

# **FREEDOM AS A MORAL CONCEPT**

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## ABSTRACT

This thesis constitutes a conceptual inquiry into the nature of social freedom, which is held to be logically distinct from other freedom-concepts although it presupposes free-will/autarchy. The thesis argues for a 'responsibility view' of negative freedom according to which an agent B is socially free to do x iff he is not constrained by another agent A from doing x. A constrains B when A can be held morally responsible for imposing or not removing a real obstacle to choice/action that impedes (to a greater or a lesser extent) B's doing x. This responsibility condition is satisfied when it is appropriate, in the given context, to ask A for a justification of his act/omission. Social freedom is a relational concept. Its irreflexive nature implies that internal bars, for which no other agent is responsible, cannot constrain our own freedom. Moreover, it is argued that autonomy is not a necessary condition of particular cases of freedom; nor is freedom in general a necessary condition of autonomy. Accounts of positive liberty assume that a) a person can constrain his own freedom; b) freedom is an exercise-, not an opportunity-concept. Hence, they are not accounts of social freedom but uphold other, logically distinct, values. The last part of the thesis deals with questions of method. It is argued that the widely held essential contestability thesis is either circular or paradoxical, and that it is methodologically possible to construct an authoritative definition of freedom which is normative and critical but non-relative.

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DECLARATIONS

I, Kristján Kristjánsson, hereby certify that this thesis, which is approximately 90,000 words in length, has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

01.04.1990



I was admitted as a research student under Ordinance 12 in Oct. 1988 and as a candidate for the degree of Ph.D. in May 1989 with effect from Oct. 1987; the higher study for which this is a record was carried out in the University of St.Andrews between Oct. 1987 and April 1990.

01.04.1990



I hereby certify that the candidate has fulfilled the conditions of the Resolution and Regulations appropriate for the degree of Ph.D. in the University of St.Andrews and that the candidate is qualified to submit this thesis in application for that degree.

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## 1. FREEDOM: FROM BERLIN ONWARDS

This thesis aims to expound and defend a certain view of social freedom which I shall call **the responsibility view**. Arguably, for reasons of methodology if not human psychology, a study of this kind is best begun by laying down some provisional ideas or hypotheses which are then put to the test: substantiated, amended or discarded as the work progresses. But as this thesis presents a conceptual analysis and not an autobiography, I see no reason to preface it by an introduction of the basic ideas with which I started and the story of my struggle with them - nor will the original plan of my argumentation be mapped out here at the beginning. Rather, I shall present and develop my account in what appears to me to be the most logical order. For example, while it was plain from the start that a multitude of methodological difficulties would arise, discussion of them is postponed until chapters 8 and 9. My line of argument will follow a somewhat circuitous route, touching on many issues whose interrelations may not always be clear; but by the end all the different strands will have been drawn together, with chapter 10 containing a summary of the main results of the study.

I hope my account of social freedom will be found to contain some novel and original features. There is no use, however, in trying to make light of my debt to numerous predecessors in the field, and of necessity this thesis will contain much polemical matter. But then, stating and

arguing for a position on the issue of freedom without any relevant interaction with contemporary debates would be less than stimulating.

Admittedly, there is an element of truth in the discouraging, if somewhat sardonic, remark at the outset of Felix Oppenheim's book, Dimensions of Freedom, that when one speaks of freedom, La Bruyère's words come to mind: everything has been said and we come too late to add anything.<sup>1)</sup> Yet, philosophers evidently do not see discussions of social freedom as the flogging of a dead horse, for in recent years articles and books on the subject have appeared with almost dreary regularity. If there ever was a feeling in philosophical circles that "everything has been said" on the issue of freedom, the publication in 1958 of Isaiah Berlin's Inaugural Address to Oxford University, "Two Concepts of Liberty", created enough stir to dispel any such illusion.<sup>2)</sup> Berlin placed the notion of social freedom firmly on the agenda of current debate and paved the way for the spate of publications that were to follow.

It is the aim of this first chapter to lay a part of the conceptual foundation for the discussion to follow by making some basic observations about the different kinds of freedom and to rehearse briefly some of the fundamental problems characterizing the discourse about social freedom from Berlin onwards.

### 1.1. Kinds of freedom

At the outset of his essay On Liberty, John Stuart Mill announces that the problems he means to tackle are those of political or social freedom, not those concerning the "so-called Liberty of the Will."<sup>3)</sup> Mill was quite right in making this distinction: **freedom of the will** and **social freedom** are logically distinct in the sense that people who hold the same view of the former may hold different views of the latter. Moreover, few would deny that social **unfreedom**<sup>4)</sup> is compatible with freedom of the will. On the other hand, there is a strong case for saying that determinism, whether 'hard' or 'soft', excludes the possibility of social freedom and that such freedom presupposes an underlying view of human agents as free and responsible for their actions in a sense that determinism can never account for. This is, for example, Berlin's opinion in his Four Essays on Liberty. Now, it is tempting, when writing about social freedom, to deal as succinctly with free will as B. Crick does: "I take 'freedom of the will' for granted - what else can one do?"<sup>5)</sup> Indeed, the free will problem will scarcely be of more concern for my thesis than it was for Crick, although it will be briefly touched upon again in connection with an analysis of the notions of **autarchy** and **autonomy** (6.3).<sup>6)</sup>

There are discordant opinions as to how many concepts of freedom are abroad in everyday and/or philosophical discussion apart from the two mentioned above. Oppenheim

7)  
locates and defines a number of these, but he may be too generous in his enumeration, as some of the concepts he distinguishes seem to be nothing but variations or metaphorical extensions of others. Thus, what Oppenheim calls "feeling free" may be little more than a metaphorical counterpart of social freedom: when I take off my heavy, woolen sweater, I feel as if I had been let out of jail, but there is hardly a reason to exalt this feeling to the status of a special concept of freedom. Still, as Oppenheim rightly shows, there are various **kinds** of freedom and many freedom-concepts which have nothing to do with social freedom. However, searching for the exact number of these does not seem to be a very fruitful endeavour and will not be pursued further here. Let it therefore be clear that, unless otherwise stated, the words 'freedom' and 'liberty' will be used interchangeably in the sequel to refer to **social freedom** and nothing else.

A student ploughing through some of the current elementary literature in social and political philosophy may get the impression that there are two contending accounts of social freedom. On the first account (sometimes dubbed 'libertarian'), freedom can be restricted only by legal rules and occurrences of force and fraud, while the second account (the 'socialist' one) claims that freedom depends not only upon the absence of such restrictions but upon the presence of effective alternatives for action. It will become evident in the course of the thesis that this distinction is oversimplified and misleading. Still, it

draws to some degree on Berlin's influential analysis of negative and positive liberty in his previously mentioned paper.

Berlin distinguishes between two "political senses of freedom" as answering two logically distinct questions. In the **negative** sense, the question concerns the extent of "the area within which the subject...is or should be left to do what he is able to do or be, without interference", and the answers to that give rise to a concept of liberty as the absence of external constraints: as "the area within which a man can act unobstructed by others". In the **positive** sense, the question is "what, or who, is the source of control or interference that can determine some-<sup>8)</sup> one to do, or be, this rather than that?" Here, we are no longer concerned with the conception of a vacuum in which nothing obstructs us, but rather with the notion of self-direction or self-control, which relates to our desire to be in control of our own destiny. But, as Berlin is quick to point out, although the desire to be governed by oneself may be as deep a wish as that of a free area of action, and even historically older, "it is not a desire<sup>9)</sup> for the same thing".

Although Berlin's terminology is now, by and large, accepted as common ground, there is still ample room for dispute. Three of the most vexing questions which crop up at various points in the present work are: a) whether positive and negative liberty constitute different concepts or only variants of the same concept, b) what sort

of thing is to be counted as a constraint on liberty in the negative model, and c) how 'large' or important such an obstacle must be to count as a constraint.

Unfortunately, Berlin himself is not particularly clear on any of these issues; indeed, he never directly addresses c). As for a), he sometimes speaks as if positive and negative liberty have a common root or source and that they "start at no great logical distance from each other".<sup>10)</sup> This has led John Gray to conclude that "when Berlin speaks of two concepts of liberty, he intends us to understand this as a reference to what Rawls would call two conceptions of liberty".<sup>11)</sup> But elsewhere Berlin clearly states that these are "not two different interpretations of a single concept, but two profoundly divergent and irreconcilable attitudes to the ends of life".<sup>12)</sup> I find this latter contention more in line with Berlin's general view, according to which the notion of positive liberty has suffered a historical transformation to the detriment of its original nature. In light of his detailed description of its use and abuse in political discourse, it is difficult to see it simply as a variant of the same concept as negative liberty.

Concerning b), Berlin's own view is even more equivocal. He seems to vacillate between (i) the narrow view that coercion "implies the deliberate interference of other human beings",<sup>13)</sup> (ii) the more inclusive idea that coercion refers to the part "played by other human beings, directly or indirectly, with or without the intention of

doing so, in frustrating my wishes",<sup>14)</sup> and (iii) the broad definition in his "Introduction" (written later) that the criterion of coercion is that it results from alterable or remediable human practices.<sup>15)</sup> Nevertheless, (i) is the view commonly attributed to Berlin. As can be seen from these examples, the value of Berlin's contribution, influential as it has been, lies more in raising questions and stimulating discussion than in supplying decisive answers.

So far, we have found little guidance as to which of the two proposed notions of social freedom is more appropriate. Berlin is inclined to emphasize negative liberty, if only because history has taught us that the positive notion lends itself more easily to political abuse. I shall not try to decide at this point whether there are really two concepts of social freedom and, if so, which of them is the 'correct' one. Indeed, I shall not spend much time on directly addressing these questions in the following chapters, though answers to them will emerge by implication once negative theories have been scrutinized in chapter 2 and positive accounts in chapter 6. Let it suffice to say here that, of the two, the negative notion seems to have more intuitive appeal. Perhaps the reason is etymological. In Icelandic, for example, 'frjáls', meaning 'free', is derived directly from the word 'frí-hals' which means literally 'having a free neck', i.e., not being chained like a slave. According to C.S. Lewis' Studies in Words,<sup>16)</sup> much the same applies to the English equivalent.

These etymological facts may indicate that 'freedom' is by nature what Austin calls a "trouser word", taking its meaning from something that could have been present (here = restrictions) but is not. Austin in fact claims that "'free' is only used to rule out the suggestion of some or all of its recognized antitheses."<sup>17)</sup> But if 'freedom' is categorized as a "trouser-word", whose meaning is negative by definition, it may appear almost too easy to reject out of hand the positive notion of freedom which has been held in high esteem by many distinguished philosophers.

### 1.2. One generic concept?

Some writers have suggested that there is an easy way out of this difficulty, viz., to find one generic concept underlying both notions of social freedom. Thus, Joel Feinberg in his Social Philosophy proposes a definition which, while grounded in the negative notion, is also supposed to include the essential elements of the positive one. A constraint on freedom, he says, "is something - anything - that prevents one from doing something. Therefore, if nothing prevents me from doing X, I am free to do X; conversely, if I am free to do X, then nothing prevents me from doing X." On this account Feinberg claims that "freedom to" and "freedom from" are logically linked, and that there can be "no special 'positive' freedom to which is not also a freedom from."<sup>18)</sup> But **what** prevents me from

doing X? Feinberg answers that question by invoking four categories of constraints: internal positive constraints such as headaches, obsessive thoughts, and compulsive desires; internal negative constraints such as ignorance, weakness, and deficiencies in talent and skill; external positive constraints such as barred windows and locked doors, and finally external negative constraints such as lack of money, transportation and weapons.<sup>19)</sup>

The major fault with Feinberg's account is that it fails to do justice to his own reference to Helvétius, who remarked that "not to fly like an eagle or swim like a whale"<sup>20)</sup> does not constitute lack of freedom. That is, Feinberg's account is too permissive, for his categories obliterate the distinction between constraints and mere inabilities. A patient suffering from multiple sclerosis who is confined to a wheelchair after an attack of it but then recovers and can walk again - as is common in the course of that disease - has not regained his **freedom** to walk but his **ability** to do so. There is every reason to honour this distinction; it is very common in our language and will be brought up at various points in my thesis. Incidentally, as Oppenheim points out, being free to do what one cannot do is usually of no value to the agent, "but having a freedom is not the same as valuing a freedom one has."<sup>21)</sup>

Much the same may be said about an attempt by G. MacCallum to challenge the view that we can usefully distinguish between two kinds of social freedom. Admittedly,

MacCallum's basic insight, that freedom is a **relation**, not a **property**, is of great importance. Although 'I am free' may look like 'I am alive', it is surely more akin to 'I am tall' - and since Frege we have a clear sense of relational predicates which Plato e.g. lacked when he tried to understand tallness as a property. Freedom is not something that one happens to possess or stumble across like a chest of gold, it is a relation between agents. MacCallum further insists that the freedom relation is **triadic**: freedom is always of something (an agent or agents (x)), **from** something (y), **to** do, not to do, become, or not become something (z), where y "ranges over such 'preventing conditions' as constraints, restrictions, interferences and barriers."<sup>22)</sup> Berlin has pointed out that the third variable in the definition may be unnecessary, as a man struggling against his chains or a people against enslavement "need not consciously aim at any definite further state";<sup>23)</sup> and for him this seems to indicate that freedom be better understood as a **dyadic** relation than a triadic one. But I believe Berlin's point here to be mistaken. The freedom of the parties involved to throw off their chains or to escape from their enslavement is at least being restricted; whether or not they are aiming consciously at any particular "further state" now (or even whether or not they are aware of their own enslavement) is not at issue.

More detrimental to the value of MacCallum's proposal is the point made by Oppenheim, that he allows 'y' to

cover the agent's own disabilities, or impersonal (physical) conditions, which leads to the conclusion, deemed unacceptable above, that one is necessarily unfree to do what one cannot do.<sup>24)</sup> Oppenheim himself suggests a triadic definition somewhat similar in form to MacCallum's:<sup>25)</sup> with respect to P, R is unfree to do x; but the vital difference is that Oppenheim's 'P' only ranges over (other) **persons**. I believe these writers are correct in seeing freedom as a triadic relation. However, as we have already noticed, the ranges of the term variables must be defined with adequate specificity if the proposed relation is to be that of **social** freedom. The simple logical point that freedom happens to be a triadic, not a dyadic, relation does not suffice to show that the negative and positive notions are variants of one and the same concept. It may still be that the term variables of one (or both) of them cannot be specified in a way that accords with the proper concept of social freedom. Indeed, this will prove a reason for rejecting positive theories later in the thesis (6.5).

### 1.3. Agency and responsibility

Even if translatability into a triadic schema is a necessary condition of the intelligibility of any claim about freedom, it is not a sufficient one, since only certain kinds of hinderances are commonly regarded as infringe-

ments of a person's liberty. I am not unfree to do x merely because I am unable to do so: I am not unfree to visit my friend merely because I am trapped by a landslide and cannot go. Thus, it seems prima facie to be an unavoidable premise of any plausible account of social freedom that the restriction of B's actions be attributable to some **agency** (human or otherwise), i.e., that it can be traced back to an agent, A, who has imposed the restriction. For instance, a criminal, caught on the run by a police dog, would not be considered 'unfree with respect to the dog' (to use Oppenheim's terminology) but to the policeman who controlled the dog. Why? Simply because the dog is, rightly or wrongly, thought to lack agency - or at least the kind of agency required.

Let us try to bring out more clearly what this connection between the constraining agent and the 'victim' must amount to by considering a further example. Suppose a runner B is overtaking his competitor A on the last metres of a long distance run. A deliberately pushes B with his elbow so that B falls. In that case, there is no denying the fact that A has constrained B's freedom to finish the run - at least as the victor. But let us now suppose that A, losing his balance for a while, pushes B accidentally. As previously, B falls, but would we say now that he is unfree to finish his run? I think not. His chance of finishing the race is ruled out, not because his freedom has been undermined, but rather his ability to do so, just as if he had been hit by lightning or had suffered sun-

stroke. If true, this is a very important conclusion since the direct material cause is exactly the same as in the first example (A's elbow), and even the most accurate slow-motion playback of the events would not bring to light any difference.

What does it then mean that the infringement must be attributable to an agency? Why is B unfree in the first case but not in the second? Could the reason be that while A is the **cause** of B's fall in both cases, he is only **morally responsible** for it in the first? This answer is argued for by Benn and Weinstein in a paper published in 1971. There, they also claim that we are not simply purporting to describe a state of affairs when we say that someone is not free, we are also typically advancing a charge or making an accusation that we expect those against whom we advance it to deny, rebut or accept.<sup>26)</sup>

A great deal will be said in the following chapters about Benn & Weinstein's suggestions and about the ideas of some of the philosophers who have followed in their footsteps in arguing for a '**responsibility view**' of freedom: a view which claims that only those impediments for which A is morally responsible can constrain B's freedom. In the end, the success of this work depends on the possibility of formulating such a view in a plausible, coherent way; something which I believe no one has accomplished so far. As a starting point, let us examine the question why a responsibility view might be considered superior to other, more traditional, accounts of negative liberty.

#### 1.4. References

- 1) **Oppenheim** (1961), p. 3.
- 2) Reprinted with Introduction in **Berlin** (1969).
- 3) **Mill**, p. 65.
- 4) Notably, the word 'unfree' (and 'unfreedom') is rarely used in everyday English. That might be little more than a linguistic coincidence since the equivalents 'unfrei' and 'ófrjáls' are e.g. current words in German and Icelandic. For reasons of style, I shall sometimes be tempted to use 'unfree' in the sequel, but then merely as a short for 'not free' and 'unfreedom' as a short for 'the state of not being free', i.e., 'the state of being constrained'.
- 5) **Crick**, p. 202.
- 6) Note that references in parentheses in the main body of the thesis always refer to sections/pages in the thesis itself. References to other works are given in a separate list, such as this one, at the end of each chapter.
- 7) **Oppenheim** (1961), pp. 139-178.
- 8) **Berlin** (1969), pp. 121-122.
- 9) **ibid.**, p. 131.
- 10) **ibid.**, p. xliii.
- 11) **Gray** (1980), p. 510.
- 12) **Berlin** (1969), p. 166.
- 13) **ibid.**, p. 122.
- 14) **ibid.**, p. 123.
- 15) **ibid.**, p. xxix.
- 16) Cf. **Feinberg** (1973), p. 4.
- 17) **Austin**, p. 45.
- 18) **Feinberg** (1973), p. 13.
- 19) **ibid.**
- 20) Cf. **ibid.**, p. 8.
- 21) **Oppenheim** (1981), p. 67.
- 22) **MacCallum**, p. 314.
- 23) **Berlin** (1969), p. xliii.
- 24) **Oppenheim** (1981), p. 84.
- 25) **ibid.**, p. 53.
- 26) **Benn & Weinstein** (1971), pp. 198-199.

## 2. NEGATIVE FREEDOM: THE NATURE OF CONSTRAINTS

Although all negative accounts concur in defining freedom as the absence of constraints, it is common knowledge that they differ substantially among themselves. The basic question to ask about each of them is what it allows to count as a **constraint** on freedom. Thus, we are often told, it is possible to distinguish between **narrower** and **broader** accounts of negative liberty. While that is true, this distinction is itself not as unproblematic as we are sometimes given to believe. There is a certain elasticity in the terms 'narrow' and 'broad' as they are used in this context. It is e.g. not enough to know how specific any given account may be about the **nature** of the proposed constraints, for it cannot be assumed that the stronger or more specific its demands, the narrower it is. At least one other question has to be asked, viz., about the necessary **size** or seriousness of the obstacles described. For instance, Hobbes' famous account of liberty, which I shall examine shortly, is commonly considered narrow not because of the strict conditions it sets upon the nature of constraints (in fact, it does anything but that), but because it requires the size of constraints to be such as to make a proposed action literally impossible.

The present chapter investigates what different theories of negative liberty have to say about the nature of constraints, while discussion of their 'size' will be postponed until chapter 3. In 2.1, Hobbes', Nozick's and

Berlin's accounts are examined and found to be flawed. The need to cast a light on the purpose of freedom-talk then manifests itself and is pursued in 2.2. As an outcome of those considerations, a responsibility view of freedom emerges in 2.3. Subsequently, the most carefully argued version of it, that of David Miller, is explained and defended against certain objections. In general, this chapter aims to prepare the ground, and then to advance the case, for such a responsibility view; only later shall we see that all versions of it so far have shortcomings which need to be ameliorated.

