently between alternatives, or to adhere to a resolution he has made, is a problem distinct from whether or not other people will impose their will upon him"
 - But "inner freedom" and "freedom" in the sense of absence of coercion will together determine how much use a person can make of his knowledge of opportunities