

Liberty

The concept of liberty (or freedom – the two terms are used interchangeably) we shall discuss is that of political liberty: what is it to say an individual or society is free? This is not the concept of free will, and the metaphysical debate over whether we have free will is not normally relevant.

Different political views interpret or ‘decontest’ liberty in different ways, appealing to different understandings of human beings, social relations, basic values, and the relationship between individuals and government.

NEGATIVE AND POSITIVE FREEDOM

The distinction

Isaiah Berlin introduces a distinction between ‘negative’ and ‘positive’ liberty by saying that each interpretation answers a different question. Liberty in the negative sense is specified by answering the question ‘What is the area within which the subject... is or should be left to do or be what he is able to do or be, without interference by other persons?’. Liberty in the positive sense is specified by answering the question ‘What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?’ (‘Two Concepts of Liberty’ in Miller, D. *Liberty*, p. 34)

So negative liberty is about freedom from interference, while positive liberty is about being in control or able to do something. At first, these two ideas seem very close together – if other people aren’t interfering with what I do, then I am in control of what I do, autonomous (‘self-ruling’). But this isn’t true. Autonomy requires that we are able to make and act on decisions that we endorse. But people can suffer from internal conflict, e.g. they act to get something they want, even though they know their action is morally wrong. From Plato onwards, this experience has been described in terms of a conflict between a ‘higher’ or rational self and a ‘lower’ or desiring self. To be autonomous, and so to have positive freedom, involves being able to choose and act in accordance with one’s higher, rational self.

This leads to a dangerous paradox, says Berlin – if we can force people to act rationally, then we can actually force them to be free. Restricting their negative freedom can increase their positive freedom! Berlin argues that this would be a terrible political mistake, and could even justify totalitarianism (if the state claims that only it knows what is rational), so he argues that negative liberty is the form politics should be concerned with.

However, Berlin’s distinction is misleading in several ways, and oversimplifies the debate. There are not two different concepts of liberty, as *all* liberty can be specified thus: ‘x is (is not) free from y to do (not do, be, not be) z’, where x relates to agents, y to constraints, z to actions and goals. (Maccallum, G. ‘Negative and Positive Freedom’, in Miller, D. *Liberty*, p. 102) Berlin’s idea of negative liberty picks out freedom of individual people (x) from interference by other individual people (y) to act as they want (z). His idea of

positive liberty picks out freedom of a person's higher self (x) from interference by their lower self (y) to act rationally (z). The difference between the two is created by differences in what they count as the relevant agent, constraint and goal. But these aren't the only options.

Negative freedom

The core idea of negative liberty is freedom from interference by other people, including regulation and interference by the state. In the absence of interference, you are free – whether or not they have the *ability* or *resources* to do what you want to do. Negative freedom does not involve autonomy, only acting as one wants. According to negative liberty, freedom is just a matter of being able to do what you want to do. Everyone who is not coerced is *equally* free.

The extent of our freedom is the extent to which opportunities are available to us. However, Berlin argues this is not a matter just of how *many* options there are, but also *which* options there are, how *important* they are, how easy or difficult it is to take advantage of them, and so on. For example, adding extra traffic lights restricts movement, but is unimportant. Denying freedom of religion removes very important options. The fullest extent of negative liberty is secured by a state that adopts Mill's 'Harm Principle': 'The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.' (*On Liberty*, p. 68)

Positive freedom

Adam Swift argues that there are three ideas of positive freedom, each rejecting a different aspect of negative freedom: (*Political Philosophy*, Part 2)

1. formal v. effective freedom: formal freedom is the absence of interference; effective freedom involves the power to act.
2. doing what one wants v. autonomy: someone can do what they want without being autonomous, if they are not in control of their desires.
3. freedom as freedom from political interference v. freedom as political participation.

Effective freedom

To be free to do something you must be able to do it. The absence of interference is not enough. I'm not free to go swimming if I can't swim. You can increase someone's freedom by enabling them to do something they couldn't otherwise do, for instance, through education or giving them money.

Berlin objects that this confuses freedom with the conditions necessary for people to *exercise* their freedom. Someone is not less free by lacking money or skills; they are just less able to make the most of their freedom.

We can respond that our account of what freedom is should be based on why freedom is *valuable*. Freedom that is not valuable shouldn't count as freedom. Second, money and freedom are not that distinct. Suppose you try to travel on public transport without a ticket, because you cannot afford one. This lack of money will translate into *physical coercion* – you will be forcibly prevented from travelling. Having money gives you a right not to be interfered with that you would otherwise not have.