### 2.1. Varieties of negative freedom

It is often said that philosophical theories are prized in proportion to their incomprehensibility. Not so with Hobbes' celebrated account of liberty, its clarity is beyond compare: "Liberty, or Freedome, signifieth (properly) the absence of Opposition" - and nothing more.<sup>1)</sup> The underlying idea is of a self-activated agent moving through space. If nothing obstructs his path, he is free. If, however, he comes up against external, physical obstacles that restrict his movements, he is unfree. What we have here is a definition of liberty as unimpeded movement or corporeal freedom - some would say of negative freedom pure and simple. Since it sets no requirements as to the **source** of the obstacle, only its **location** in space,

it yields, in that respect, a most permissive definition of a constraint on freedom.

A basic problem about Hobbes' account lies in the fact that what freedom-talk is meant to be about is surely not free **movement** but free **action**. For instance, while I might be either free or unfree to enter my neighbour's garden, my cat never acts, only behaves; hence, we would say that it simply can or cannot enter it. Moreover, even if in a hurricane I were blown up against the fence surrounding the garden, my situation would not be described as that of being unfree to move further. This indicates that a constraint on freedom must restrict an **agent** (with the required kind of agency) from **acting**, not merely any self-activated being from moving. Another problem is that Hobbes does not respect the distinction between freedom and ability. The mere presence of a particular tree, which makes me **unable** to walk in a straight line through the wood, does not curtail my **freedom** to do so. Also, suppose C has been tethered by A to a location through which B is to pass. C's body there makes B unable to move on, but we would definitely want to say that it is A, not C, who constrains B's freedom.<sup>2)</sup> So, it seems that the location of the obstacle (be it human or non-human) in space is not so important after all - that what we are hunting for is rather its source or origin.

Oppenheim's theory of causal responsibility might be brought to bear here in saving Hobbes' account.<sup>3)</sup> Perhaps C is not the constraining agent in the above example

because he is not **causally responsible** for B's unfreedom although he plays, in a straightforward sense, a **causal role** in impeding B's action. This is what Oppenheim would be disposed to say - but his theory is based on a strict distinction between acts and omissions, the claim being that a person can only be held causally responsible for the results of his **acts**. Unfortunately, such a 'causal theory' is bound to be beset with the same difficulties as the act-omission distinction in general, and it does not yield plausible results when applied to particular cases where a person's options are restricted (pp. 38f.). Besides, since Oppenheim's theory is concerned with action, not movement, it has departed to such a significant extent from Hobbes' account that it is hardly correct to speak of it in the same breath.

The house of delusion may be easy to build but it is draughty to live in. Hobbes' 'pure' negative liberty account would apply to any self-activated movement, that of automatons as well as that of men. It does not acknowledge certain fundamental distinctions that form the basis of all freedom-talk: between freedom and ability and between behaviour and action. More generally, it presupposes a deterministic, mechanical universe instead of "taking free will for granted". So, if we give any credence at all to what people think and say about morality, we are bound to consign Hobbes' account to the philosophical scrapheap.

It is always debatable what is to count as an

'extreme' view in philosophy. However, if Hobbes' account is extreme, a second variety of negative freedom, now to be considered, is at least equally so, while being as different from Hobbes' as chalk from cheese. Some writers, disillusioned with a mechanical, **descriptive** model of freedom, have been driven to view freedom as a **moralized** concept, directly linked to moral rights and justice. Maybe Rousseau's well-known suggestion, that only "ill will" but not "the nature of things" maddens us,<sup>4)</sup> has some bearing on questions of freedom; maybe nothing counts as a constraint unless it involves a moral offence.

It has long been the view of the law that our freedom to do x is only restrained if x is something which we have a **right** to do. I do not take my neighbour to court because he forbids me to use his property or sleep with his wife. In law, such obstacles would not count as restrictions of my freedom. However, the question is whether the sort of freedom to which we have a right on the basis of laws or a constitution is of the same sort as the freedom in which we are interested here, i.e., whether legal and social freedom can be equated. The most notable attempt to define freedom as non-interference with (absolute) legal or moral rights is that of Nozick. For him, an obstacle counts as a constraint on freedom if and only if it is a violation of legal or moral rights for which an agent can be held **culpable**. Placing limits on other people's opportunities, or not providing them with palatable alternatives, is not a constraint on their free-

5)  
dom, as long as we are acting within our rights. Not surprisingly, Nozick's idea of rights hinges on his general theory of justice: the rights in question are the unconditional rights men are entitled to in a just society.

Now, if a moralized definition of freedom were correct, interference with a person's rights would always constitute an infringement of his liberty, and vice versa. However, this is obviously not so, at least not in the latter case. A jailor may or may not be violating a moral right of the convict he is locking up in his cell. For instance, if the prisoner is jailed by virtue of a just conviction, we would undoubtedly want to say that his moral right is not being violated; yet, his liberty is obviously infringed. Hence, a moralized definition of negative freedom is wrong. This simple counter-example, 6) which has been invoked by various authors, seems here to constitute a decisive refutation. It might perhaps be objected that it circumscribes the sense of freedom relevant to the **political** questions in which Nozick is interested. But that would not be a strong objection, for what sort of freedom is relevant to political question if not **social** freedom - and what sort of freedom is being restricted when a man is locked up in jail if it is not social? Still, however decisive this refutation is, it only suffices to undermine a **moralized** definition of the kind that Nozick has suggested, not necessarily a **moral** definition of any kind. More will be said about that

later in the chapter.

Although the simple Hobbesian account has held strong fascination for some liberal thinkers, the traditional liberal view, to which I now turn, is that an obstacle presents a constraint on freedom if and only if it has been **deliberately** imposed by human action. This is the position commonly attributed to Berlin (p. 7). Initially, this definition seems to avoid the extremes of the two accounts examined hitherto: it is action, not movement or behaviour, with which we are concerned, and what matters are not the moral rights of the constrained persons but the intentions of the constraining agents.<sup>7)</sup>

It is no coincidence that this is the traditional liberal view of freedom, for it fits together well with liberal ideals. It enables us to distinguish, as Berlin<sup>8)</sup> does, between liberty itself and the conditions for it. If a person is not deliberately prevented from voting in an election, for example by laws that deprive certain segments of the population of the right to vote, then he is free to do so, irrespective of whether he has the educational background necessary to make a rational choice between candidates, the economic means to travel to the polling-station or is healthy enough to go there. These are the **conditions** for liberty, not liberty itself. Moreover, inadvertently preventing a person from doing x does not make him unfree; neither do institutional arrangements, such as the laws of property, as long as they are not deliberately contrived to impede particular indivi-

duals. A man who has acquired great wealth through good fortune or hard work has not necessarily constrained the freedom of his fellow-men, although as an indirect result some of them might be worse off than they would have been had he not been around. He has only constrained them if he has deliberately put obstacles in their path. That he might have **foreseen** the indirect consequences of his actions is not enough as long as these consequences were not **intended**. So, the liberal account of negative freedom seems to be in harmony with liberal political philosophy in general.

It should be observed that, unlike Oppenheim's causal responsibility theory, this liberal conception of freedom does not depend on an act-omission distinction. In the former, omissions can never give rise to unfreedom. In the latter, it is possible that A refrains from doing x (which he might easily have done), thereby allowing an obstacle to be placed in B's path, and if such an omission is intentional, it will count as a constraint on B's freedom. However, this omission must be part of the causal chain leading to the obstacle's creation; the liberal conception does not allow that A's intentional non-removal of an already existing obstacle constitutes a restriction of B's freedom. Even so, the difference from Oppenheim's theory is one more point in favour of the liberal conception, again making it easy to see why it has gained its reputation as a plausible middle-ground proposal. It undoubtedly captures many of our intuitions about the nature of un-

freedom. Yet, I believe that it retains aspects of the 'pure' negative account which ought to have been omitted and omits aspects of a moralized view which ought to have been retained.

What is so appealing about the view that only intentionally imposed obstacles constitute constraints on freedom? Perhaps that it accords with the insight illustrated at the end of chapter 1 by the stories of the runner who fell. We saw that an accident, inadvertently brought about by a human being, does not count as a constraint on freedom any more than a natural disaster. Thus, we were led to ask whether moral responsibility had to be located for us to want to describe B's fall as a case of unfreedom. Maybe that is true and maybe intention holds the key to moral responsibility. How could it? A likely answer is that the difference between consequences which are a) foreseeable and intentional and b) foreseeable and unintentional, is of great moral import - witness the well-known doctrine of double effect. Now, this distinction has been **thought** by many to be of much significance, but I tend to doubt its value and, consequently, to be sceptical of the double effect doctrine (see also 4.4). This is not simply for reasons of personal prejudice but because of what I would call the **moral arbitrariness** of the distinction as applied to specific cases.

There are some striking stories from Miller, discussed later in this chapter, that will illustrate my point, but for the moment we can envisage the following

scenario. Two adventurers are looking for precious stones in a cave. One of them (B) goes deep inside the cave, while the other (A) starts digging a hole at the mouth of it. A should know that this might very well loosen a big rock which would trap B inside, but he does not intend it to happen (directly or obliquely), he simply does not pay any attention to this possibility. Suppose the rock falls. B, who is trapped, shouts to A in anger, demanding an explanation why A took away his freedom. A answers: 'I didn't take away your freedom, you are just unable to leave. The fact is that I didn't intend to constrain your freedom though, admittedly, I should have seen that my digging this hole could cause the rock to fall.' Now, is B going to be satisfied with this answer - or more importantly, are we going to be satisfied with it? Obviously not. A tries to cash in on a distinction that is arbitrary with regard to moral responsibility, much in the same way as another distinction generally is: that between acts and omissions. Suppose the rock falls by accident without A's contribution. If, following that, A fails to make a reasonable attempt to extricate B, he is clearly responsible for B's condition. The difference between a) A's deliberately trapping B inside, b) it happening as a foreseeable but unintended consequence of A's action, or c) A's failing to help B after he has been trapped by accident, does not seem to be of any importance as far as **moral responsibility** is concerned and, therefore, we may wonder why it should give rise to varying judgements about

B's (un)freedom.

Here it could be objected that I have systematically misconstrued the liberal argument in order to give myself a handle against it. I have spoken as if the significance and appeal of the liberal conception must lie in its doing justice to the link between unfreedom and moral responsibility. By showing that the spheres of intention and responsibility do not coincide, I claim to have scored a major point. However, what I have been doing all the time is to saddle the liberal thinker with an **additional** view: his claim was **not** that constraints on freedom are to be explained in terms of moral responsibility, but simply that a restriction must be brought about intentionally for it to present such a constraint. Responsibility is but a red herring in the discussion. Because the necessary intention is missing in case b) above, it does not involve unfreedom; neither does case c) since the entrapment there was not **brought about** by A's acts or omissions in the first place.

Then, however, the question remains: what is so important about intention in this context if it is neither the relation to acts (as opposed to omissions) nor the link with moral responsibility? Perhaps, the answer may be, it is simply a fact of ordinary language that intention is always taken as a necessary condition of unfreedom. But then case b) continues to pose a problem for the liberal thinker, for there ordinary language requires that we judge A to have constrained B's freedom - which

contradicts the liberal conception. Besides, even if that conception always happened to accord with ordinary language, we could still ask for a rationale of the concept of social freedom, which might then possibly undermine common usage. The examples of the runner seemed to indicate that this rationale is of a moral kind, a point which will be elaborated on once I start to examine the views of those who base their definition of freedom directly on moral responsibility. However, it should already be clear why I suggested that the liberal theory of freedom retains too much of the 'pure' non-moral account. It grounds its fundamental tenet on a distinction that is arbitrary from the point of view of moral responsibility, without suggesting any other rationale of freedom-talk, and without even having ordinary language going exclusively in its favour. Berlin seems to have realized these faults, witness his proposals (ii) and (iii) which go much further than a traditional liberal conception allows (pp. 6f.). However, it is not clear from other parts of his work that he has realized all the implications of his own realization.

## 2.2. Freedom as a principle

Before turning to an unmitigated responsibility view of negative liberty, it might be useful to delve further into the purpose and nature of freedom-talk. It has been

suggested by writers such as Benn & Weinstein, Connolly, and Miller that our language embodies a presumption against impairing the choices of others or obstructing their activity. We are interested in deciding when obstacles are properly seen as constraints on freedom, because our understanding that people should be regarded and treated as agents teaches us that a person's freedom should not be constrained, other things being equal. Thus, a question about the restriction of freedom comes to be closely linked with a question about justification. Saying that A restrained B's freedom is placing the onus of justification on A: it is making a claim that stands in need of a rebuttal. This is why Benn talks about freedom as a **principle**, upholding the importance of non-interference and of respect for persons.<sup>9)</sup> Connolly defines 'principle' in this sense as "a general rule that places, for its adherents, the onus of justification on those who would break it; to accept a principle is to acknowledge at least a prima facie obligation to abide by it." He adds that most people in our society accept the principle of freedom: that every person should be allowed to do as he chooses unless overriding reasons can be found that justify limiting him in certain respects.<sup>10)</sup>

On this account, a constraint on freedom fits Kovesi's definition of an **open** or **incomplete** moral term. It refers to something that is considered wrong prima facie and challenges us to bring forth some relevant justificatory considerations. 'Lying' is Kovesi's own

example. We might want to say: 'This is an act of lying, but go ahead and do it', but only if we can give some good reasons which override its prima facie wrongness.<sup>11)</sup> When Oppenheim claims that it is not the case that everyone or even most people within the same culture adopt the same moral point of view with respect to such concepts, he misses Kovesi's point completely. According to Oppenheim, there might well be people who think that stealing is acceptable, admiring Robin Hood for stealing from the rich to help the poor.<sup>12)</sup> My reply is that if anybody thinks that stealing is acceptable **in general**, then that person has misunderstood the rationale behind the concept of stealing. He would be better advised to say that there is no such thing as stealing; you simply take things from one person and give them to another. More likely, however, what such a person wants to say is simply that stealing is justified in many cases, perhaps in more cases than others will grant, and there is nothing in that statement which goes against Kovesi's definition of an open moral term. So, even if freedom is a principle in the above-described sense, the presumption against impairing the choices of others may be successfully rebutted in many cases. Interference with a person's freedom may always be an evil, but it is surely sometimes a necessary evil.

The strongest challenge to the claim that there is a philosophically-relevant 'presumption of freedom' embodied in our language has been mounted by D.N. Husak.<sup>13)</sup> He draws a parallel to legal practice and

points out that there are two kinds of presumptions common in law: **procedural** and **substantive**. Presumptions of the former kind allocate the **burden of proof**: in that case a litigant has either the duty of going forward with evidence for a proposition *p* or the risk of non-persuasion with respect to *p*. If the litigant fails to convince the judge/jury of the validity of *p*, judgement is rendered against him. Presumptions of the latter kind create **rules of inference**, in which case *p* is regarded as a proof of *q* in the absence of credible evidence against *q*, or if the evidence for and against *q* is of equal weight. For example, *p* could be 'A has been missing for three years' and *q* 'A is dead'. Thus, procedural presumptions simply tell us who must do what in court, whereas the substantive ones can in some cases tip the scales of argumentation.

Now, the problem that Husak sees is this: A judge or a jury must arrive at a verdict. Their purpose is to decide what to **do** in a given case. On the other hand, the aim of philosophy is to arrive at the truth about what to **believe**. There is not a need for procedural presumptions in philosophy as there is in law; in philosophy we are not required to pass judgement here and now, we can suspend it until the relevant evidence has been obtained. Hence, the 'presumption of freedom' cannot be of the procedural kind. Suppose, then, that it is substantive. Arguments for the presumption tend to suggest that the mere fact that a given act is a deprivation of freedom is a reason for viewing it as objectionable.

Although that reason can be outweighed in certain cases, it still remains a reason against the deprivation. But then, Husak points out, the presumption of freedom functions unlike a substantive presumption in law which plays no role as evidence once (credible) contrary evidence is introduced. Also, the former may lead to "double-counting": interfering with B's plan being considered wrong **both** because it disrespects his agency and because there is a presumption against unfreedom. In general, Husak claims that once a substantive presumption of freedom has been created, the likelihood of performing the required balancing of reasons incorrectly increases.<sup>14)</sup> Hence, there is a reason not to create it.

The fault in Husak's argumentation lies in his insistence on modeling the presumption of freedom on legal practice. His position implies that if we know nothing of the effect of A's action on B except that it constrains his freedom, then we are not to pass a judgement, as a court of law would be required to, but rather to suspend judgement until more details of the case have been revealed to us. This is like saying: if you know nothing about the statement A made to you except that it was a lie, then you ought not to consider his action wrong, even prima facie, nor ought you to impugn his motives in any way until you know more about the relevant facts. But this evidently forbids us to define a lie as a lie (prima facie wrong) until we know why it was made. Thus, Husak's position uses words we know ('constraint on freedom', 'lie')

in the way we use them, and then tells us that we are not to use them in this way. What Husak fails to see is that the alleged presumption of freedom is not something we decide to **create** or adopt, like a particular piece of legislation. It is embedded in our language as essential to the purpose of the concepts we use. Moreover, this presumption is not substantive in the sense of serving as a distinct piece of argument: 'Constraining B's action was beneficial in such-and-such a way, the negative elements weigh about the same - the presumption then tips the scales in favour of a negative judgement.' That is not how we think or argue at all. The presumption against the restriction of freedom is not something over and above the particular reasons against it; it represents the general case against interference constituted by these reasons, a case that may simply rest upon evidence accumulated during the long course of human existence.

This is also why Benn is wrong in thinking that the presumption/principle of freedom must be understood in **deontological** terms, as part of a non-"value-centered" obligation to show respect for persons.<sup>15)</sup> In On Liberty, Mill expounds his substantial, political principle of liberty about the "fitting adjustment between individual independence and social control",<sup>16)</sup> and he does so on **consequentialist** lines, with "utility as the ultimate appeal on all ethical questions".<sup>17)</sup> When he starts to argue that certain reasons for intervention (paternalistic, moralistic and emotional) should be ruled out in

advance as irrelevant, he is simply making the empirical judgement that the utility promoted by acting on these reasons is, as a matter of fact, always outweighed by their baneful effects on individuality and, hence, real happiness. There is nothing deontological about this **specific** principle as formulated by Mill. If it should be followed unconditionally, it is only because accepting it as such would have the best consequences. I do not see any reason why a more **general** 'principle' of freedom in our language could not (contra Benn) have similar roots - being based on the accumulated experience of countless generations that constraining people's activity is usually bad.<sup>18)</sup> In the end, however, my understanding of what this general principle really amounts to will turn out to be slightly different from that of previous responsibility theorists (4.3).

### 2.3. A responsibility view of negative freedom

Dissatisfaction with the traditional liberal conception, and the realization that freedom is a principle, a presumption against the violation of which is embodied in our language, seem to have been the main spurs to Benn & Weinstein's pioneering paper "Being Free to Act and Being a Free Man", published in 1971. There, most of the basic ideas underlying a responsibility view of freedom are adumbrated, ideas later taken up and expanded upon in many

ways by writers such as Connolly and Miller. Earlier, Benn may have favoured the view that only intentionally imposed obstacles curtail freedom.<sup>19)</sup> However, in this and subsequent papers he observes that people can be constrained by "unreasonable social and economic conditions maintained by people with the power to change them":<sup>20)</sup> by people who do not necessarily intend to tread on their fellow-men's toes but do so through their negligence or avoidable omissions.

In Benn & Weinstein's basic conception, freedom amounts to the **non-restriction of options**. They agree with MacCallum that freedom is a triadic relation. The free agent is free to do something relative to some possible frustrating condition. Talk of freedom presupposes an agent in a standard choice-situation where different options are open to him. If an option is closed or made ineligible to him by the acts/omissions of a rational being, who can be held responsible for the restriction, then the person is unfree.

Benn & Weinstein undoubtedly managed to clear up many of the issues that their predecessors had left dark, but their account is not a very systematic one, nor is it illustrated with detailed examples. For a fuller version one may turn to the responsibility view formulated in David Miller's 1983 paper, "Constraints on Freedom". Miller's analysis is, I think, the most impressive which has been published so far, although, as we shall later see, it is not completely watertight. Let us start by

introducing the six examples he uses throughout the paper to illustrate his arguments and which are also taken up by Oppenheim in an interesting reply. One way of appreciating the difference between two kinds of obstacles - constraints and non-constraints - is to imagine situations involving the same obstacle, but differing in the details of its history. This particular series of thought experiments concerns an unfortunate person, B, who possesses a room with a door which can only be opened from the outside and who repeatedly becomes trapped in it; in most of the examples, A, a janitor in the same house, also plays a role.<sup>21)</sup>

1. B is working in his room. A, knowing that B is inside and wishing to confine him, pushes the door shut.

2. A walks along the corridor and, without checking to see whether anybody is inside, closes the door.

3. The wind blows the door shut. It is A's job to check the rooms at 7 p.m. each evening, but he is engaged on a private errand, and this evening he fails to do so.

4. The wind blows the door shut. At 6.30 p.m. B calls to a passerby to unlock the door, but the passerby, who knows about A's duties, is busy and pays no attention.

5. A comes to B's room and looks round it. B has concealed himself in a cupboard and A closes the door without having seen him.

6. The wind blows the door shut. There is no one assigned to check rooms, and no passerby within earshot.

To be sure, all will agree that in case 1 B is rendered unfree to leave his room by the deliberate action of another human being, whereas in 6 the cause of the imprisonment is entirely natural and we would say that B is free but unable to leave. The intermediate cases are clearly more complex and bring out the pith of Miller's position. In 2 and 5 A's action is the main cause of the confinement, but in Miller's analysis only 2 constitutes

an infringement of freedom. There, A behaves in a negligent fashion. He ought to know, being a janitor, that shutting doors without checking first if anybody is behind them is likely to lead to disaster. In case 5, by contrast, A does everything that could reasonably be expected of a janitor. B's imprisonment results from his own unforeseeable eccentric behaviour, notwithstanding the fact that A's action is its direct cause. In both cases A is causally responsible for B's confinement, but I think we have to agree with Miller that it would not accord with common usage to claim that in 5 he has restricted B's freedom. The reason for this can only be that we are, in fact, not interested in **causal** responsibility when considering obstacles to freedom but **moral** responsibility. This also confirms the original insight from the end of chapter 1 where the stories of the runner were discussed.

Let us look, finally, at cases 3 and 4. Notwithstanding that in case 3 the main cause of B's imprisonment is a natural event, a contributory cause is the janitor's omission, his failure to check the room at the appropriate time. Similarly, the failure of the passerby to answer to the call is a contributory cause of B's confinement in 4. Still, Miller sees a world of difference between the two cases. The janitor has an obligation to check rooms; the passerby has no obligation to fulfil another man's duties, and although his conscientiousness leaves something to be desired, he can hardly be held responsible for the outcome. Hence, Miller concludes that whereas B has

been rendered unfree to leave in case 3, in 4 he is free to leave although he cannot do so.

In sum, then, Miller's answer to the question of what causal history an obstacle to action must have in order for it to count as a constraint on freedom, and at the same time the upshot of his theory, is that the origin of the obstacle must be attributable to an agent who can be held morally accountable for its existence, i.e.:

$$(x) ( (Ox \ \& \ Cx) \ \leftrightarrow \ (\exists y) (Ay \ \& \ Ryx) ),$$

where O = (1) is an obstacle, C = (1) is a constraint on freedom, A = (1) is an agent, and R = (1) is responsible/accountable for (2).<sup>22)</sup> This brings out the outstanding characteristic of a responsibility view of freedom.

As we have already seen, when A is morally accountable for O, he can be called upon to justify its existence and if he cannot do so, he is liable to being considered culpable for O. The examples are supposed to show (and this in part specific to Miller's version) that A can be called upon to justify the existence of O if and only if **a)** he imposes O intentionally, having a prima facie obligation not to create it, **b)** he imposes O negligently, having a prima facie obligation not to let it be created, or **c)** fails to remove O despite having a prima facie obligation to do so. The inclusion of b) and c) may be somewhat unexpected at first sight, especially to those used to the liberal conception, but Miller's convincingly argued point is that they are necessary to enable us to capture some of the most subtle ways in which the

omissions of one can contribute to the obstacles faced by others.

It is vital at this juncture to be quite clear on the difference between a) a **moral** and a **moralized** account of freedom, and b) **moral** and **causal responsibility**. A moralized account (like Nozick's) links constraints on freedom with moral wrongness or culpability; a moral account (like Miller's) links them with moral responsibility. It must be reemphasized that holding A morally responsible for a state of affairs is not saying that he is blameworthy: "Responsibility...opens the door to questions of praise and blame without deciding them."<sup>23)</sup>

Perhaps the janitor's errand in case 3 was of such vital significance that he cannot by any means be blamed for failing to do his professional duty; he could, for example, have been taking his critically-ill wife to hospital. But that does not change the original conclusion about his being morally responsible for B's unfreedom. A failure to grasp this difference leads Oppenheim badly astray in his reply. He adduces as critical ammunition against Miller the story I used earlier: of the prison guard who locks up a justly convicted criminal in his cell. Oppenheim claims that in Miller's account the prisoner is free to leave in such a case since the guard is not morally responsible for his confinement.<sup>24)</sup> This is, of course, misconstruing the very point of Miller's definition. The guard may well be morally responsible for the imprisonment, by locking the door of the cell, but

this does not mean that he is blameworthy for it, that he is doing the **wrong** thing. Responsibility is not the same as culpability. Oppenheim's example, as we saw, is telling against a **moralized** definition, but not against a **moral** definition.

To illustrate more clearly the difference between **moral** and **causal** responsibility, the best I can do is to recount Oppenheim's analysis of Miller's examples, since he holds that any obstacle for which human agents are **causally** responsible should be counted as a constraint.<sup>25)</sup>

Oppenheim, who is a non-cognitivist, is working with an operationalist model of freedom (8.4). To accept the moral dimension of what he takes to be a non-moral concept would be to wreck the point of his whole enterprise. The following schema summarizes the conclusions Miller and Oppenheim reach on the six cases: (Who shut the door? J=Janitor, W=Wind. Constraint on freedom? Y=Yes, N=No)

		Miller	Oppenheim
J	(1) Deliberate wish to confine	Y	Y
J	(2) Closes door without checking	Y	Y
W	(3) Omission despite obligation	Y	N
W	(4) Passerby turns a deaf ear	N	N
J	(5) B in the cupboard	N	Y
W	(6) No janitor or passerby	N	N

As seen from this schema, their difference of opinion leads to discrepancies in the interpretations of cases 3 and 5 (and, as can be imagined, the arguments behind the conclusions in the other examples are also different although the final verdicts happen to be the same). For Oppenheim, 5 is a relationship of unfreedom such as that between the guard and the prisoner. A is the cause of B's

imprisonment, and whether he is blameworthy, responsible or not is beside the point. In connection with case 3, Oppenheim claims that on Miller's account B will be counted unfree to leave with respect to everyone who does not unlock his door, including those unaware of his predicament - and that this account thereby shrinks the scope of mere inability (as opposed to lack of freedom) almost to vanishing point.<sup>26)</sup> Thus, Oppenheim does not take seriously Miller's contention that only those who are violating a (prima facie) obligation towards B render him unfree in this case.

I would not have spent so much time explicating Miller's account if I did not think that its basic insights were correct. His responsibility view overcomes many of the problems we have seen facing other accounts of negative liberty: the **Hobbesian** one, the **moralized** definition and the **liberal** conception. Moreover, it is much less at variance with common usage and intuitions than, for example, Oppenheim's theory, as shown by their respective answers above. A responsibility view has the additional advantage of enabling us to include under our concept of constraint certain features of modern society, notably economic inequalities, which are for various reasons excluded by other negative-liberty theories.

However, even a detailed account such as Miller's leaves many questions unanswered, and some of the answers it gives may prove to be inadequate or wrong. Many such problems will be addressed in the following

chapters, but I shall end this chapter with an observation which is often taken to be a cause of some embarrassment for negative theories in general, and that would include a responsibility view of freedom. The observation is that the language of constraint is wholly inappropriate for actions that a person is **forced** to perform. For instance, an election cannot be considered 'free' if people are forced to vote; yet they are not **constrained from** voting.

The conclusion of one of G. Cohen's favourite arguments is that "one is in general free to do anything which one is forced to do". The two premises which are supposed to support this conclusion are that (i) if one is unable to do something, one cannot be forced to do it, and (ii) if one is unfree to do something, one is unable to do it.<sup>27)</sup> The conclusion follows from these premises, i.e., the argument is valid, but the second premise is wrong since we have seen that there is no necessary connection between inability and unfreedom. This will be further demonstrated in the next chapter when I discuss the 'impossibility view' of unfreedom. However, what is true is this: if a person is not constrained from doing x, he is free to do x; when he is forced to do x, he is not constrained from doing x; hence, he is free to do x when he is forced to do it. This argument is both valid and sound - but should it be of great concern to negative theorists?

Oppenheim obviously thinks so, and to solve the problem he draws one of his operationalist distinctions: between being **unfree** and **not free** to do something. A

person is "unfree" to do x if he is restrained from doing x; a person is "not free" to do x if he is either unfree to do x or unfree to abstain from doing x. Hence, everybody who is unfree to do something is not free to do it, but not vice versa since Belgians are, for example, not unfree to vote - but they are not free with regard to voting as voting is mandatory in Belgium: they are **forced** to vote.<sup>28)</sup>

I do not think this distinction is helpful: it has no foundation in our language and simply confuses the issue at hand. (The former may not worry the operationalist but the latter should.) What would a Belgian person say if we asked him the simple question 'Are you free to vote?'. He would probably say 'Yes', or even 'I am more than free to vote; I am forced to do it!'. He would not answer 'No' unless he understood the question to mean something like 'Are you free with regard to voting?', or 'Do you vote freely?', which could be taken to imply both 'Are you free to vote?' and 'Are you free to abstain from voting?'.

In general, discussions of this 'problem' seem to be making much ado about a trivial verbal point. Acknowledging that I am free to do x when I am forced to do it is not a **concession** for the negative theorist; he would simply add 'But then you are of course not free **not** to do x'. What the objector is trying to cash in on is the contingent fact that the freedom to do x is usually not of much **value** to us if we are not also free to abstain from x-ing. Moreover, it is true that in most cases when we ask

if B is free to do x, what we are really interested in is whether he does x **freely** in the above sense, i.e., whether he is free with regard to x-ing. But clearly neither fact supports the claim that 'the language of constraint' has been shown to be inappropriate in a number of cases.

Here it should also be noticed that if B is forced to do x, he is no less unfree **not** to do x although his desire happens to coincide with the only course of action open to him, namely, to do x. Otherwise, the successfully manipulated slave would be the freest person in the world. In general, as Berlin has pointed out, there is no connection between freedom and desire; I do not become freer just by curtailing or changing my desires.<sup>29)</sup>

#### 2.4. References

- 1) **Hobbes**, p. 261.
- 2) This example is taken from **Flathman**, p. 202.
- 3) The theory is best exemplified in **Oppenheim** (1985).
- 4) Cf. **Berlin** (1969), p. 123.
- 5) **Nozick** (1971), pp. 262-264. Another moralized definition is suggested by **Morriss**, pp. 118-122, but his is, as opposed to Nozick's, a relativistic one.
- 6) See e.g. **Cohen, G.**, p. 228, and **Oppenheim** (1985), pp. 305-306.
- 7) Apart from Berlin, the writer who has argued most diligently for this liberal conception is **Day** (1986).
- 8) **Berlin** (1969), p. liii.
- 9) **Benn** (1975-1976).
- 10) **Connolly**, pp. 151-152.
- 11) **Kovesi**, pp. 127-128.
- 12) **Oppenheim** (1981), p. 151.
- 13) See **Husak**.
- 14) *ibid.*, pp. 350-359.
- 15) **Benn** (1988), ch. 1.
- 16) **Mill**, pp. 68-69.
- 17) *ibid.*, p. 74.
- 18) For a detailed attempt to show that Benn's principle of freedom can be given a consequentialist grounding, see **Pettit** (1989).
- 19) At any rate, he held such a view of power, see **Benn** (1967)b.
- 20) **Benn** (1975-1976), p. 111.
- 21) These examples are slightly changed from **Miller** (1983)a, pp. 70-71.
- 22) For this formulation of Miller's theory, I am indebted to **Norman, W.**, p. 3.
- 23) **Miller** (1985), p. 313.
- 24) **Oppenheim** (1985), pp. 305-306.
- 25) *ibid.*, p. 306.
- 26) *ibid.*
- 27) **Cohen, G.**, p. 223.
- 28) **Oppenheim** (1961), p. 111.
- 29) **Berlin** (1969), p. xxxviii.

### 3. OBSTACLES AND THEIR SIZE

In the preceding chapter, the problem of what is to count as a constraint on freedom in the negative model led to the conclusion that a necessary condition of a constraint is that an agent is morally responsible for its existence.<sup>1)</sup> Thus, a responsibility view of freedom emerged as the most promising theory of negative liberty. As yet, I hesitate to say **the** responsibility view since we shall see in the sequel that the ideas expressed by different responsibility theorists sometimes conflict in important respects. I myself shall be led to dissent from, and hopefully improve upon, certain elements inherent in all these previously-presented accounts. Hence, the responsibility view that will be defended in this thesis is, in the last analysis, a new one, departing to a lesser or greater extent from those of other writers.

For such a view to be viable, many pressing questions about the nature of moral responsibility need to be answered. How far does it extend? How uncontroversial can it be? For the most part, these problems will be left to subsequent chapters. Here in chapter 3, I shall focus on a question that may not be as profound as some, but still demands an answer. Somebody might say: a definition of a constraint requires **two** necessary conditions of which you have furnished **one** - regarding its **nature**. But the remaining question is how **large** or serious an obstacle must be to count as a constraint. Surely, there are obstacles

which satisfy the responsibility condition but are simply too small or trivial to count as constraints.

In order to pursue this point, I examine in 3.1 five accounts of the necessary 'size' of a constraint, ranging, at one extreme, from the view that it must be an obstacle which renders an action impossible, to the view at the other extreme, according to which any unwelcome feature attached to an action can count as a constraint. All these accounts are found wanting in certain respects, and of particular note will be their failure to accommodate the common-sense view that whereas threats can restrict freedom, offers or requests cannot. Hence, some space is devoted in 3.2 to a discussion of the different kinds of proposals and to the notion of an **obstacle**, since that is found to hold the key to many of the problems posed. It will be argued that a number of writers, some of whom are responsibility theorists, have put the cart before the horse by trying to define a **constraint** on freedom without first giving due weight to the question what is, more generally, to count as an obstacle to choice or action. Finally, in 3.3 my conclusions are used to show the inadequacy of some current views about the threat-offer distinction.

### 3.1. Five views on size

The first account I shall consider is a) the **impossibility**

view, according to which a given action has to be rendered literally impossible for the agent to count as constrained. Thus, it is supposed to be illogical to say that a person was not free to do something which he in fact did. If prisoners manage to escape from jail by climbing down the drain-pipe, then they were free to escape, however great a risk they took in doing so, or however unlikely such a feat appeared beforehand. This view is usually advanced by thinkers who are stuck in the grooves of the behaviouristic model of negative liberty as freedom of movement (2.1), thinkers such as Hobbes, Parent and Steiner, but they have found some unlikely allies, witness the Marxist G. Cohen (p. 40). No writer inclined to a responsibility account of freedom has, to the best of my knowledge, supplemented it by the impossibility view. However, there would be no logical inconsistency involved in doing so, i.e., holding that the two necessary conditions of a constraint on freedom are that (i) an agent is responsible for it and (ii) it renders the proposed action impossible.

The main point in favour of the impossibility view is its simplicity, a grace not easily matched in philosophical analysis, but its major drawback is that it sets ordinary language and intuitions utterly at naught. Could we say (or imagine) that a man imprisoned in a ten-foot-square cage is unfree to leave (as he cannot possibly do so), whereas a man placed inside a square of the same size marked out on the ground, and told that moments after he

steps out of it he will be shot, is free to leave his confinement?<sup>2)</sup> The mere asking of this question is enough to show the true state of the case. Surely, a man behind prison bars (although possibly able to escape) and a man who will be instantly killed if he performs some action, are both paradigmatic cases of unfreedom. The impossibility view forfeits this fact - and that is too high a price to pay for simplicity. Perhaps we might, as Crocker has suggested, call the unfreedom under which B's being unfree to do x entails that B does not do x, a "decisive unfreedom",<sup>3)</sup> but the fact remains that other, less "decisive", unfreedoms are in no way less real. Just as there are many circumstances in which we cannot do what we are free to do, so there are many in which we are unfree to do what we can do. Or are we really willing to hold that laws, for instance, do not restrict our freedom since it is generally 'possible' to violate them?

To rebut these objections, one of the things that an advocate of the impossibility view must do is to produce arguments for the counter-intuitive claim that threats cannot constrain our freedom. Steiner does so in his paper "Individual Liberty". There, the point is that all types of "interventions", as Steiner calls offers and threats collectively, affect the individual's practical deliberation in the same way: changing his desire to do x into a desire not to do x. But as desires are irrelevant to freedom,<sup>4)</sup> neither threats nor offers curtail liberty. Day has challenged Steiner's argument, claiming that its first

premise is wrong. For example, when a highwayman points a gun at a traveller and says to him 'Your money or your life', he does not change the traveller's desire, which is, both before and after the threat, to keep the money **and** his life. The threat only makes him realize that he will not be able to do what he wants to.<sup>5)</sup> Day's point about the desire is right, but his own analysis of the highwayman case invites problems (pp. 52f.).

I believe a simpler objection to Steiner's view can be made. The reason why the highwayman's threat counts as a constraint is that it affects a possible choice; an option that was eligible for the traveller is not so anymore. If Steiner denies that an option has been **closed** on the grounds that the traveller could still say no, he is presupposing the impossibility view which his argument was meant to support, and is thus begging the question. If, however, he claims I am begging the question against him by assuming that making an option ineligible is a constraint on freedom, the answer is that I am simply upholding the common-sense view that his argument above was meant - but failed - to undermine. This leaves us with little more than an articulation of Steiner's own belief that the impossibility view must somehow be right. Now, Weber's dictum, that academic men feel as proprietary of their preferred vocabularies as of their toothbrushes, may be true. But claiming that a person cannot be considered unfree to act unless the action is rendered **impossible**, seems at any rate as unreasonable as employing a wire

brush to clean one's teeth.

So much for the impossibility view. Next we turn to a view that looks like a natural outgrowth of my objections to a) and is, besides, invested with more importance for this study since it is the alternative suggested by Benn & Weinstein, and Connolly. Thus, in b) the **unreasonableness view**, a person is constrained if the proposed course of action is rendered impossible for him - or made **ineligible**, i.e., such that it would be inappropriate for the normal (reasonable, prudent) man to choose it. Nevertheless, a person might in certain contexts opt to perform the action: he could be a hero, saint or martyr, but that does not change the fact that he is, for ordinary, practical purposes, rightly considered unfree to do so.<sup>6)</sup> This view handles pretty well the cases that left a) stranded: of the prisoners, the man in the 'imaginary' cage and the traveller. All of them could try to defy their constraints, but none of them would, as normal adults, be expected even to try to, let alone succeed in doing so; hence they are unfree.

The virtues of this view are striking; so, unfortunately, are its vices. One difficulty concerns ignorance. Suppose a terrorist announces that he has chosen one particular citizen of New York to be killed in revenge for some governmental intervention abroad. John Smith happens to be this person, but as he does not know it, this threat does not make it unreasonable for him to walk the streets (where hundreds of people are mugged and killed anyway);

yet, surely it is a constraint on his freedom. It does not help to say that Smith is here constrained in a sense that differs from the ordinary: if A locks B in a room, B seems to be (socially) unfree to leave in exactly the 'same sense' whether or not he knows that the room is locked. The severity of this objection can be lessened by the modification that an obstacle, for which an agent is responsible, counts as a constraint if the (normal) subject, **were** he to know of its existence, would find it unreasonable in consequence to perform certain actions.

Another problem is, however, that on the unreasonableness view **weak threats** do not curtail freedom. I am not here thinking of silly threats, such as 'If you don't buy me candy, I will tell the sun not to shine on you', but real ones such as 'If you do x, I won't give you your usual cup of coffee'. If x is something that the subject really cherishes, such a threat will hardly debar him from doing it. In this sense, many laws constitute weak threats since experience tells us that breaking them is a live option for normal persons. The problem for the unreasonableness view is that it seems more natural to say in such cases that the intended threat or legal sanction does not constitute a **serious** constraint on people's freedom than to say that it does not restrict their freedom at all. Moreover, some threats are of the nature that a normal person is not expected to find it reasonable to comply with them, however strong the threatened sanction is. On Aristotle's view, for example, matricide should never be a

live option for a normal person, not even for a person threatened with severe sufferings if he did not perform it.<sup>7)</sup> But surely, such a threat would be a constraint on his liberty.

There is also a question concerning the invocation of the 'normal' or 'average person' criterion. If my enemy lights a fire in front of my door, am I still free to leave the house if the average person would find it 'eligible' to jump over the fire? What if I happen to be endowed with less-than-average physical ability - am I then unfree? The answer could either be 'No, you are free but unable to cross it' or 'Yes, since what matters is the normality of your reasoning, not the normality of your athletic ability'. But neither answer seems satisfactory for they both imply, counter-intuitively, that we need to know a great deal about the individual characteristics of person B before we can tell if an obstacle, for which A is responsible, is a constraint on B's freedom.