Autonomy

Autonomy is not effective freedom – you can enable someone to do what they want to do, e.g. by providing them with money, without increasing their autonomy. Someone autonomous is able to act on their own values. They only follow others' rules (or values) if they have freely accepted them for themselves. And they are able to resist temptation. Autonomy requires 'self-awareness, self-understanding, moral discrimination, and self-control'. (Taylor, 'What Wrong with Negative Liberty?' in Miller, D. *Liberty*, p. 146)

Berlin tracks the historical association of positive freedom as autonomy with the division of self into higher and lower parts. The higher part is identified as the 'true' and rational self. If *someone else* is able to say what is higher or rational (as in many religious doctrines, Marx's idea of alienation, and Rousseau's theory, they can define freedom for us. The state could restrict your negative liberty in any way it sees fit in order to enable you to realise what (it claims) is rational. But this implication can be avoided.

First, the most basic way to enhance autonomy is by enabling people to *think for themselves*, understand information that relates to their choices, consider consequences, and evaluate their priorities and actions. Autonomy is *not* enhanced by telling people what to do. Second, why accept that other people are *better judges* of when someone is acting autonomously than the person themselves? Third, autonomy (and so positive freedom) can be defined in terms of living according to one's values, which may not be the same as acting rationally. Fourth, even if autonomy is rational choice, we do not have to accept that just one way of living is rational for everyone.

Political participation

Effective freedom and autonomy are models of individual positive liberty. However, 'republicanism' argues that freedom must include being involved in the political decisions that affect our lives. Freedom is not that area that politics does *not* regulate, but the freedom of citizens to *make* what rules we choose.

THE VALUE OF LIBERTY

Is negative liberty or some form of positive liberty the better interpretation? This section considers that question in relation to two others: What is the value of liberty? And how may it be promoted and defended politically?

Liberalism

The values of negative liberty

Mill famously declared that 'the only freedom which deserves the name is that of pursuing our own good in our own way'. (*On Liberty*, p. 72) His concern here is with individuals being left alone to pursue their good, rather than the development of autonomy necessary for this. The state has a responsibility to ensure that children are educated, that there are opportunities for people to exercise their autonomy, and that there is a culture of respect for individuality. Berlin comments that without a certain area of freedom, individuals will not be able to develop or pursue an idea of the good. But securing such an area of negative liberty is as far as the state should go.

Mill argues that liberty is necessary for people to discover truth and better ways of living. Mill also seeks to protect us from the ill-effects that can occur when one person imposes their vision of the good on society. As Frederick Hayek argues, 'liberty is essential in order to leave room for the unforeseeable and unpredictable... every individual *knows so little*, and, in particular,...we rarely know which of us knows best'. (*The Constitution of Liberty*, p. 29) Liberty, then, also contributes to social utility or welfare.

John Rawls argues that justice requires very extensive negative liberty. (*A Theory of Justice*) As long as we have enough to eat, enough clothes, a place to stay, we will value basic liberties (political liberty, the freedoms of speech, assembly, conscience, thought, personal property) above anything else, and justice recognises this.

A response from positive liberty

If the value of liberty lies in autonomy, is the state justified in seeking to enable individual autonomy by doing more than just secure freedom from interference? Is constraining negative liberty more important or worse than constraints on positive liberty that arise from a lack of the mental capacities necessary for autonomy or from a lack of resources? For example, could autonomy justify redistributing resources to those whose poverty restricts them from taking advantage of significant opportunities?

Berlin argues that this question is about the value of liberty relative to social justice. It may be that redistribution is justified even if/though it diminishes liberty. But positive liberty theorists are confused if they claim that redistribution is justified because it *increases liberty*.

But if freedom is more than absence of interference, Berlin is wrong. If state intervention is necessary to enable people to develop autonomy, then doing so would be justified *on the grounds of liberty*. We have argued that this appeal to autonomy does not lead to totalitarianism.

Furthermore, there should be a very close connection between what we think is valuable about liberty and what we think liberty is. Otherwise, we face the possibility that someone could be free, but that freedom would be worthless to them, and this contradicts the idea that liberty is valuable. Positive liberty as effective liberty or autonomy is a better interpretation of what liberty is because it expresses the value of liberty better. If this is right, we can defend the view that the state may do more to promote autonomy than simply secure the freedom of its citizens from interference by each other and by the state itself.

Conservatism

Burke argues that the questions raised at the beginning of this section cannot be answered in the abstract. Liberty, in the abstract, cannot meaningfully be said to be good; to be good, liberty needs to combine with other political goods, such as good government and the rule of law. Nor, without reference to the particular traditions and history of a society, can we say how liberty may be promoted and defended.

The best way to understand liberty, then, is in terms of inherited liberties – the rights and duties developed over time within a particular society. Certainly, we should be concerned, as Mill is, with the power that the state over individual lives; but our concern should be that there is political and social harmony.