Finally, in taking the unreasonableness view, Benn & Weinstein, who want to insist that in general threats, but not offers, restrict freedom, are forced to concede that certain offers do, namely those which make it ineligible<sup>8)</sup> to reject them. If I am offered such a high sum of money for my house that it would be absolutely unreasonable of me to decline, then that offer satisfies both the proposed criteria for a constraint: an agent (the bidder) is accountable for it, and resisting it is ineligible for me. Hence, I am unfree to say no. The question of 'irresist-

able offers' will be raised again in 3.2, but here it suffices to say that this and the other problems discussed above go some distance toward undermining the plausibility of the unreasonableness view.

Day has proposed a third alternative: **c) the conjunctive impossibility view.**<sup>9)</sup> For him, b) involves a paradox since it entails that a person can do a thing which he is unfree to do. In this, Day concurs with the presupposition of the impossibility view: a constraint on freedom must make a proposed action impossible. However, Day's point is that we should not look at any one simple action but at the complex (i.e., **conjunctive**) action which is, in the highwayman case, that of having **both** one's money and one's life. The highwayman makes that complex action impossible for the traveller: before the threat he could unconditionally have both, but after the threat he cannot. Thus, the traveller's freedom is constrained. Day claims that this view explains why threats, but not requests or offers, can restrict freedom: the latter do not make the recipient unable to do anything which he could unconditionally do beforehand. However, I am not sure that Day is right in this. If I propose to a girl, it is impossible for her to conjunctively avoid disappointing a suitor and to remain unmarried - which she could beforehand. Consequently, my proposal, ruling out a conjunctive action, will on Day's criterion count as a constraint on her freedom. Taken at face value, the conjunctive impossibility view entails, as Miller notes, that any disadvan-

tageous change in the environment curtails a person's freedom.<sup>10)</sup> That is surely much too permissive. However, if we add to it a responsibility view of the nature of constraints, the similarity to Miller's own account ((e), below) becomes striking.

Dworkin and Frankfurt's so-called "second-order preference theory", which has recently attracted wide attention in connection with the free will controversy, could also be seen to provide a solution to the size/seriousness problem. I shall call this solution **d) the identification view**. In the context of a responsibility view of freedom, it could be spelled out as follows. Since an agent is responsible for any request, offer or threat he makes, all may seem to restrict a recipient's freedom. However, what must be noticed in these cases is, as always, not only A's responsibility but also the attitude B takes toward the reasons for which he acts: whether or not he identifies himself with these reasons - assimilates them to himself. A man asked by a relative for a loan might be glad to hand over some money to him, and is thus not unfree to refuse, whereas the victim of a highwayman does so grudgingly and with pain. He does not identify himself with the desire to hand over the money and, hence, does so unfreely.<sup>11)</sup> Generally speaking, in this view, having an effect on B's choices only counts as freedom-constraining when there is disharmony between B's current "first-order desire" to accept the effect and his more fundamental "second-order desire" to evade it.

The problem about this solution is that it again invokes a reference to the subject's desires. Only if B **feels** that the effect A is having upon him is undesirable, is A constraining B's freedom. Furthermore, the identification view (at least as formulated by Frankfurt) turns a blind eye to manipulation: the most serious, if most subtle, form of unfreedom which, as Rousseau put it, "penetrates into a man's inmost being".<sup>12)</sup> If B's fundamental desires cohere with his current first-order desires, it does not matter how the former were originally acquired. Consequently, the successfully manipulated slave, who has been led to believe by his <sup>master</sup> that all the obstacles he faces are for his own good, is free. Later, the Dworkin/Frankfurt model will be re-examined in connection with questions about free will and autonomy (6.3), and there attention will be called to a correlative defect.

After having seen the various weaknesses of the views surveyed so far, we may start to wonder if the notion of size (seriousness, weight, significance, etc.) is really of any value in discussions of social freedom - or if it is simply a red herring. Here, the fifth and final view which I shall consider may come to our aid. Thus, e) Miller's **irrelevance-of-size view** is not so much a new thesis as the claim that a separate account of the size of an obstacle is superfluous. For Miller, the moral responsibility condition is not only a **necessary** but also a **sufficient** condition for a constraint; we need look no

further. Mere size turns out to be of no intrinsic importance; at most there will be a contingent connection, he says, between the obstacle's size and its counting as a constraint, based on the fact that we are more likely to have an obligation to remove large obstacles than small. But "any obstacle, however small, may potentially be regarded as a constraint on freedom."<sup>13)</sup>

Strangely enough, some of the things Oppenheim has to say about obstacles to freedom accord well with Miller's irrelevance-of-size view. While adhering in general to a version of the impossibility view (B is unfree to do x if A **prevents** him beforehand from doing x), Oppenheim supplements it with a **punishability** condition. Thus, B is also unfree to do x if A will punish him afterwards if he does x. Even a small penalty attached to an action restricts B's freedom in this way; however small it is does not matter. But as always, Oppenheim carries this view to its operationalist extreme by assigning a degree of unfreedom to any given action in strict proportion to the actual probability of a penalty being applied. Thus, he claims that if 40 percent of all speeders in a certain state are fined, then drivers there are unfree to a degree of 0.4 to speed.<sup>14)</sup> This way of speaking would, generally, be most bizarre, and even more so in the case of an action such as speeding which is prohibited by law. As a matter of fact, if all obstacles were on a par with legal prohibitions, the 'size'-problem would hardly have arisen, for it seems obvious that a law against doing x makes us unfree to do

x, however 'weak' the threatened sanction is, or however unlikely it is that we will be caught.

Miller and Oppenheim seem to be right in that the tiniest obstacle can sometimes count as a constraint on freedom, but the latter is wrong in claiming that in such cases, we do not consider ourselves constrained, period, but constrained to a degree of 0.1, 0.4, etc., according to the above criteria. The correct view here is clear and in accordance with common usage: if there are no constraints upon my performing x, I am free to do so; if I am constrained, I am not free to do x, however 'small' the constraint is. The cases examined earlier when dealing with the unreasonableness view should have convinced us of this fact: even a weak threat can restrict freedom, and a fire lit by an enemy in front of my door to prevent me from stepping outside is a restriction of my freedom, however likely or unlikely, reasonable or unreasonable it is that I shall cross it. To be sure, in certain contexts we might say 'I am less free to do x than y', but that expression would probably mean that while we are **neither free** to do x nor y, the constraints in the former case are more severe than in the latter.

A possible cause of confusion on what it means to be constrained (not free) is the technical word 'unfree' which is, notably, never used in ordinary language, and in this thesis only intermittently as a short for 'not free'.<sup>15)</sup> Once philosophers start invoking this term, people get the impression that 'being unfree' must be

something much more serious than 'not being free', and thus a crucial question is begged in favour of the impossibility or unreasonableness views.

Before finishing the discussion of the irrelevance-of-size view, let us look at two more possible objections to it. Charles Taylor tries to cash in on the fact that some goals are seen as highly significant for human behaviour while others are considered less so. Thus, Taylor claims there is a world of difference between the authority's decision a) to put up new traffic lights at an intersection close to my home, and b) to forbid me to worship according to the form I believe in. Whereas the latter would be a serious blow to my liberty, the former is so trivial that it could not be called a restriction of freedom, at least not in a "serious political debate".<sup>16)</sup>

It has already been pointed out that the desires people happen to have are not crucial to ascriptions of unfreedom; for instance, even if I am an atheist, a ban on a form of worship would still infringe upon my liberty. So what Taylor must show in the case of the traffic lights is something much more radical, namely that altering our rhythm of movement through the city is such an insignificant obstacle that no one could possibly be concerned about the installation of new traffic lights in his neighbourhood - that no one could possibly consider that a constraint on his freedom. This is, however, much too strong a claim to make since most of us know people who would be more upset with a one-minute delay at an intersection

on their way to work than at a ban on some (outlandish) type of worship. There is simply nothing in the nature of a restriction imposed by traffic lights which can exclude it from reckoning as a possible constraint on freedom. But could not Taylor's general thesis about significance hold good although his particular example fails? I have yet to be convinced that it does, unless it is simply taken to mean that some restrictions are too insignificant to count as **serious** incidences of unfreedom - a point that is true but trivial.

Benn & Weinstein pursue a somewhat more palpable line of reasoning about the non-triviality of the alleged constraint by introducing a second reasonableness clause into their theory. They claim that while we can say that a person is free or unfree to do something without his having an actual interest in doing so, it is only apposite to use these terms if the proposed action is "a possible object of reasonable choice", i.e., if it is possible to see some point in performing it. The presumption against impairing choices does not arise unless such a point can be discerned. For instance, we are told that a man's **wanting** to torture his cat is not a reason for letting him do it; nor is cutting off one's ears a suitable object of choice in this sense.<sup>17)</sup>

Now, as we shall see later (6.3), there is a sense in which a person must be 'autarchic' for us to hold him freedom-evaluable in the first place. It may be that animal molesters or 'Van Goghs' are often insane and,

hence, not autarchic. However, it is apparently not this specific point about insanity that Benn & Weinstein are making but a more general one, along Anscombean lines, about the concept of wanting. For us to call an obstacle to a possible choice a constraint on freedom, the choice must relate to something **wantable**. As Anscombe puts it, "to say 'I merely want this' without any characterization is to deprive the word of sense". But as she notes, almost anything can count as "wantable", given the appropriate context, even "a saucer of mud"<sup>18)</sup>. In the examples above, the torture of the cat might be part of a performance in the Museum of Modern Art and the man cutting off his ear as part of a religious ritual; then there would be a **point** in performing these actions. A natural first step to find out if such a point exists is to ask the person: insist on his giving us a reason why he should want x. However, that procedure does not sit very easily with other things Benn rightly says about the burden of justification falling on the person interfering (not the one interfered with): "unless Ian can supply some reason why Alf should be stopped, Alf is free to go ahead. He doesn't have to have a reason."<sup>19)</sup> So, on the one hand, Alf does not need to have a reason for doing x before we can call obstacles to x constraints; on the other hand it is "incongruous to talk of unfreedom to do things that there could be no point in doing"<sup>20)</sup> - and wanting to do them is not enough. There is no logical contradiction here, but the two claims are **practically** at such odds with one another as to deprive

this second reasonableness condition of any importance in locating constraints.

None of the objections considered so far poses a serious threat to the irrelevance-of-size view. Moreover, it seems to be the natural standpoint for those who favour a responsibility view of freedom. To conclude this section, a word might be said for the fascination that the unreasonableness view still holds for many responsibility theorists. Perhaps the reason lies in a conflation of the ideas of **constraint** and **coercion**. While some writers (such as Berlin) use them interchangeably, the latter concept is more at home in **legal** contexts where it has a specific function to perform. That function is to exculpate a person from moral **blame** and, consequently, often legal sanction. The rapidly growing mountain of literature on moral and legal coercion cannot be dug into here.<sup>21)</sup> Let it suffice to say that a man claiming to have signed a document under **duress**, because he had been threatened with a pinprick, would be laughed out of court,<sup>22)</sup> and that another man, extenuating his decision not to save a drowning child in a pond outside his office because he had been warned by his employer not to leave his desk, would not get a very positive response there either. This does not mean that a threatened pinprick or a strict order from your boss cannot constitute constraints on your freedom (in both these cases they do), but it means that neither of them will count as coercive.

Coercion is best understood as a subclass of con-

straints on freedom, and a brief glance at traditional legal procedures indicates that the criterion most commonly used in picking out instances of coercion is none other than the unreasonableness view. In general, a suspect can successfully defend his case if he can prove that the constraint on his freedom was of such grave a nature that it coerced him, i.e., made any other course of action ineligible for him as a reasonable, normal person. If, however, the constraint (such as the pinprick) is not deemed coercive, the fountain of pity dries up. Stressing the importance of the unreasonableness view in such contexts is fine, but precisely because of its use there, it is inadequate as an account of the much wider notion of a constraint on freedom. Needless to say, it is the latter that I am mainly concerned with in this thesis.

### 3.2. Threats, offers and obstacles

The discussion in the preceding section seemed to indicate that the basic insight of Miller's irrelevance-of-size view is right: A's moral responsibility for an obstacle to B's action is a sufficient, as well as a necessary, condition for the obstacle's counting as a constraint on B's freedom. However, there is one problem with Miller's position that we need to consider. Recall that on the unreasonableness view (and arguably also on the conjunctive impossibility view) both offers and requests can constrain

freedom. That, I remarked, goes against common-sense. Now, the problem is that Miller's view can easily be seen to carry the same implication. A bidder is surely in general responsible for his offers to me; sometimes his offer (or request) may affect me adversely, by presenting me with a difficult choice, one which I find it hard to refuse, etc. So, it follows that offers and requests can restrict my freedom - along with almost any disadvantageous effect on B that A is responsible for. It is true that sometimes our intuitions or common-sense views may have to be discarded if good reasons are found for their inadequacy. Here, however, I shall argue that this is not the case: there is no ground to abandon the common-sense view that offers (as opposed to threats) are not freedom-restricting.

The resolution of this issue may lie in the notion of an **obstacle**, one which is conceptually prior to that of a constraint: for something to count as a constraint, it must be an obstacle in the first place. Views a)-d) disagreed among themselves as to how 'large' an obstacle must be to count as a constraint, without defining an 'obstacle'. Miller rightly dismissed the size-question as irrelevant to the definition of a constraint, but he did not, any more than the others, pay attention to the notion of an obstacle. By ameliorating that shortcoming, I believe the irrelevance-of-size view can be made even more plausible than it is in Miller's formulation.

The aim is not to give some new, fancy definition of 'obstacle' which narrows its ordinary meaning; anything

which impairs our possibility to choose or do x rightly counts as an obstacle, whether it is a natural or a man-made impediment. (I say 'choose or do' here for the sake of clarity. If we follow Aristotle in seeing choice itself as a type of action, we can omit the first part). Even not being sent to the moon or not being able to fly like a bird can create obstacles to our choices. The class of obstacles is thus very broad, much broader than that of constraints on freedom, for which an agent must be accountable. But the former class is not so broad as to include any **effect** on the subject. An obstacle must impair, must narrow down possibilities or close options. Can an offer do these things? The simple answer is no, for the very nature of offers is to open new possibilities and extend the range of options, not to narrow this range. An offer is a proposal of the form 'If you do x, I'll let y happen to you' where y is something which creates a new option for us or makes an old one more eligible. Similarly, a request does not as such close any options. In case we choose to decline, we have exactly the same range of options at our disposal as we did beforehand. If that is not so, what we are declining is not a genuine request/offer, but a threat in disguise. Thus, in the case of real offers or requests, the question whether someone is responsible for them, in connection with talk of possible unfreedom, need never so much as arise, for they do not present obstacles to our actions in the first place.

This is not to say that offers do not sometimes carry

implications which make life more difficult for the recipient after he has turned them down. But that does not mean that they constitute, qua offers, obstacles to his choices or actions. To take a parallel example, I may give you a written exposition of my view on freedom. You read it and say 'I hate your view!' 'Why?' 'Because there are so many printing errors in it!' If that is your answer, I can rightly accuse you of making a conceptual mistake. What you hate is not my view, but the printing errors in the exposition of it. Similarly, a person might not like receiving a particular offer - or offers in general. He might not even like being talked to at all. However, it would be a conceptual mistake to say that an offer made to such a person is an obstacle to his choice qua offer, although it might be so qua nuisance for him. If I know of his idiosyncrasies, and can be held responsible for annoying him, I am constraining his freedom, but the obstacles I create do not lie in the nature or the content of my offers but in his aversion to being approached in a certain way.

Since Miller does not have a clear notion of an obstacle to work with, my counter-example to Day's conjunctive impossibility view (of the girl who received a marriage proposal) also cuts against his irrelevance-of-size view. Miller must construe this request as a constraint on her freedom because she might possibly neither want to get married nor to disappoint a suitor. However, I would say that the proposal is not qua request a con-

straint on her freedom, for a request cannot ex hypothesi create an obstacle, but of course the proposal could be such a constraint qua nuisance to the girl.

It should also be noticed that in certain cases the **reward offered** may, although the **offer** does not, constitute a constraint on freedom. We can imagine an advertisement: 'Relive the past, spend a day in the castle prison, chained to a wall'. If we care to be constrained in this way, just for the experience, we will accept the offer, but that does not mean that the offer itself is a constraint. On the contrary, it extends our scope of options instead of being an obstacle to them. This shows that advertisements do not curtail freedom (not counting subliminal advertising which is really a form of manipulation) merely on the ground that what is advertised is potentially harmful (drugs, etc.). Furthermore, it should now be clear why silly threats ('If you don't buy me candy, I'll tell the sun not to shine on you') do not restrict freedom. It is because, although the person making them is responsible for doing so, they do not constitute real obstacles. In this, **silly** threats are distinguishable from **weak** threats (p. 50) which are potentially freedom-restricting since they create real obstacles, although these are not considered very serious.

Probably not everyone will be convinced that the argumentation above is sufficient to show that offers cannot constrain freedom. Let us look at two contentions which go against my view. **Firstly**, many philosophers in-

sist that there are such things as **irresistable offers** which can curtail our freedom. Thus, Benn claims that a special feature of character or situation can, in some cases, make declining an offer a course of action that we would not expect a reasonable man to take. Hence, the person has a good reason to say 'I cannot refuse' or 'I have no option but to accept'.<sup>23)</sup> What Benn may have in mind is a case such as the following. Suppose an American billionaire offers me a million dollars if I run stark naked down Market Street during the rush hour. (Running naked in public is not a thing that appeals more to me than to most people.) In this case, I would have to do a thing that is highly distasteful to me to receive my reward. I might have to ponder a lot until I reached the final decision - which would probably be to run. As I might explain, the prospect of receiving this enormous sum of money, even if accompanied by some embarrassment, would simply be 'irresistable' to me. **Secondly**, there are philosophers who insist that some offers not only constrain our freedom but do so in the strong sense of being coercive. Feinberg takes an example of a woman who is badly off financially but a paragon of morality. She receives an offer from her employer to pay for an expensive surgery that alone can save her child - if she becomes his mistress for a period. This case satisfies Feinberg's criteria for a **coercive offer**: it offers a prospect that is not simply much preferred but one which is an exclusive alternative to an intolerable evil.<sup>24)</sup>

Plainly, there is a possible interpretation of irresistible offers as those which are so good that it would be **stupid** to reject them. If I am offered twice the market price for my rusty, old car, I would probably be a fool to refuse. This reading of 'irresistible' is quite innocuous and does not entail any constraint on freedom. Perhaps it could be applied to the case of the naked runner above; perhaps the billionaire's offer is simply too good to refuse for most people. But if I happen to value my dignity more than the normal person would, I can simply reject the offer and my freedom has not been constrained. However, we would hardly say that the employer's offer is too **good** for the woman to refuse; on the contrary, we would consider it a 'terrible offer', but still one which she somehow seems forced to accept. Once again, some conceptual clarifications are required.

Let us distinguish between two kinds of proposals: a) 'If you do x, I'll let y happen to you' and b) 'If and only if you do x, will I let y happen to you'. I shall call the former **tentative proposals** and the latter **final proposals**. These are not the only kinds of proposals possible, but for our present purposes this distinction will do. Tentative proposals, which do not create obstacles to our choices, are offers. The reason why they do not impair any choice is partly a logical one: 'If you fetch the paper for me, you'll get a candy' does not entail 'If you don't fetch the paper, you won't get a candy', for the person might get the candy whether or not

he fetches the paper, e.g. by doing something else. Notably, this proposal does not either exclude the possibility of the person fetching the paper but declining the reward, i.e., it does not imply that if he fetches the paper, the candy will be forced upon him whether he wants it or not. What the proposal really means is that if he wants a candy, he will get one if he goes on this errand for the bidder. A tentative proposal of this sort is a pure offer, for it obviously closes no option. Perhaps it does not propose to remove the right obstacle, or it proposes to remove the right obstacle in the wrong way - or maybe to an extent not deemed sufficient by the recipient. But being offered half a loaf cannot be worse than being offered no bread at all, since a tentative proposal does not exclude the possibility that the recipient will get the whole loaf anyway.

Someone might object, however, that such proposals are virtually non-existent: 'If you fetch the paper, you'll get a candy' always implies (in the popular, not the logical, sense): 'Unless you fetch the paper, you won't get the candy'. Thus, the objector might say, even if a shopkeeper tells you that you can get a particular thing if you pay a specific amount for it, what he really means is that you will get it **if and only if** you pay this amount. Hence, the so-called tentative proposals are of no real importance in daily life. The objector may be right in that final proposals are often mistakenly or carelessly formulated as tentative ones, but it is not true that the

latter play no part in our daily lives. Tentative proposals are used in bargaining situations which are very common, especially in trade. As a matter of fact, in some parts of the world most business proposals are of the tentative kind: even if you see a price-tag on a good you would like to buy, it does not mean that you will not get it for anything less than the price offered there. On the contrary, it is still up to you to bargain with the seller for the final price to be paid for the good.

As noted above, tentative proposals constitute pure offers which cannot constrain anyone's freedom. Let us now turn to the second kind. **Final proposals** have the form 'If and only if you do x, will I let y happen to you': 'I'll give you a candy if and only if you fetch the paper'. This obviously entails that the person will not get a candy from the bidder unless he fetches the paper. Final proposals combine an offer and a threat; they are what some people have called 'throffers'. The 'if'-part of the proposal signifies the offer, the 'only-if'-part the threat. The latter creates an obstacle to a possible choice, namely that of getting a candy without fetching the paper. However, the question still remains if the threat (that is, the obstacle created by the threat) is a constraint on freedom. To find that out, we must follow the advice from chapter 2 and ask if the bidder can be held morally responsible for the obstacle - here if he can be held responsible for not giving the person a candy without his fetching the paper first.

In sum, the task of deciding if a proposal constitutes a constraint on freedom involves a **two-step procedure**. First, we distinguish between proposals that create an obstacle (threats) and those which do not (offers, requests, etc.). Then, we apply a test of moral responsibility to the former to see if the obstacle there is a constraint on freedom. We already have some idea from chapter 2 what such a test involves, and a fuller description of it awaits us in chapter 4. One thing we know is that for a threat to fail the test of a constraint on freedom, it is not enough that it be **weak** (p. 50); it must be such that an agent cannot be held morally responsible for the threatened sanction.

Let us now apply this procedure to the above-cases of the billionaire's and the employer's proposals. The first question to be asked is whether they were meant as tentative or final proposals. If the former was the case, both were offers and thus not possible candidates for constraints on freedom. However, let us assume that they were final proposals, i.e., that I had been promised the money if and only if I ran naked, and the woman's child would be saved by the employer if and only if she became his mistress. In that case, both proposals are 'throffers', creating obstacles qua threats (through the 'only-if'-parts). Then we need to ask if the billionaire could be held responsible for not supplying me with a million dollars anyway, and the employer for not helping the child without the sacrifice by its mother. Here, the difference

between the two cases becomes apparent. We hardly need to wait for any conclusions from chapter 4 to assert that whereas the billionaire cannot be morally responsible for my failing to earn a million dollars in this way, the employer can be held responsible for refusing to help the child unless its mother sleeps with him. So, neither Benn nor Feinberg succeeds in undermining the view that offers cannot constrain freedom. Benn's **irresistable offers** are simply too good for most people to refuse; Feinberg's **coercive offers** are not pure offers but 'throffers' which can constrain (and even coerce) qua threats.

### 3.3. Threats and offers: problems in previous views

A great deal has been written in recent years about the threat-offer distinction. What I have said about threats and offers so far has all revolved around questions of freedom or unfreedom. However, it may be of some interest to bring the conclusions of the preceding section to bear on the longstanding controversy about the threat-offer distinction itself.

A common assumption of previous views is that a person faced with an offer will not be **worse off** than he was before whether he decides to accept or decline, whereas in the case of a threat, whatever he decides will bring about consequences that leave him worse off than he would otherwise have been. Here 'worse off' is taken to mean

worse off relative to a **baseline**, involving the present situation and the **expected** future course of events. Lately, the exact nature of this baseline has become an embattled issue, e.g. in the writings of Nozick, Wertheimer and Feinberg. Philosophers tend to provide grist for their mills by concocting fanciful stories, and this case is no exception. I shall start the discussion by recounting some cases, contrived by Nozick and Wertheimer, a number of which are also discussed by Feinberg.

Drug Case I. A is B's normal supplier of drugs. Today, however, when B comes to A, he says that he will not sell them to him, as he normally does, for \$20, but will rather give them to B iff he beats up a certain person.

Drug Case II. A is a stranger who knows that B is a drug addict. Both know that B's usual supplier of drugs has been arrested and that A had nothing to do with the arrest. A approaches B and says that he will give him drugs iff B beats up a certain person.

Drowning Case. A who is sailing in his boat comes upon B who is drowning. A proposes to rescue him iff B agrees to pay \$10,000. Both know that there are no other potential rescuers around.

Slave Case. A beats B, his slave, each morning for reasons unconnected with B's behaviour. A now proposes not to beat B the next morning iff B does x.

Private Physician Case. B asks A, a private physician, to treat his illness. A says that he will do so iff B gives him \$100 (a fair price).

Public Physician Case. B asks A, a physician employed by the NHS (and legally required to treat patients without cost) to treat his illness. A says that he will do so iff B gives him \$100.

The crux of the current debate is whether the baseline is a statistical or a moral one, i.e., whether the 'expected' course of events is the **predicted** or the **morally required** course. Nozick, in his well-known paper "Coercion", opts

for the first alternative. Thus, in the Drug Case I, the normal course is one in which A continues to supply B with drugs for money; hence his proposal there is a threat. In II, however, A's proposal comes unexpectedly upon B and is an offer - whether B cares to accept it or not. In the Drowning Case, Nozick sees the expected course of events as one in which B drowns and A's intervention as an offer. It is not until Nozick comes to the Slave Case that he begins to doubt the appropriateness of his test. The predictable course there is one in which the slaveholder continues to beat B up, and the new suggestion would then be an offer. However, the morally expected (or better, required) thing is for A to stop beating B up altogether. This observation leads Nozick finally to modify his statistical test by stating that it applies **unless** B himself would prefer the moral test; then the latter should take precedence. Hence, for Nozick, the Slave Case involves a threat.<sup>25)</sup>

It should be evident that in many instances these two tests yield the same result, although for somewhat different reasons. The Private and Public Physician Cases are, for example, unproblematic in this sense. The morally required goes hand in hand with the statistically predictable outcome. Thus, those who take a line opposite to Nozick's tend to concentrate on cases where the results are seen to diverge. Wertheimer is a notable advocate of the so-called moral test. For him, the Drowning Case involves a threat since A is morally required to save B.

In the Slave Case, however, Wertheimer agrees with Nozick's final verdict, not because the moral test is the one preferred by B, but because beating up your slave (or perhaps slavery in general) is morally prohibited. An interesting discordance of opinion is brought to light by the Drug Case I. There, Wertheimer claims that A's proposal is an offer since he is not morally required to supply drugs at all.<sup>26)</sup>

Feinberg suggests, like Nozick, that we use a statistical test, but his is an unmodified one which means, for instance, that the Slave Case would not be seen as involving a threat. However, Feinberg thinks that Nozick's analysis of the Drowning Case is mistaken. The statistical test there is not to be applied to what B might have expected had A not appeared on the scene but to what generally happens when a drowning swimmer encounters a boat whose occupants have the ability to rescue him. In such a case, the swimmer has an "epistemic right" to expect rescue, irrespective of all moral claims.<sup>27)</sup>

My first doubt concerns the common assumption of these writers that, contrary to a threat, an offer does not leave its recipient **worse off** whether or not he decides to accept. If 'worse off' is taken to mean 'having had an option closed or made less eligible by the contents of the proposal', what they are saying is true, but the former notion tends to have a wider meaning than that in ordinary discourse, and as we have seen, making an offer can have all kinds of indirect implications which leave

the recipient worse off than he was before. However, this point is trivial compared to the second one, which is that all the writers seem to overlook the possibility of what I have called **tentative proposals** (pure offers). Notice that all the cases above are of the 'if and only if'-kind ('iff'), i.e., they all constitute **final proposals** or 'throffers'. The swimmer will be saved iff he pays \$10,000, etc. Then the question is asked if these 'throffers' are to be understood as threats or offers, when it is obvious from my analysis that they are to be understood as both at the same time. Wertheimer on one side and Nozick and Feinberg on the other disagree on whether the test to decide if the proposals are threats or offers should be a "moral" or a "statistical" one. In reality, what such a test might do is to decide which of the threats constitute constraints on freedom. In other words, when these writers think they are answering the question which of the proposals are threats and which are offers, they are really trying to ascertain when the threat-part of a 'throffer' is a constraint on freedom: they conflate the **two tasks** of distinguishing between **a)** obstacles (threats) and non-obstacles (offers), and **b)** those obstacles/threats which are, and those which are not, freedom-restricting.

In my analysis, owing to the 'only-if'-part of the proposals, the drug addict is being threatened both in Drug Cases I and II with not getting what he wants, the swimmer in the Drowning Case with not being rescued unless

he pays the set amount, the slave in the Slave Case with not being treated more humanely unless he does x, etc. It seems strange how anyone could mistake this part of the proposals for an offer. However, I have claimed that in accordance with a responsibility view of freedom, a test of moral responsibility is required to decide if the threatened sanction constitutes an infringement of freedom. Can the dope peddlers be held morally responsible for not supplying the addict with drugs, the sailor for not rescuing the swimmer, the slaveholder for continuing to beat up his slave, etc.?

Can Wertheimer's "moral" test or Feinberg's unmodified "statistical" test perhaps help us here (with task b)) although they are unnecessary for task a)? Unfortunately, neither will do. The "moral test" is really what I have called a **moralized** test, testing (absolute) moral rightness or wrongness of actions. Here, as always, it presents its typical weakness of being too restrictive: we are not able to locate a constraint except where absolute moral rights are at stake. However, that for which we can hold our fellow-men morally responsible is surely more extensive than that which they are, strictly speaking, morally required to do. For instance, it is difficult to imagine a theory of moral responsibility which would not hold the dope peddler in Drug Case I responsible for failing to supply B with drugs although he does not have an absolute moral duty to do so. In general, previous arguments against a moralized test apply here (2.1).

The "statistical" test is hardly more plausible. It seems plain that the slaveholder can be held responsible for his threat to the slave although he might be "statistically expected" to continue beating him up. Also, it is hard to see what kind of an "epistemic right" the swimmer would have to expect rescue on Feinberg's test if it so happened that in this area, sailors were not in the habit of rescuing drowning strangers. It should already at this point in my thesis be clear that whatever the exact boundaries of moral responsibility are, they do not coincide with that which we can statistically expect people to do at a given time in a given society.

What I have been arguing for in this chapter is that the moral concept of a constraint, based on responsibility, presupposes a non-moral concept of an obstacle, of which constraints are a subclass. This insight first helped us to see the controversy about the necessary 'size' of an obstacle in a better perspective, and has now also enabled us to discern certain shortcomings in the literature about threats and offers. It is time to turn to more fundamental questions about the concept of moral responsibility.

### 3.4. References

- 1) Hereafter, 'responsible' shall be taken to mean 'morally responsible', unless otherwise stated.
- 2) This example is taken from **Miller** (1983)a, p. 76.
- 3) **Crocker**, p. 27.
- 4) See **Steiner**.
- 5) **Day** (1977), p. 258.
- 6) **Benn** (1988), pp. 146-148.
- 7) **Aristotle** (1985), p. 55 (1110a).
- 8) **Benn & Weinstein** (1971), pp. 202-203.
- 9) **Day** (1977), p. 259.
- 10) **Miller** (1983)a, p. 77.
- 11) **Dworkin, G.** (1970), pp. 371-373.
- 12) Cf. **Day** (1977), p. 263.
- 13) **Miller** (1983)a, p. 80.
- 14) **Oppenheim** (1981), p. 72.
- 15) See note 4), chapter 1.
- 16) **Taylor** (1979), p. 182.
- 17) **Benn & Weinstein** (1971), p. 195; **Benn** (1975-1976), p. 109.
- 18) **Anscombe**, p. 71.
- 19) **Benn** (1975-1976), p. 109.
- 20) **Benn** (1988), p. 128.
- 21) See e.g. **Wertheimer** (1987).
- 22) **Benn** (1988), p. 142.
- 23) **ibid.**, p. 138.
- 24) **Feinberg** (1986), pp. 229-233.
- 25) **Nozick** (1972), pp. 112-116.
- 26) **Wertheimer** (1987), pp. 208-209.
- 27) **Feinberg** (1986), pp. 220-226.

#### 4. THE TEST OF MORAL RESPONSIBILITY

To retrace my steps once again: in chapter 2 I threw in my support for a responsibility view of negative freedom, possibly creating the impression that previous advocates of it had left little in this department for others to do. By contrast, much of chapter 3 was taken up by direct or indirect criticisms of their views: Benn & Weinstein's unreasonableness view of the 'size' of an obstacle was rejected, and although Miller's analysis was deemed more acceptable, it also was found wanting in its appreciation of the concept of an obstacle. Even more so than 3, the present chapter will constitute a running criticism of these and other writers, as regards their accounts of **moral responsibility**, for that notion is the cornerstone of any responsibility view of freedom.

In 4.1 I examine the link drawn by Miller between responsibility and obligation; this, in the end, gives rise to a strange apostasy from his earlier insights. I attempt to show why and where his analysis goes awry. In 4.2 the perils of overly narrow and overly broad definitions of responsibility become apparent, and among the proposals which do not stand up to scrutiny is Benn & Weinstein's standard choice-situation model. As a result, a revised definition of moral responsibility, applicable to cases of unfreedom, is proposed in 4.3 and defended against charges of relativity in 4.4. My conclusions are then used in 4.5 to answer the question of under what

circumstances poverty can be seen as a constraint upon freedom. Finally, in 4.6 some attention is given to the problem of attributing moral responsibility to collectivities. After reading chapters 3 and 4, a sceptic might ask whether the quest for a moral test of unfreedom does not import ten times as many difficulties as it removes. My answer is no. I shall continue to hold that the main insight of the responsibility view is correct, although the foundations of previous accounts of it need to be repaired.

#### 4.1. Responsibility and prima facie obligations

In the final part of the paper where Miller argues for his responsibility view of freedom (2.3), he aims to apply his analysis to the ongoing debate between libertarians and socialists.<sup>1)</sup> That debate tends to focus on the distribution of wealth in the world, and a question that often crops up is whether such distribution is relevant to an assessment of people's freedom. Miller's basic observation is that nothing in the nature of **financial** obstacles disqualifies them from featuring in a discussion of freedom. Like any other obstacles, they count as constraints if there are agents who can be held morally responsible for them. So, to decide whether a certain distribution of wealth is freedom-restricting, more than conceptual analysis is needed: the moral responsibility in question must

be established. According to Miller, this "requires in turn a theory of moral obligation".<sup>2)</sup> Thus, in order to clarify the socialist point of view, he finds it necessary to invoke two obligations: ensuring that the needs of others are met, and dealing fairly with people placed in a dependent position. However, for Miller these obligations are in principle contestable. Generally, his claim is that because libertarians and socialists hold conflicting theories of interpersonal moral obligations, **ultimate disagreements** between them are inevitable. Often what the former call freedom, the latter would call unfreedom - and there is no rational way to decide who is right.

I am not the only reader of Miller's paper to wonder if, by these apparent concessions, he is not cutting off the branch from which his own theory hangs. Any attentive reader will be somewhat taken aback by the sudden change of tone towards the end of his piece. Up to that point, the whole exposition has had a very optimistic air. What Miller seemed to be showing, e.g. by his stories of the office-worker and the janitor, was this: once we realize how the notion of a constraint on freedom is tied up with that of responsibility, we can decide when an obstacle is freedom-restricting, for there is in everyday situations a consensus on the ascription of moral responsibility (at least outside philosophical circles). Thus, Miller's aim appeared to be that of providing us with a decision procedure for locating and defining constraints on freedom: a procedure that somehow claimed the acceptance of every

perspicuous thinker. The reader may be excused for believing that here we had finally reached the conceptual common ground on which meaningful controversies about the **value** of particular freedoms could be staged - an agreement on the meaning of that about which we could disagree. Maybe this was never Miller's point; at least he ultimately backs away from this conclusion. But once this assumption of a firm common ground has been abandoned or relaxed, the whole edifice of his theory begins to crumble. Obviously, an interpretation of Miller's view as claiming, on the one hand, that there is a consensus on responsibility and, on the other hand, that moral obligations are a matter of irresolvable dispute, cannot be sustained without imputing to him a glaring inconsistency. It is therefore of vital importance to find out where exactly Miller goes wrong in his analysis.

Recall that the core of Miller's view is that for an obstacle to count as a constraint an agent must be morally accountable for it. He is accountable when the onus of justification rests with him, and that in turn is when he has a prima facie obligation not to create the obstacle, not to let it be created, or to remove it if it is already there. (To avoid unnecessary repetition, I shall now coin the term 'to suppress an obstacle' for use in the sequel: saying that an agent A **suppresses** an obstacle O shall be taken to mean that he refrains from imposing O, or prevents its imposition by others, or removes O if it has already been imposed). The cause of Miller's apparent

about-face must lie somewhere in the links he supposes to obtain between responsibility, justification, and the (prima facie) obligation to suppress a given obstacle. Since the last of these three is, for Miller, prior in the order of explanation, it is the concept of obligation, or more precisely of **prima facie** obligation, that turns out to be the logical foundation of his analysis. His eventual claim is that having a prima facie obligation to suppress an obstacle is a **necessary** and a **sufficient** condition of an agent's moral responsibility for that obstacle and, hence, for its counting as a constraint on freedom.

All moral theories, be they deontological or consequentialist, have something to say about moral **responsibility**, whereas the notion of **obligation** is more at home with the former. There it is used to denote the absolute requirements we must meet as moral or rational agents. However, the term 'obligation' is sometimes used in a looser sense by consequentialists, referring to whatever we are supposed to do to promote the best consequences. The first question we can ask about Miller's link between responsibility and obligations is what exactly he understands by 'obligation' or, more specifically, by 'prima facie obligation'. It is pretty obvious that he is not using 'obligation' in a consequentialist sense. There, a distinction between unconditional and prima facie obligations would be somewhat out of place since a consequentialist does not acknowledge any obligations of the former

sort which are non-overrideable whatever the consequences. Moreover, there is no mention in Miller's analysis of his 'office-stories' of what promotes the best consequences. Hence, he must be using 'prima facie obligation' in a deontological or a quasi-deontological sense.

It was W.D. Ross who originally coined this term, and according to him:

- (1) X has a prima-facie obligation to do A.  
does not entail
- (2) X has an obligation to do A,  
because it is consistent with
- (3) X does not really have any obligation at all to do A, he only seems to have that obligation.3)

Thus, for Ross 'prima facie obligation' is a provisional label put on requirements which at first glance seem to be 'real', but might later prove merely to have been 'apparent'. In other words, you have a prima facie obligation to do x if x is something which you **seemingly** have a real obligation to do. However, most deontologists have used 'prima facie obligation' in a way that differs from Ross' definition. What they mean are obligations which are 'real' but not absolute. That is, they exist unless overridden - usually by other obligations but perhaps sometimes by other things: I have an obligation to meet you for dinner tomorrow if I have promised to do so, but if I should have to save someone's life tomorrow, my obligation to dine with you is overridden. Hence, it is not an absolute but a prima facie obligation.

My earlier suggestion, that there is no reason to believe that the so-called 'presumption of freedom' is of

a deontological nature (pp. 31f.) may already have thrown some doubt upon an attempt to forge a link between constraints on freedom and prima facie obligations. But a more fundamental problem now confronts us. It is well-known that deontologists disagree on what obligations we have and, also, which of those obligations (if any) are absolute. However, most of them use the term 'obligation' rather sparingly; it would be difficult to imagine the usefulness of invoking it if we had, for instance, an obligation (even prima facie) to promote whatever another person happens to want. In the context of a responsibility view of freedom, it seems implausible to hold that the only time we are morally responsible for the non-suppression of an obstacle is when we have a prima facie obligation to suppress it. Would it not be stretching the concept of obligation beyond the breaking point to claim that the reason why a father who removes a box of matches from his child is constraining its freedom, is that he has a prima facie obligation not to interfere, i.e., to allow the child to play with fire? Or, to take another example, would we want to say that a fireman rescuing a semi-conscious person from a burning house has, qua fireman, a prima facie obligation to leave him in there, if he knows that the person lit the fire himself in order to commit suicide? I take it that we would probably not want to say that, although we would grant that the fireman is restricting the person's freedom to commit suicide.