The liberal appeal to autonomy is dubious. Individuals are not perfectible, capable of ever more rational, more moral ways of living. Furthermore, we should not make too much of pursuing our *own* good in our *own* way; our ideas of what is good and how to live we have inherited from traditions that have been proven over time. We may develop them, but the best developments of them will be organic, integral to society, rather than some statement of radical individuality.

Marx and anarchism

Marx defends a form of positive liberty and attacks liberalism's negative liberty. Liberty lies in the realization of our 'species-being' or true human nature. Achieving liberty means an end to alienation. Liberty is not a sphere of non-interference, but something we find in our connection to other people.

However, Marx's theory it depends on the idea of a 'true' human nature that everyone shares. Second, in his support for a communist revolution, Marx suggests that some people can know what this is and act to help realize it for everyone. Berlin objects that these assumptions lead to totalitarianism. And the interpretation of Marx's ideas by Marxists has led to the imposition of forms of government, e.g. the Soviet Union, China, that have limited negative liberty on the grounds that the state knows what is best for its citizens.

Marx can reply, however, that his theory of human nature and freedom is no more contentious than liberal theories of autonomy. Both Marx and Mill share a concern, for instance, that certain forms of work can interfere with the full development of a person's nature. Marx makes the end of alienating work central to his account of liberty, as he believes the organization of means of production to be *the* crucial factor in the structure of society, while Mill does not. Again, Marx and Mill understand that people are naturally sociable, but Marx emphasises this much more than Mill, who equally emphasises their differences. But then Marx is not suggesting that everyone should live the same way. So-called 'Marxist' states is not Marx's view of the communist society.

Anarchism criticizes the state for limiting liberty unnecessarily, but different forms begin from different premises and find a different value in liberty. Communist anarchists endorse Marx's view of positive liberty. We find our freedom in solidarity with other people, which the state undermines. Individualist anarchists argue that negative liberty is required by the respect that we owe each person as sovereign over their mind and property. Godwin is closest to Mill. The ultimate value is utility, but the means to it is through autonomy, which in Godwin takes the form of the 'principle of private judgement'. Negative liberty is necessary for private judgment.

We can only assess these accounts of liberty in relation to assessments of the anarchist theories as a whole.

THE RELATIONSHIP BETWEEN LAW AND LIBERTY

Mill's Harm Principle states that "The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others." (*On Liberty*, p. 68) This embodies the view that liberty and the law are in conflict. Freedom is freedom from legal constraint; the wider the extent of the law, the less freedom one has. This understanding is expressed in negative liberty.

Mill's actual view, however, is more subtle than this. The exercise of state power over the individual takes different forms in different societies. Where there is a complete distinction between rulers and ruled, then the liberty of the ruled is what is not constrained by law. But with democracy, the law expresses the will of the people. Liberty involves self-government as well.

Can these two ideas of liberty be brought into closer connection? Can we make sense of the idea that living under the law does not make us less free, but more free?

First, individual negative liberty is dependent on the law. The law constrains other people from interfering with our negative liberty. The law is not, therefore, in conflict with negative liberty, but promotes it. Second, the best way for citizens to ensure their negative liberty against constraint by the state is to be involved in the state. It may be that a benevolent dictator will grant an extensive area of non-interference, but this liberty will not be robust and secure. He may change his mind, or be replaced (e.g. when he dies) by a dictator who is not benevolent. However, if the citizens participate in the state, this will not happen (at least to the majority). But this may require accepting duties, such as voting and military service, that decrease their negative liberty.

Third, liberty as political participation understands liberty *as* obedience to the law. Freedom is the freedom of a citizen (x) from domination by others (y) to make the rules she is to live under (z).

Jean-Jacques Rousseau argued that, as we live in society and society must have rules that govern behaviour. To be free, we must participate in making those rules. (*The Social Contract*) Individual autonomy is insufficient for real freedom, because individuals fall under the rules of society. So we can only attain collectively, in making the rules we live by together, and then abiding by them. Even if someone disagrees with a particular rule, the rule doesn't make them less free. They are part of a self-determining collective.

He goes on, controversially, to say that if we break the rules we have helped to make, then we aren't acting freely. The only way we can be free is through making these rules; as rules are made to be observed, to break them is therefore to undermine the very condition of our own freedom. Paradoxically, punishing people who break rules made collectively can be understood as 'forcing them to be free'.

Rousseau has brought the individual, and a sense of what is good for the individual, completely within the social sphere. His understanding of freedom is not being subject to any *particular* other person; being subject to the collective is not a lack of freedom. But we can object that this is only true if individuals identify with the collective very strongly. If not, we need to be free *from* collective rule-making to go about our different, individual lives.

Nevertheless, Rousseau shows that liberty must mean more than having an area of one's life in which others don't interfere. By participating in the political process, we can extend our autonomy beyond making individual choices under legal constraints; we have chosen our constraints as well. In this sense, they are not constraints, but expressions of our autonomous values.