Does Miller's link work if we only apply it to

omissions but not actions? Then, an agent is morally responsible for every **action** which places obstacles in another person's path, but he only constrains a person's freedom by his **omission** if he has a prima facie obligation to remove the obstacle. Let us grant, for the sake of argument, that some general distinction can be drawn between acts and omissions. Nevertheless, this modified version of Miller's claim fails. Suppose a person has been taken hostage by a terrorist organization and is kept in a room where a guard watches over him. Now, the guard accidentally locks himself up in an adjacent room and asks the hostage for assistance. By refraining from helping him, the hostage restricts the guard's freedom, but it would be very odd to say that the reason for the latter's unfreedom is the hostage's **obligation** to help him get out.

These three cases seem to indicate that there is an extensional difference between being morally responsible for not suppressing an obstacle, on the one hand, and violating a (deontological) prima facie obligation to suppress it, on the other. The father, the fireman and the hostage would easily fall under the former description but scarcely the latter. If Miller insists that they do fall under the latter also, he is using the term 'prima facie obligation' in a more permissive way than most deontologists would allow. Not that I have anything against such deviant usage; deontological theories contain in general much baggage that I do not want to carry. But it creates problems for Miller's own view. Basically, it means that

he can no longer use prima facie obligations to **explain** the onus of justification and thus moral responsibility: the former are no longer prior in the order of explanation. For on this permissive reading, 'having a prima facie obligation to act/refrain from acting' simply turns out to mean the same as 'being obliged to justify an action/inaction', i.e., 'having the onus of justification placed on you'. Now, it is clear what would be meant by saying that the father, the fireman and the hostage are morally responsible for the non-suppression of the relevant obstacles because they are obliged to justify their action/inaction (in the above sense of having the onus of justification placed on them), although we could still ask **why** they are obliged to do so. But it would not add anything to say that they are so obliged **because** they have a prima facie obligation to suppress the obstacles, if they are ex hypothesi deemed to have such a prima facie obligation whenever they are obliged to justify their non-suppression.

So, to explain the three apparently clear-cut cases of unfreedom above, Miller would have to adopt a very permissive definition of 'prima facie obligation' that is at best synonymous with, at worst less clear, than the notion it was supposed to explain. However, when he starts to discuss different moral claims of 'socialism' and 'libertarianism', it is not this permissive sense that he has in mind but the more traditional and narrow one: of different deontological systems with conflicting views of prima

facie obligations. There, it can be controversial whether we have even a prima facie obligation to help people in need: such an obligation must e.g. be "invoked" (controversially) by the socialist (p. 81). In other words, Miller needs the permissive definition to account for many common cases of unfreedom, but then uses the narrow definition to show that judgements about freedom are bound to be the object of an irresolvable disagreement. However, he has not produced any convincing arguments for the claim that there is a link between moral responsibility and prima facie obligations on the narrow reading. In fact, the cases above indicate that there is no such link: whether one is a socialist or a libertarian, a deontologist or a non-deontologist, the hostage is restricting his guard's freedom to get out of the room. Perhaps obstructing a person by violating a prima facie obligation towards him as recognized within a certain deontological system, such as libertarianism, is a **sufficient** condition of a constraint on freedom; but there is no reason to believe that it is a **necessary** one. So, there could well be an uncontroversial sense in which we are morally responsible for the non-suppression of obstacles despite its being controversial when we are morally obliged to suppress them; it is not true that because deontological views of prima facie obligations differ, judgements about freedom will necessarily differ, too.

In sum, Miller's claims about the link between moral responsibility and the onus of justification, on the one

hand, and prima facie obligations, on the other, are either **trivial** or **wrong**. They are trivial on the permissive definition of 'prima facie obligation' and wrong on the narrow one.

#### 4.2. Narrow and broad responsibility

We have seen that Miller's preoccupation with prima facie obligations offers little in the way of clarification of the all-important concept of moral responsibility. The idea of connecting (un)freedom and responsibility may well be sound, but deep and difficult questions about the nature and extent of the latter still wait to be resolved. In order to pursue such questions, it is often best to start at opposite ends by looking at some very **broad** and very **narrow** accounts. If both of these prove to be too extreme, we may hope to find the correct solution somewhere in between.

Consider first the broad proposal that we are morally responsible for all the **foreseeable** consequences of our action/inaction. This is more or less the answer that would be given to us by the so-called 'strong doctrine of responsibility' and, curiously enough, also by Berlin in his most permissive mood (p. 7). Here, however, we venture into a field mined with counter-examples. A father might plainly be held responsible for constraining his child's freedom to take part in a ball game if he

neglected to tie the laces of the child's shoes, without which it could not compete. The reason lies in his special role as the child's father. However, he would not be held responsible for failing to tie the loose laces of all the children in the neighbourhood, although he could foresee that each of them who had loose laces would be ineligible for the game. Here, the strong doctrine seems to go badly wrong since it would hold the father responsible for all the loose laces which he could possibly have tied. Miller also enters the lists against this doctrine. His own counter-example is that because all those who wish to fly to the moon might be able to do so if human resources were devoted entirely to this end, we would have to say that those people are now unfree to fly there. This, he contends, is not a "helpful extension"<sup>4)</sup>. It is simply wrong that we are morally responsible for not granting these people their wishes.

Miller undoubtedly hits the point: it is wrong that just **any** humanly removable, remediable or preventable obstacle renders me unfree. Were that so, the subclass of constraints on freedom would take up most of the class of obstacles, since the great majority of everyday obstacles could **possibly** be overcome by concerted human effort; the domain of mere inability would shrink down to that of physical and logical impossibilities. It is odd how Berlin could turn a blind eye to this fact in suddenly giving up the liberal conception for the view that the freedom of social arrangements is determined by their alterability or

5) remediability. Following Berlin, however, this overly broad view has been embraced by many negative theorists, most of whom think, incidentally, that they are upholding the values of positive liberty (6.1).

If this view of moral responsibility is too broad, others might be too narrow. Let us look at three proposals which I see as falling into that latter category. **First** and nearest to hand are Miller's suggestions. (I take it that they are based on his own favourite conception of responsibility and obligation since he believes that such conceptions are radically controversial.) Miller is intent on not biting off more than he can chew:

I assume...that our theory of freedom will rest on a view of obligation that does not entail our being obliged to do everything in our power to promote human welfare...on a view of limited obligation and therefore of limited responsibility.6)

One example he takes is that the wholesale price of some commodity rises and, as a consequence, a shopkeeper raises his price accordingly. Now, says Miller, although the option of buying this commodity has become less eligible, we would not want to say that it constitutes an infringement of freedom. As the shopkeeper is acting within his rights in putting up the price, he is not morally responsible for the rise.<sup>7)</sup> Recall that Miller does not hold the unreasonableness view on the size of an obstacle but the irrelevance-of-size view. Thus, what matters in his argument cannot be the fact that the commodity has only become less eligible (not ineligible) for the customer, but rather that the shopkeeper is

"acting within his rights". Miller would have to say the same about the Drug Case I (p. 72): the dope peddler is supposedly acting within his rights in demanding whatever he wants for the drugs since he has no obligation to supply B with them anyway; hence, he cannot be held morally responsible. All this sounds rather counter-intuitive to me, but that is not the main fault. The main fault is that if we take Miller at his word here, the foundations of his own responsibility view begin to crack - for how can he now sustain the distinction between accountability and culpability necessary to distinguish a **moral** account, based on responsibility, from a **moralized** one, based on rights? Was the prison guard not acting **within his rights** in locking up the justly convicted criminal (pp. 20 and 37f.)? Why was that, then, to count as a constraint on freedom? The crucial claim of a responsibility view of freedom is precisely that it does not matter if we are acting within our rights in imposing obstacles on another person; if we can be held responsible for imposing them, then we are restricting the person's freedom.

The **second** 'narrow' view I want to consider is a view which one sometimes comes across when discussing moral responsibility, especially with non-philosophers. The idea is that each individual has a "quota" of responsibilities that he can be expected to fulfil. As long as he is doing that, e.g. by helping persons A and B, he cannot be held responsible for neglecting the needs or wants of other

people (C, D, etc.) that he might just as well have chosen to attend to - but his time and energy do not allow him to while he is doing his part somewhere else.

Once again, I think this idea rests on a confusion between responsibility and culpability. To show that it does, we can make use of Kant's distinction between **perfect** and **imperfect duties** towards others. We have, in Kant's view, an unexceptional duty not to **harm** others, but we are only loosely bound to **help** others: since we cannot help everybody, we are to a large extent entitled to decide for ourselves which needy persons we will favour with our attention.<sup>8)</sup> It is important to note that on this view, devoting our assistance to A and B does not exempt us from our imperfect duty to help C and D, but we only violate that duty if we are not filling our 'quota' elsewhere. I am not a follower of Kant, but there is a lot to be said for his insight here. By invoking a quasi-Kantian terminology, we could talk of **perfect** and **imperfect responsibilities**. For instance, we could say that the Icelandic government, which has decided to concentrate its developmental help on the Cape Verde Islands, only has an imperfect responsibility towards the starving masses in Ethiopia: one that it is not violating by its non-action there as long as it is spending all it can reasonably be expected to on Cape Verde. Such an analysis seems much more plausible than the verdict of the view under discussion, according to which the Icelandic government would have **no** responsibility towards the people in Ethiopia.

This narrow view could help us to dismiss a charge of culpability but not responsibility: it seems apt to say that the government is not **culpable** for failing to relieve the plight of the Ethiopians in the example above - but that it is still (imperfectly) **responsible** for it.

The inadequacies of this second narrow view should remind us of one thing: a correct view of moral responsibility must be able to account for a distinction that is subtle, but nevertheless real, between a) cases of responsibility which is 'imperfect' or easily overridden, such as that of the Icelandic government towards Ethiopians, and b) cases where there is no responsibility at all, as in the example of the father and the loose shoelaces of the children in the neighbourhood.

The **third** narrow proposal is what I shall call Benn & Weinstein's 'standard choice-situation model'. They insist that what is to count as a restriction of freedom depends on the range of options that would, under standard conditions, be available and eligible to the normal man. Thus, when attributing moral responsibility, we must be aware of various contextual conditions, in particular what is taken to be a standard expectation.<sup>9)</sup> For example, a shopkeeper who offers eggs at the reasonable price of 62 cents a dozen cannot be said to interfere with our freedom. Given the laws of property, which in this case define the normal conditions of action and therefore the alternatives available, we cannot complain that we are being<sup>10)</sup> deprived of free eggs.

The problem is that the "normal conditions of action" can themselves often be put into question. Recall why we refused to accept the conclusion of Feinberg's statistical test: that the slaveholder's proposal could not be considered a constraint on the slave's liberty (3.3). The reason was that we refused to accept the presupposition that the slaveholder could not be held responsible for the (continuation of) the 'normal' relationship between him and his slave. Now, there is undoubtedly, as Cohen points out, a tendency "to take as part of the structure of human existence in general, and therefore as no 'social or legal constraint' on freedom, any structure around which, merely<sup>11)</sup> as things are, much of our activity is organised." In capitalist society, the institution of private property happens to be such a structure; and Cohen seems to assume that we are collectively responsible for it since we could change it for something better if we wanted to. That is a fairly radical thesis, for we may be inclined to doubt that some of society's most deeply ingrained institutions can be changed through individual or collective action. Could we, for example, decide one day to abolish the family? Social structures do change with time, but it does not necessarily follow that some individual or some uniquely definable group of persons can change them. This brings up questions about the nature of social entities and processes which will be briefly addressed in the final section of the chapter.

Fortunately, however, I do not need a radical indi-

vidualist thesis about social change to undermine the standard choice-situation model. Once we get down to the level of everyday situations and individual action, we ascribe responsibility to persons without worrying too much about the nature of social processes. Even presupposing that a person cannot **change** the rules of the game he is taking part in, it does not follow that he cannot be held responsible for **obeying** them. Once again, the difference between culpability and responsibility is of vital importance. It may well be that the shopkeeper who offers eggs at 62 cents a dozen cannot be blamed for not selling them cheaper, if his price is 'reasonable' given the laws of supply and demand, but this does not mean that he can automatically be absolved of all responsibility for offering them at this price. We must remember that we even want to hold people who act under duress responsible for the outcomes of their actions although, as I have pointed out, showing that B was coerced into doing x is usually sufficient to exculpate B from moral **blame** (pp. 60f.).

So, absolving people of responsibility for the results of their action simply because that action happens to be the standard practice in a given society seems to be a bad mistake. Incidentally, Benn & Weinstein themselves are more willing than I to embrace the radical view of social change mentioned above, for they concede, in a rejoinder to a critique of their original paper, that "if we see the poor man's indigence as the consequence of arrangements that do deny him options that would be avail-

able to him in some possible and better ordered society, we may indeed be disposed to say that his inability to buy eggs is a case of his being unfree to buy them." <sup>12)</sup> However, after that concession little remains of the standard choice-situation model (which was at any rate much too restrictive).

#### 4.3. Responsibility and justification

In sum, not all obstacles to a person's choices, although suppressable in a possible world, constitute constraints on his freedom since people cannot always be held responsible for not suppressing them. On the other hand, the attempts discussed above to narrow the sphere of moral accountability seemed to undermine the distinction between a moral and a moralized test which is crucial to a responsibility view of freedom.

Maybe another responsibility theorist, Connolly, can point us in the right direction. He claims that the notion of a constraint "involves the idea of a normal range of conduct people can be expected to undertake or forgo when doing so restricts the options of others." This might seem little more than an echo of the already discarded standard choice-situation model; but Connolly's view turns out to be much broader than that. His point is that moral responsibility for the non-suppression of an obstacle can be established "if agents are limited with respect to

important actions or goals by circumstances potentially alterable at less than prohibitive cost by agents that stand in a strategic position to do so". Thus, poor people can be counted unfree with respect to certain individuals (politicians, etc.) who stand in a particularly strategic position to enable the poor to escape poverty, providing there are means available which would not impoverish the entire society.<sup>13)</sup>

We could call Connolly's suggestion the 'feasibility view' of moral responsibility, with **feasibility** being placed somewhere between **possibility** and **normality**: we are not responsible for the non-suppression of all obstacles that we could possibly suppress, nor only of those which we would normally be expected to suppress in a standard choice-situation, but rather of those which it is feasible for us to suppress, viz., those which we are in a strategic position to suppress at less than prohibitive cost. Connolly's ideas seem initially more plausible than those discussed so far, but they still establish a test of moral responsibility that is unsatisfactory, because it is too broad. Recall the Drug Case II where B's usual supplier had been arrested and B got an unacceptable proposal from another dope peddler. Now, the latter stood in a strategic position to supply B with drugs at a 'reasonable' price: it was definitely both possible and **feasible** (in the above sense) for him to do so, but there is no way in which we can hold him responsible for not offering B a better deal. If we did that, we would have to hold every person, for

whom it would be 'feasible' to offer us good deals at less than prohibitive cost for himself, responsible for not doing so, and that would include most people in our own country, if not the whole world.

Instead of criticizing more attempts to define moral responsibility, I shall now suggest and argue for the following view: an agent A is morally responsible for the non-suppression of an obstacle O to B's choices/action when the question 'Why didn't you suppress O?' is an **appropriate** one to ask in the given context by a **rational** agent who is aware of A and B's situation, and where A's failure to provide a satisfactory answer makes him liable to blame.

Recall that Miller's theory was that an agent is responsible for the non-suppression of an obstacle when he is obliged to justify its non-suppression, and that in turn is when he has a prima facie obligation to suppress it. Note that my definition explains what the onus of justification (being obliged to justify the non-suppression) really amounts to, without any recourse to prima facie obligations to suppress the obstacle: a recourse which either proved to be trivial or wrong (4.1). For me, it is sufficient that rational agents with adequate knowledge of the circumstances should find it appropriate to ask A for a justification; then A can be held responsible for his non-suppression, and the relevant obstacle is a constraint on B's freedom.

When I talk about agents with 'adequate knowledge of

the circumstances' demanding a justification, I am emphasizing that **objective**, not **subjective**, standards of appropriate demands are being referred to. In general, if we ask whether it is appropriate of C to demand a justification from A of his actions, the answer will depend on many factors having to do with C's position. For example, if C sees a child, B, being forced to opt out of a ball game because its shoelaces have become untied while A, whom C takes to be B's father, sits immobile on a bench nearby, it seems appropriate of C to demand from A a justification of his inaction. Meanwhile, another observer (D) knows that A is totally paralyzed and/or that A is in fact not B's father; hence, it does not seem appropriate of D to make the same demand. But surely, A's responsibility cannot depend on what C and D happen to know about him. To overcome this problem, my definition implies that a rational agent, C, can be mistaken about A's responsibility, because of his lack of knowledge, and that he may have to admit after becoming aware of the facts: 'I thought it was appropriate to ask for a justification, but now I know it wasn't; that's why I mistakenly believed A was constraining B's freedom'. Note that this 'adequate knowledge condition' does not mean that C must be omniscient or able to read A's mind; it is only meant to rule out the possibility that the reason for C's demanding a justification from A merely lies in his ignorance of the basic details of the situation, such as who A is, whether A would be **able** to do something about the relevant

obstacle, etc.

My proposed account of A's responsibility for the non-suppression of O supplies us, I believe, with the correct moral test for which we were looking at the end of chapter 3, a test which can determine when threats do constitute constraints on freedom. For instance, in the Drug Case I, it is surely appropriate to ask B's normal supplier for a justification of his threat not to sell B more dope unless B kills a certain person. However, in the Drug Case II, the question is inappropriate, for there is no sense (moral, statistical or otherwise) in which B could reasonably expect the stranger to offer him dope anyway. Furthermore, in the Slave Case, the slaveholder's threat 'Unless you do x, I'll continue to beat you up tomorrow', does constitute a constraint on B's freedom (contra Feinberg), for although the slaveholder could be **statistically** expected to continue the beating, it is surely possible to give a good reason of another kind (here a moral one) why he should be expected to stop the beating and, hence, it is not inappropriate to ask him for a justification.

Another advantage of my proposed definition is that it honours the subtle distinction between imperfect responsibility and no responsibility (p. 94). It is incumbent on the Icelandic government to justify why it does not help the starving Ethiopians, but that justification may be easy to find since the responsibility is only imperfect. On the other hand, it is not appropriate to ask

the father why he does not tie the loose laces of all the children in the neighbourhood (barring the unlikely possibility that he has been employed especially to perform that function). The responsibility in question is not even imperfect; it is non-existent. A person who asks such a question, in order to hold the father culpable if he does not supply a justification, does not understand the 'rules of the game'. His question **makes sense** but it is inappropriate in the sense of being foolish or unreasonable, just in the same way as if he were watching a football match and asked why the referee did not help the losing team by kicking the ball into their opponent's goal. Such a person would neither understand what the game of football nor the game of asking for a justification is all about.

My test of moral responsibility also enables us to see what exactly is true in the claim that there is a 'principle of freedom' embodied in our language, a claim often made by responsibility theorists (2.2). It cannot be right that this principle amounts to a general presumption against impairing the choices of others or obstructing their activity, for we are doing so all the time without it being considered appropriate to ask us for a justification: the father is impairing the possible choices of those children whose loose laces he does not tie. What is true, on the other hand, is that there is a presumption against constraining other people's freedom. Thus, freedom is a 'principle' in the sense that when the onus of

justification can be placed on us for the non-suppression of an obstacle, to avoid blame we must be able to explain satisfactorily our non-suppression. This means that the connection between the principle of freedom and the onus of justification is more intimate than previous writers may have realized. It is not that we **first** locate instances of unfreedom and **then** place the onus of justification on the constraining agents; this onus is a defining characteristic of what constitutes unfreedom in the first place. When it can be placed on a specific person, A, that person is responsible for the given obstacle to B's choice and, hence, A has constrained B's freedom.

I also question Connolly's definition of a 'principle' (p. 27) which implies that accepting the principle of freedom is to acknowledge at least a prima facie obligation to suppress a given obstacle in case the onus of justification has been placed on us. But surely, Connolly might say, given your objective standard of appropriateness, where A and B's real situation is known to us, A cannot have an **obligation to justify** not doing x unless he has at least a prima facie **obligation to do x**. Once again, the answer hinges on the meaning we want to give to the term 'prima facie obligation'. My response here is much the same as against Miller earlier (4.1). I think it is more useful in a moral inquiry to retain Miller's narrow definition of 'prima facie obligation', where different deontological systems can disagree on the prima facie obligations we have and I, as a conse-

quentialist, can even refuse ever to invoke the term in my normative arguments.

As I have spelled it out, A's obligation to justify the non-suppression of an obstacle simply implies that a **good reason** can be given why A could have been expected (in some sense of 'expected') to suppress the obstacle. For instance, we might say to a father removing a box of matches from his child: 'Wouldn't it have been good if you had used this opportunity to teach your child to be responsible for the consequences of its own actions?' The father would probably provide us with overriding reasons against our point, but it is still a perfectly respectable and understandable one. If he did not have any such reasons, he would be liable to blame. But does this necessarily entail that he had a (prima facie) obligation to allow his child to play with the matches? On the contrary, I think one possible recourse for the father, in fulfilling the obligation to justify his action, would be to insist that he had no obligation whatsoever to allow the child to play with fire! If we prefer to use 'prima facie obligation' in the wide sense in which having a good **reason** to do x entails having a prima facie obligation to do it, the objection imputed to Connolly above may hold good, but then the force of the 'because' in 'He has an obligation to justify not suppressing O **because** he had a (prima facie) obligation to suppress O' is lost (p. 87).

#### 4.4. The threat of relativity

It is now time to consider charges of **relativity** that could be brought against my test of moral responsibility. A possible objector might grant that an agent is morally responsible for the non-suppression of an obstacle when he can be appropriately asked to justify it, but still deny that this yields an uncontroversial definition of responsibility and, hence, of constraints on freedom. The objector would claim that once I start to flesh out this suggestion and apply it to specific cases, the results are influenced by the fact that I am a consequentialist of a sort, although not a utilitarian. Unfortunately for you, the objector would say, rational agents do not agree on when it is appropriate to ask for a justification. Some utilitarians, for example, find it appropriate to ask such questions about all the foreseeable effects of our acts/omissions, whereas many deontologists have a much narrower conception of what is appropriate, some of them so much so that they find it inappropriate to ask for a justification of anything but intended effects. Thus, the objector would continue, the general moral perspective determines what reasons you are willing to accept as appropriate, and the results of your test of moral responsibility will always be relative to such a perspective. In reply, I shall argue that, given their own moral standpoints, the utilitarians and deontologists referred to by the objector would here be mistaken in holding the views ascribed to them.

It is true that the strong doctrine of responsibility is often imputed to utilitarians, but I see no reason why any coherent utilitarians should embrace it. For instance, if they claimed that a father could appropriately be asked to justify his not tying the shoelaces of all the children in the neighbourhood, this would require them to give us a reason, satisfying a minimum criterion of plausibility, why he could have been expected to do so. What kind of a reason might these (imaginary) utilitarians produce? The only one I can think of is that the father could **possibly** have tied all the laces, by devoting all his time and energy to it, but that reason happens to be counter-productive from the utilitarian standpoint itself by making unrealistic demands of people. Thus, there are sound utilitarian reasons for **not** holding the strong doctrine of responsibility.

To examine the objector's claim about deontologists, it is worth looking at what Antony Duff has to say about the way "absolutists" may view responsibility. Generally speaking, Duff holds that ascribing responsibility to an agent for the effect of his action is claiming that he **should** (not **does**) see it as relevant - as providing a reason against the action - and that he should be answerable for it. Duff then thinks of a possible absolutist analysis of a scenario where a person (Albert) could save five lives by killing, with intent, one innocent. The absolutist believes that killing with intent is absolutely prohibited. He also believes that this absolute prohibi-

tion limits his responsibility by requiring him to ignore as irrelevant effects which would otherwise have been relevant. Here, he sees the fate of the five as irrelevant to his decision, as something which he should not regard as a reason against refusing to kill the innocent. In this way, the absolutist can understand the doctrine of double effect as absolving him of responsibility for those of his acts which are not directly intended.<sup>14)</sup>

Duff realizes that the obvious objection to this is that an effect such as five deaths must always be significant for an agent's actions and that he must be able to justify these deaths by reference to reasons which carry more weight in the particular cases or in every case. Duff's answer to this objection is that it "fails because it distorts the status and the meaning of the absolute prohibition on killing the innocent which informs Albert's thought and action". It ascribes to him the belief that it is better or more important not intending to kill the one innocent than saving the other five, but fails to see that the absolute prohibition excludes precisely such considerations of good or bad consequences.<sup>15)</sup>

The problem about Duff's answer is that the objection does not purport to describe the considerations which **do** inform Albert's actions but those which **should** do so - which is in full accordance with Duff's own view above of how responsibility is to be ascribed. Furthermore, as Duff himself explains, the principle of double effect, which distinguishes an agent's relationship to the intended

results of his actions from that to the effects he foresees but does not intend, can be understood in different ways. I have already stated that I am generally suspicious of the moral fruitfulness of this principle (p. 23). However, if it is taken to mean that it may be **morally right** to do a good act in the knowledge that bad consequences will ensue, it is at least an intellectually respectable principle which can be argued for or against on substantial grounds. If, on the other hand, as Duff holds, it can be taken to mean that when you intentionally do a good act in the knowledge that bad consequences ensue, you are not **morally responsible** for those consequences, it begins to sound too morally bizarre to be taken seriously and is thus inimical to the absolutist's own cause.

There is a lively ongoing debate about **intention** which is largely outside the purview of this study. What I can say in brief compass is that I agree with Kenny that "it is not usually natural to speak of someone as intending foreseen consequences of his actions when these are unwanted or when he is merely indifferent to them."<sup>16)</sup> I also agree with George Graham's taxonomy, according to which something can be done a) with the intention of doing it, b) intentionally but without the intention of doing it (things brought about as foreseen avoidable consequences of intended doings),<sup>17)</sup> and c) non-intentionally. A principle of double effect may perhaps be invoked to distinguish between a) and b) on the one hand and c) on the other, or between a) on the one hand, b) and c) on the

other, with the aim of making some point in a moral debate. But neither distinction has any bearing on the definition of moral responsibility, for we can obviously be held responsible for many acts which fall under c) (as well as a) and b) ), e.g. acts of negligence.<sup>18)</sup>

Interestingly enough, as far as responsibility for the non-suppression of obstacles is concerned, it is not only that intention (direct or oblique) is not a **necessary** condition; it is not even **sufficient**. Let us return once again to the case of the loose shoelaces: even though the father might go for a walk through the neighbourhood with the sole intention of refraining from tying any loose shoelaces he came across, and might rejoice each time that this happened, he would still not be morally responsible for the obstacles he failed to remove by not tying the laces, since it would still be inappropriate to ask him to justify these particular omissions.

This observation sheds light on an important point. There is no such thing as moral responsibility simpliciter; we are always morally responsible **for our actions** with regard to some **effect**, and how this effect is described is determined by our purpose in ascribing responsibility in the given context.<sup>19)</sup> For example, what I have been saying so far concerns exclusively our responsibility **for obstacles** to people's choices. Establishing such responsibility is placing the onus of justification on the constraining-agent; he is liable to blame unless he can supply us with a morally acceptable reason why he did

not suppress the obstacle.

Meanwhile, we must remember that there is another sense in which we ought to be prepared to justify our actions generally, i.e., show that they are rational or even reasonable. So, in that sense a person (A) would be morally responsible for taking his car out of the garage in the morning and driving to work, if only because he supposedly has a free will and does this as a result of a voluntary **decision** (or an Aristotelian **habit**, which is also voluntary). Hence, I could appropriately ask him to 'justify' what he is doing to see if it is a rational course of action - and in this sense, intention is surely sufficient for responsibility. However, even if I am delayed for a minute at an intersection because A happens to be driving in front of me, it would not be appropriate to ask him to justify his having created an obstacle to my choices (by altering my preferred rhythm of movement through the city). In other words, A could not be held morally responsible **for that obstacle**; or, to be more exact, if I asked a question like that in order to hold him responsible for constraining my freedom, I would have to give a good reason for asking that question, a reason which other people could acknowledge, e.g. my reasonable suspicion that A has a motive for holding me up when I am on my way to work. Then I could at least say that I **thought** he was constraining my freedom.

But is this not the same as taking the standard choice-situation (here = the ordinary traffic conditions)

as given, and as beyond the scope of responsibility, like Benn & Weinstein do? No, since that very choice-situation might still be questioned in many ways. I could, for example, appropriately ask the relevant authorities why they put up traffic lights at this intersection where they were not needed, delaying the traffic considerably instead of expediting it, and as I have already touched upon (pp. 57f.), there is nothing in the nature of traffic lights or other standard conditions of traffic that excludes them a priori from counting as possible constraints on freedom. We simply have to find an agent who is morally responsible for them as obstacles to our choices.

Recall that this observation about the different purposes behind ascribing moral responsibility is an offshoot of my answer to the original objection that what we deem appropriate in asking for a justification is relative to our general moral perspectives. The drift of my answer was that the views imputed to the utilitarian and the absolutist would work against the plausibility of their own substantial moral beliefs. Arguably, these views also suggest that what we can appropriately be asked to justify is something quite different from what the non-philosopher in the street would think. His understanding would, I believe, be that we can appropriately ask people to justify the non-suppression of those obstacles which we have some plausible reason for expecting them to suppress - and it is this simple understanding that I have been trying to capture by my account of our moral responsi-

bility for the non-suppression of obstacles.

However, once we start to appeal to the intuitions or beliefs of the ordinary man, a new threat of relativism emerges, this time not with regard to complex philosophical standpoints, but rather to the varying customs and intuitions of ordinary people in different societies. Since I believe that, in general, relativism is the most serious threat facing any conceptual or substantial moral thesis, this is also an objection that we need to look at in some detail.

Let us start by considering a Dating Case<sup>20)</sup> in which a man has dated a woman for three months without any sexual intimacy and then suddenly tells her that he will not take her out again unless she sleeps with him. Now, someone might ask if he is constraining her freedom by his implicit threat - which in my analysis would be the same question as 'Is it appropriate to ask him for a justification of it in this context?'. The point of the objection, which the story is meant to highlight, is that you do not really know what is the normal moral or socially expected course of events until you know quite a lot about the context (time, place, etc.) - and until you know about the expected course, you cannot answer the question if the man can appropriately be called upon to justify his ultimatum. Is the story set in Mormon Utah or promiscuous Hollywood? What are the views of the parties involved on pre-marital sex? So, no judgements about freedom in society or community S can be passed by people who do not

know the norms and values of S inside out. What counts as an instance of unfreedom in your community may not count as one in the community on the other side of the track, or not even in your own community in a couple of years' time. Consequently, we are left with an account of freedom which is at least as radically relativized as that of Miller.

My response to this objection would be to start by accepting some of its insights. There is no denying the fact that in my view, ascriptions of unfreedom are to a certain extent relative to time and place. For instance, a doctor might appropriately have been asked in the 1960s why he did not provide his patient with the necessary medication to cure his TB, although the same question would have been inappropriate in the 1930s. Facts, such as the discovery of a new medicine, can surely alter judgements about freedom: the doctor did restrict his patient's freedom in the former case, but not the latter. However, such '**factual relativism**' is of an innocuous kind, at least unless we add the premise that in most significant cases, people's judgements about whether or not it is appropriate to ask for a justification of the non-suppression of a given obstacle will differ between communities. That would be an anthropological, not a philosophical, hypothesis whose merits cannot be argued here, although I firmly believe it is false.

As far as the Dating Case itself is concerned, it is hard to imagine a context where it would be inappropriate for rational agents to ask the man for a justification,

viz., a society in which it is literally unknown that a man dates a woman without demanding that she sleep with him. It should be remembered that my understanding of appropriateness is quite flexible; it only requires that the reason given for demanding a justification satisfies a minimum criterion of plausibility. Moreover, in borderline cases, I can always accept that we err on the side of responsibility, for in a responsibility view of freedom, a person has not scored a very big point by persuading us that a restriction of freedom is taking place. To be sure, a justification of any such restriction is called for, but that may be very easy to find (imperfect responsibility, etc.). Still, however flexible my definition is, there is no reason to think that it is apt to collapse into the strong doctrine of responsibility, for I have already given examples of suppressable obstacles which it is hard to imagine an agent's being appropriately asked to justify in any real society or under any plausible circumstances.

I conclude from all of this that the charge of factual relativism does not seriously threaten to undermine my view (this will be further borne out in 9.3-9.4 where a related charge is examined in the context of the 'essential contestability thesis'). The kind of relativism that would undermine it is of a more intrinsic kind, not relating to varying judgements about particular cases but to essential controversies about the criterion of appropriateness itself. The problem, the thorough-going relativist might say, does not lie in petty arguments

about whether it is appropriate here or there to ask A for a justification of his action, or in people from different societies giving different reasons to explain why a question is appropriate, but rather in the fact that there is no common standard of appropriateness available between societies: people with different social backgrounds are bound to be working with irreconcilable notions of appropriateness. This, of course, is an objection that does not only challenge my view of responsibility and freedom but, in general, any rational philosophical doctrine. It assumes that we not only differ over whether a given case constitutes good reasons for saying such-and-such, but also on what it means for something to constitute good reasons.

It may be little more than an articulation of faith to state that I find this radical relativism with respect to human rationality unconvincing. However, it must be incumbent on the holder of such a radical view to provide convincing arguments for its validity; as long as such arguments have not been produced, we are entitled to assume this kind of relativism to be false. At any rate, its potential threat should no more debar us from trying to establish a sound responsibility view of freedom than from arguing for any other rational doctrine. So, it does not dissuade me from holding that my definition of moral responsibility is one that could and should be used in all societies at all times.

4.5. Poverty as a constraint on freedom

A question often asked in political debate is under what conditions poverty can be considered a constraint upon the liberty of the poor. This question hardly requires special treatment as the answer can be easily read out of the analysis of the preceding section: poverty is such a constraint when there are agents who may appropriately be asked to justify its existence. There is little doubt that we can appropriately be asked to justify not helping a person (B) in serious need, when the following minimal conditions are fulfilled: (1) B is faced by serious (life-threatening) difficulties and requires assistance by somebody; (2) A is able to be of assistance; (3) B is unable to assist himself; (4) A is reasonably sure that B desires assistance of the sort he proposes to give.<sup>21)</sup> It is difficult to suppose that the moral responsibility here could be relative to a particular world-view or political outlook. We cannot, I believe, envisage any morality where A would not be held responsible for failing to assist B. However, this does not mean that he **should** necessarily do so. People have many responsibilities which may at times conflict. Perhaps A can only remove B's unfreedom at the expense of somebody else's freedom which is deemed more important, or A believes in the value of desert, claiming that B's afflictions serve him right since he has only himself to blame for them. But it is one thing to say that B should not be helped here because he is not unfree

(which is a conceptual mistake); another to hold that despite B's unfreedom there are overriding reasons for non-assistance (which is a substantial, political thesis that will not be argued for or against here).

Moreover, since lack of time and resources prevents us from helping everybody in need, the responsibility in question can often be seen as an **imperfect** one, i.e., as one we are not culpable for ignoring as long as we are doing as much as might be expected of us in removing constraints of a similar sort. However, in such cases blame seems to be ascribed differently to governments and public bodies, on the one hand, which in their domestic duties are supposed to follow a rule of non-discrimination among the citizens, and individuals and relief organizations, on the other hand, that can choose their clientele more arbitrarily.

When I say that we cannot envisage any morality where A would not be held responsible for failing to assist B in the above context, it might be objected that there is a whole school of libertarian thinkers which holds the opposite view. My response is that I am not sure they really do; however, if they insist that this is their view, they are wrong in holding it. The important libertarian point ought to be that people have, in general, no obligation, even prima facie, to help others in need: helping in such cases is a supererogatory good. But as I have tried to show, a person could appropriately be asked to justify his non-suppression of an obstacle without his having a (prima

facie) obligation in a given deontological system to suppress it. So, libertarians and socialists may differ on the obligations people have to suppress obstacles without necessarily disagreeing about what people can appropriately be asked to justify. They may also differ on the extent to which people's freedom should be weighed against claims of other values (justice, deserts, etc.). But again, that is a political dispute, not a conceptual one, and does not warrant Miller's conclusion that the concept of responsibility (and hence of freedom) is bound to be the subject of an endless, irresolvable conflict between these two schools of thought.

We should now be able to see where various writers on freedom have missed the mark when dealing with poverty. For example, Berlin claims that it is "only because I believe my inability to get a given thing is due to the fact that other human beings have made arrangements whereby I am...prevented from having enough money to pay for it" that I think of myself as a victim of unfreedom.<sup>22)</sup> The use of the term, then, depends on a particular social or economic theory about the causes of my poverty, since it is a logically prior question whether a causal relation can be presumed at all between human arrangements and my situation. Oppenheim makes more or less the same point when claiming that whether poverty under a given economic system such as capitalism constitutes unfreedom depends on the general theory of the causes of poverty one adopts: "Some tend to explain poverty and unemployment in

terms of anonymous causal factors inherent in that... economic system; others are inclined to lengthen the causal chain to arrive at specific persons or groups whom they accuse of being the cause of what they consider to be instances of unfreedom.<sup>23)</sup>"

Even if we grant the claim that there are social and economic processes for the origin and workings of which no individuals can be held morally responsible, Berlin and Oppenheim's conclusion does not follow. For although the most important sense of responsibility for the non-suppression of obstacles may be that of being accountable for the imposition of one, there is also a sense in which we can often be held responsible for not altering a state of affairs, irrespective of its original causes. A does not need to be responsible for the causal chain leading up to the creation of O, that impedes B, for the question 'Why don't you suppress O?' to be appropriate. Thus, if the results of an economic system are such that some of us find ourselves in pockets of affluence surrounded by seas of destitution, then it is certain that we, as individuals, can appropriately be asked to justify turning a deaf ear to our fellow-men's call for help. The responsibility established may often be an imperfect one but it is still a responsibility; hence, those left destitute by the system are unfree.

In this section, I have simply applied the conclusions from 4.3 to the question of poverty as a potential constraint on freedom. The upshot is the same as

before: appropriateness in asking for a justification begets responsibility and responsibility is presupposed when ascribing unfreedom.

#### 4.6. The responsibility of collectivities

One important objection might still seem to require a more thorough response. Even if everything I have said so far about individual agents being responsible for the non-suppression of obstacles is true, the problem remains of how to move from considerations of such individual relations to those involving collectivities: corporations, organizations, classes, or nations. How are 'impersonal entities' to be personalized in order that we can hold them responsible? How can we put our grievances to Mr. Nobody and ask him to justify his acts or omissions? Answers to these questions have already been hinted at in the previous section and in my reply to Benn & Weinstein's standard choice-situation model (4.2), but some observations of a more general kind may be in order.

There has been in the social sciences, especially since the early 1960s, an ongoing methodological debate between **structuralists** ('holists', 'institutionalists') and **individualists**. I shall not enter that debate here except insofar as it has bearing on questions of moral responsibility. The basic idea of the structuralists is that in the case of collectivities, no specific entity can

be located as the source of the agency and, hence, that all attempts to attribute moral responsibility are apt to break down. The problem here is that we often want to say that B is unfree to do x with respect to A, where A is a collectivity, such as a big corporation. If the structuralists are right in their analysis of such claims, then it seems that, contrary to the view upheld in my thesis, unfreedom is possible without responsibility.

A typical individualist response to the structuralist view of social entities is to deny the existence of any such entities which cannot, in principle, be reduced to individuals. Thus, Mill stated that "the laws of the phenomena of society are, and can be, nothing but the actions and passions of human beings"<sup>24)</sup> In this view, groups are nothing more than the people who belong to them and practices nothing over and beyond the actions in which they are respected. Gray explains the individualist position more grandiloquently as holding that "it amounts to an error of reification, a mystifying and animalistic superstition, to regard social structures as more than residues of the practical and intellectual activities of human subjects."<sup>25)</sup>

Admittedly, I tend to have some sympathy with the individualist position. Thus, I share Pettit's commitment in Judging Justice to the basic individualist claims that the purpose of social institutions is to serve the interests of individuals and that institutions are "intrinsically perfectible"<sup>26)</sup> However, while these

claims represent an essentially anti-holistic standpoint, I do not agree that they must lead to the kind of radical **methodological individualism** subsequently espoused in Pettit's book.<sup>27)</sup> According to the latter view, no purported explanations of social (or individual) phenomena are to count as (rock-bottom) explanations, unless they<sup>28)</sup> are couched wholly in terms of facts about individuals.

Fortunately, I do not need this radical thesis, of whose truth we have good reasons to be sceptical, to defend my responsibility view of freedom. My view only requires that if a collectivity is held to constrain freedom, it should be possible, in principle, to point to one or more individuals who can appropriately be asked why they did/do not suppress the relevant obstacle. But it is one thing to claim that; another to say that collectivities are nothing but groups of individuals, to whom attributions of responsibility for the collectivities' workings are **always** possible.

However, the demand for a justification will clearly be appropriate in more cases in my responsibility view than, for example, in an intentionality view of freedom. To make use of two examples discussed by Lukes in a different context, I would claim that a pharmaceutical company had constrained the freedom of people harmed by the marketing of a dangerous drug, even if its scientists and managers did not intend this to happen, not knowing of the drug's effect, given that they **could have** been expected to take steps to find out but did not. On the other hand,

cigarette producers did not restrain the freedom of smokers, by refraining from informing them of the hazards of their habit, **before** anyone could reasonably be expected to think that smoking was harmful.<sup>29)</sup> Another reason why followers of an intentionality view of freedom tend to underestimate the number of cases in which the results of a collectivity's workings can be seen to constrain people's freedom, is that they do not allow that A's intentional non-removal of an already existing obstacle constrains B's freedom, as long as A's intention was not a part of the causal chain leading to its creation (p. 22).

There is yet another reason why an attribution of responsibility to individuals within a collectivity might be appropriate in more cases than is often thought. Philosophers are prone to commit what Parfit calls the fifth mistake in moral mathematics: the mistake of thinking that "an act cannot be either right or wrong, because of its effects on other people, if these effects are imperceptible."<sup>30)</sup> But as Parfit points out, the only way to solve many Prisoner's Dilemmas that are relevant to problems of pollution, congestion, unemployment, over-fishing, etc., in the modern world, is to ask ourselves: "Will my act be one of a set of acts that will together harm other people?"<sup>31)</sup> Parfit's argument underwrites what I take to be Miller's correct insight: that in many cases when "I add my straw to the camel's load in circumstances where it <sup>can</sup> be foreseen that others will do likewise, I bear my <sup>share of</sup> responsibility for the resulting injury to the

32)  
camel."

In this chapter, I have attempted to lay the most important foundation of a responsibility view of freedom, by providing a plausible account of moral responsibility. I have taken serious exception to the views of other responsibility theorists, such as Miller, and Benn & Weinstein; and in the last two sections I have argued that my account explains among other things the conditions under which poverty can be seen as freedom-constraining, and under which collectivities can be said to restrict people's liberty. This, I hope, has shown how the responsibility view can provide us with promising solutions to some of the most intricate puzzles about the nature of social freedom.

4.7. References

- 1) **Miller** (1983)a, pp. 81-86.
- 2) **ibid.**, p. 86.
- 3) See **Searle** (1980), p. 240.
- 4) **Miller** (1983)a, p. 74.
- 5) **Berlin** (1969), p. xxix.
- 6) **Miller** (1983)a, p. 75.
- 7) **ibid.**, p. 79.
- 8) **Paton**, pp. 30-31; 84-86.
- 9) **Benn & Weinstein** (1974), p. 436.
- 10) **Benn & Weinstein** (1971), pp. 201-202.
- 11) **Cohen, G.**, p. 227.
- 12) **Benn & Weinstein** (1974), p. 437.
- 13) **Connolly**, pp. 165-167.
- 14) **Duff**, pp. 6ff.
- 15) **ibid.**, pp. 14-15.
- 16) **Kenny**, p. 50.
- 17) **Graham, George**, pp. 668-672.
- 18) See **ibid.**, p. 668.
- 19) **Hart**, pp. 211-230, has some interesting things to say about the different ideas expressed by the word 'responsibility' which might be brought to bear on my claim. Note especially what he says about "role-responsibility".
- 20) The Dating Case is taken from **Wertheimer** (1987), p. 211.
- 21) See **Elfstrom**, p. 720.
- 22) **Berlin** (1969), p. 123.
- 23) **Oppenheim** (1981), p. 56.
- 24) Cf. **Lukes** (1968), p. 119.
- 25) **Gray** (1983), p. 93 (describing what he calls the "actionist" view).
- 26) **Pettit** (1980), p. 45.
- 27) **ibid.**, ch. 6.
- 28) See **Lukes** (1968), p. 121.
- 29) **Lukes** (1974)a, pp. 51-52.
- 30) **Parfit**, p. 82.
- 31) **ibid.**, p. 86.
- 32) **Miller** (1983)a, p. 81.

## 5. INTERNAL BARS

Chapters 2-4 provided an account of the nature of social freedom, an account which I have categorized as a 'responsibility view'. I have claimed that though this view presents a variety of **negative** freedom, it avoids the traditional narrowness of negative freedom accounts and fits more readily with some of our basic intuitions. I have been concerned to demonstrate the internal coherence of the position staked out and its superiority to competing positions, which have been found wanting in different respects. Generally speaking, the rest of the thesis will deal with various potential threats to my responsibility view. How does it stand up to the challenge of opposing **positive** liberty accounts? What bearing could it have on discussions of **power**? Is the **methodology** upon which the whole enterprise has been based sound?

The present chapter, which prefaces a more systematic investigation of positive liberty in chapter 6, rests on a simple observation. In my responsibility view, A constrains B's freedom when he can be held morally responsible for an obstacle that restricts B's options. But what if A and B are the same person? Are there not cases where we can be held responsible for our own remediable ignorance and self-deception, along with other avoidable deficiencies in our awareness of our genuine interests or will? The problem is that if we accept the reality of such

**internal bars** to freedom, we seem to have saddled ourselves with a central tenet of the most radical theories of **positive** liberty, a tenet which has been used to justify the most repugnant forms of paternalism. For in such cases the traditional (prima facie) objection against paternalism, that it takes away people's freedom, does not seem to apply. On the contrary, my paternalistic intervention in your life can be seen as a way of relieving you of your own unfreedom: of forcing you to be truly free.

I purposely treat this problem in the present chapter without providing any exact initial characterization of positive liberty, simply assuming that most of us share a rough idea of what this notion comprises: an idea indicated, for example, by Berlin's general remarks referred to in chapter 1 (p. 5). The rationale behind this method of 'deliberate conceptual sloppiness' is to let the features which characterize positive accounts and distinguish them from their negative counterparts emerge and manifest themselves gradually in the course of the discussion. In 5.1, I look into arguments from Charles Taylor that seem to reinforce the embarrassing implication mentioned above, arguments which aim to show that by granting certain unavoidable claims about internal bars to freedom, we are forced, in two steps, into following the path of positive liberty. A common rejoinder from negative liberty theorists is to deny the existence of such bars, and in 5.2 I examine this alternative by devoting some space to a possible candidate for an internal bar: self-

deception. Then, in 5.3, some truths about freedom as a social concept are revealed, shedding new light on the connection between internal bars and freedom. The thrust of Taylor's positive liberty argument is ultimately resisted, but the relation of a correct negative liberty account to paternalism does not turn out to be the one that some people might have expected.

### 5.1. Beyond the Maginot Line

In his article, "What's Wrong with Negative Liberty", Charles Taylor directs our attention to the somewhat curious fact that while the most "caricatural" version of positive liberty is pinned on its protagonists by their opponents, negative liberty theorists tend to be eager themselves to embrace the "crudest version" of their theory. By that he means the extreme Hobbesian view where freedom is understood simply as the absence of physical constraints: 'freedom of movement' (2.1). The reason for this, according to Taylor, is their fear of the "Totalitarian Menace": their suspicion that any modification of the Hobbesian notion will lay itself open to totalitarian manipulation. To thwart that menace, the proponents of negative liberty hold the line around a simple issue of principle, embracing what Taylor calls the "Maginot Line mentality". The purpose of the Maginot Line strategy is to nip the opposition in the bud, by holding on stubbornly to

the belief that you are free as long as you are able to do what you want, unrestrained by external barriers: 'what you want' being unproblematically understood as what you can identify as your desires.<sup>1)</sup>

For Taylor, the journey from the Maginot Line to the fortress of positive freedom is made in two steps. The first consists in equating 'doing what you want' with 'doing what you **really** want', truly directing your life; the second consists in granting that you cannot achieve this "outside of a society of a certain canonical form, incorporating true self-government".<sup>2)</sup> It seems to me that step number one really involves two smaller steps, 1a and 1b. In taking 1a, we accept some qualitative ranking of our desires, conceding that some of them are much less significant than others, even to the point where external bars to them can hardly be called constraints on our freedom at all. Simultaneously, we admit that we do not always carefully weigh up the significance of our various wants prior to acting, and that some of our actions are, in that way, non-rational. These concessions may seem so small that even though they bring in the notion of the unequal significance of desires, we could still grant them without abandoning the Maginot Line.

Is accepting 1a and stopping there a tenable position? Not according to Taylor, for our position thus far still rules out **second-guessing**; we remain the final arbiters of the authenticity and importance of our own desires and the degree of our freedom/unfreedom. However,

Taylor asks us to consider whether our freedom is not also at stake when we find ourselves carried away by a less significant goal at the cost of a highly significant one, or when we are led to act out of a motive which we consider bad or despicable. To bolster his case, Taylor takes as examples a man whose irrational fear of public speaking prevents him from taking up a fulfilling career, and another whose spiteful reactions undermine an important relationship. Is it not, he asks, quite understandable if I consider such emotions and motives as obstacles I would be freer without - as something I could get rid of without any loss to my identity?<sup>3)</sup>

What Taylor has in mind is apparent from his examples, viz., the familiar cases of false consciousness, repression, weakness of the will and self-deception. At least some of his examples imply that we can be radically wrong about what we really want and that seeing ourselves in the final-arbiter role is an illusion. If we rule out, in principle, that a person can ever be wrong about what he really wants, it must be because there is nothing to be right or wrong about in the matter; that desires are simply incorrigible brute facts.<sup>4)</sup>

Taylor goes on to contend that our desires are not incorrigible, referring to Rylean arguments about the necessary logical conditions of certain feelings such as shame and fear. In fact, Taylor claims that our emotional life is largely made up of desires and feelings that we can experience mistakenly. He concludes that we can exper-

ience some desires as fetters because we can experience them as not ours. Keeping all this in view, how can we possibly rule out second-guessing of our desires; how can we exclude, in principle, that the agent has for a long time or even permanently a distorted sense of his fundamental purposes, being for example radically self-deceived?

...the subject himself can't be the final authority on the question whether he is free; for he cannot be the final authority on the question whether his desires are authentic, whether they do or do not frustrate his purposes.<sup>5)</sup>

Step 1b consists in accepting the reality of such permanent internal bars - and if these are not to count as constraints on freedom, how can we possibly apply the notion consistently?

Taylor never really answers the question whether we are also committed to take step 2, i.e., accepting that we need a government of a certain canonical form to correct our mistakes and tell us what our real desires and purposes are, but at least he claims that such a conclusion cannot be rejected out of hand by a "philistine definition of freedom".<sup>6)</sup>

To recapitulate, Taylor tries to move us, as proponents of negative liberty, to make the following series of concessions. First, we are invited to accept that some of our desires are more significant than others (step 1a), even if we still cling to the belief that we can in principle judge their relative significance for ourselves. But we are then forced to concede, in addition, that we can be

systematically deceived about our real preferences (step 1b). By that concession, we implicitly admit that there are internal bars to our freedom; and since real freedom cannot be achieved without surmounting these bars, there can be good reasons for **forcing** a person to surmount them, although he himself does not recognize the need for it at the time. If we admit this, we have accepted step 2 and laid ourselves open to the paternalistic thrust of positive theories. Some would even replace 'paternalistic' by 'totalitarian'; for seeing ourselves as 'forcing others to be free' is (as Berlin has pointed out to us) the argument "used by every dictator, inquisitor, and bully who seeks some moral, or even aesthetic justification for his conduct."<sup>7)</sup>

As Taylor is inclined to direct his animadversions to the proponent of a "crude" negative liberty view, it is in order to ask at this point if and how they pose a challenge to a more 'enlightened' account like the present one. As far as step 1a is concerned, my responsibility view seems safely protected from it - for two reasons. Firstly, I have defined freedom without any recourse to actual **wants** or their significance. A constraint on freedom is something that impairs a possible choice, whether we now (or ever) want to make the particular choice, and irrespective of how important it might seem to us. If James Joyce's works are blacklisted by the authorities, I am banned from reading them and, hence, unfree to do so although, as a matter of fact, I may find his books so

boring that I would never care to open one of them in the first place. Secondly, as will be argued later, the responsibility view can make do with a minimal rationality requirement (6.3). We are not unfree to try out new ways of living simply because we happen to be too lazy or content with the way things are to give any attention to them, as long as we could make the effort if we wanted to and as long as nobody is responsible for manipulating us to conform.

Although step 1a does not pose a threat to a responsibility view of negative liberty, 1b might do so. If it is true that, owing to our own fault or carelessness, we can be radically wrong or systematically deceived about our real **options**, the positive libertarian seems to have scored an important point. For then there really are internal bars satisfying both my proposed criteria for a constraint on freedom: they are real **obstacles** to choice that an agent, in this case the person himself, is **responsible** for. Suddenly, the opponent seems to have the game in his hands while the negative libertarian is defenceless against what would normally seem to him to be the most hideous claptrap: of people not being socially free unless they are in control of their own passions, have 'realized themselves', etc.

We should note that it is the **origin** of the obstacle, but not its **location**, that need concern us. The idea of an internal bar arises from the recognition that I am sometimes thwarted by factors within me, but it is not the

location of such a bar ('under the skin') that threatens to undermine a negative account like mine, or to make it collapse into a positive one. If the bar is of a natural origin (mental retardation caused by mongolism, etc.), it restricts the person's ability but not his freedom. If it has its origin in another agent, it is simply on par with any other externally created bar, although it happens to be internally situated. Thus, there is no morally relevant difference between preventing a man from entering a room by locking it up or by hypnotizing him into staying away from it. In both cases, the victim is unfree to enter, on a correct negative view. The problem first arises if the origin of the obstacle can be attributed to the agent himself, if he can be held responsible for his own situation. It is only if we are forced to concede that internal bars of this sort exist and constrain the agent's own freedom that the positive libertarian will have a field day.

I see three possible rejoinders to Taylor's step 1b and his subsequent step 2. The **first** is to reject 1b by denying the existence of the sort of internal bars it describes; hence ruling out what Taylor calls second-guessing of our interests or the options open to us. The **second** rejoinder is to accept 1b but to deny the implication that these internal bars must be seen as constraints on our freedom. The **third** is to accept step 1b and this implication, but to modify the force of step 2 by some overriding arguments against paternalism.

It seems safest to adopt the first defence strategy,

and in the following section I shall explore its merits in some detail by looking into the notion of **self-deception**. We live in an age that speaks easily of all kinds of internal bars, but it is no arbitrary choice that leads me to single out self-deception for consideration. As it happens, some of the other possible candidates do not readily fit the conditions required. For example, if we consider **fear** or **jealousy**, it is often hard to judge if an agent (myself or another) can be held accountable for the origin of a particular fear, say fear of public speaking or of spiders; more often than not some accidental, natural conditioning might be to blame. On the other hand, concerning jealousy, it is a matter of surprise to me that whenever psychologists and philosophers discuss it, they tend to see it as an irrational reaction for which the agent himself, if anyone, is culpable. To me it seems that jealousy is often the result of an admirable self-respect and a sound sense of justice. In a typical case of jealousy (a father having e.g. discriminated against one of his daughters, a husband having committed adultery, betraying his wife), the victim develops jealousy because she rightly thinks that another person is receiving something (favours/goods) that she deserves as much or more. In these two cases, the men violate their duties as husband or father towards the wife or daughter, thereby restricting her choices. Hence, jealousy is typically an internal bar of the conceptually innocuous kind for which a negative theory of freedom can easily account, namely,

one for which **another person** is responsible. Self-deception is in that respect unlike fear and jealousy, since we are rightly prone to see self-deception as a weakness of rational thinking to which the person could and should have avoided falling prey, and for which he is **himself** responsible. This is the main reason why I have chosen it as an example: if this most plausible candidate for a troublesome internal bar can be explained away, the first defence strategy might be made to work.

#### 5.2. Example: self-deception

What do we typically understand by self-deception? As usual it is best to begin by considering an example. Suppose a young philosophy student X, who lives in David Russell Hall, is passionately in love with Miss Y who lives in University Hall. He naturally enough yearns to be loved in return. She smiles at him on occasion, chats about the topics in the moral philosophy course they both attend and even invites him, along with others, over to University Hall for tea and cakes. X jumps to the conclusion that his love for her is requited and tells his friend the good news. The friend listens patiently to X's story but rightly suspects that X is only indulging in wishful thinking, believing something that is not warranted by the evidence, although it could nevertheless be true. We see then that no self-deception has as yet

occurred.

But now consider two possible additions to the story. First, the friend asks X to come and see him for tea, adding that he is going to tell him something about Miss Y which might radically change X's opinion of her. However, X convinces himself that nothing he might learn about Miss Y, for example concerning her past or present relationships with other men, could change his opinion that she is now passionately in love with him, and he disregards or even 'forgets' the invitation. In the second example, X in fact visits his friend, learning that the young lady keeps frequent and close company with Z and that they have been observed to be quite intimate. But in the teeth of this evidence, X still clings to the belief that he is the only man in Miss Y's life, explaining away the information about her relationship with Z and justifying her behaviour with considerable ingenuity.<sup>8)</sup>

I take it *prima facie* to be a plausible assumption that in both these cases self-deception has taken place and that they represent its two main types: **indirect** and **direct**. Indirect self-deception involves systematic evasion by negligence and avoidable ignorance, i.e., by disregarding certain sources of information that we know, or ought to know, would influence our evaluation of a certain topic. Direct self-deception is a more active process where we ignore already-acquired evidence, in some sense walling off its implications and persuading ourselves to believe what we know deep down is false. In the first

example, X suffers from indirect self-deception, and in the second example from direct self-deception.

However, at this juncture many philosophers would object, claiming that there can be no such thing as self-deception. In ordinary deception, A, being aware that something is false, intentionally gets B to believe it is true: by lying, pretending or withholding appropriate information. An air of paradox arises when we try to understand self-deception by modelling it strictly after such interpersonal deception, for how can we simultaneously be the victims/objects and the source of the deception, the deceiver and the deceived? This skepticism is reinforced by the fact that we all know of many instances where self-deception is invoked ad hoc as an explanation of morally unacceptable behaviour. Often the reason lies in our disinclination to self-ascribe what we hold to be serious defects of character, unworthy feelings, etc.<sup>9)</sup> Thus, most of us seem to suffer from what I have elsewhere called 'the moral myth of the given': the myth of the priority of goodness in the universe and our own nature.<sup>10)</sup> We tend to identify ourselves with our most mature state - as opposed to our previous 'childish' ones - as well as with our most rational and critical moments. The nervous student with butterflies in his stomach before the viva voce is not the 'real me'; if I could control my nerves, I would probably want to say that not only had I changed into a less nervous person, but that I had found my 'real self'. Similarly, it seems much easier for us to

say 'I knew all the time deep down that what I was doing yesterday was wrong but I just deceived myself' than to admit frankly 'What I did yesterday was wrong and I regret it today'. For most of us, moral progress is not a maturation or transformation but a return to the original goodness of our nature which has somehow been temporarily defiled and obfuscated.

Generalizing from such examples and pointing to the alleged inconsistency of a person deceiving himself, the so-called "heretical view" of self-deception has in recent years gained many followers in philosophical circles, notably Mary Haight in her book A Study of Self-Deception. According to this view, what we ordinarily call self-deception is at best no more than wishful thinking, gullibility or misplaced good intentions; at worst simply lying to other people - and there is no paradox about a lie. Then why did we invent this term, self-deception? The answer is that it is part of a game we play with and for other people; we literally take part in a conspiracy which aims to confuse people and make them unsure how to judge us. In addition, Haight claims that the term is often applied metaphorically to puzzling forms of behaviour in which we cannot tell whether people are able to help themselves enough to be held morally responsible.<sup>11)</sup>

This heretical view is an extreme stance which denies the very existence of self-deception. Notwithstanding its insights into the many occasions where the term is metaphorically or wrongly applied, this stance seems in the

end to be as unrealistic as the view at the other extreme, represented by thinkers such as Freud and Sartre, according to whom self-deception is a permanent and perhaps necessary feature of man's consciousness. Between these two extremes still lurks the position of common sense: that people sometimes, but not always, deceive themselves. Then, how can this be accounted for without inconsistency?

In recent philosophical literature, we can trace two main methods of explanation. One makes **states** of self-deception primary and construes **acts** of self-deception in terms of them, whereas the other account does just the opposite. The locus classicus of the first account is R. Demos' paper "Lying to Oneself". According to Demos, self-deception entails that a person A believes both p and not-p at the same time, or believes p and disbelieves p. But as believing and disbelieving are contraries, "it is logically impossible for them to exist at the same time in the same person in the same respect."<sup>12)</sup> It is this "same respect" clause which really holds the key to Demos' analysis since he claims that whereas self-deceivers attend in explicit consciousness to the belief they are happy with, they manage to keep the contrary unpleasant belief, which they are unwilling to attend to, latent. Self-deceivers are in this sense able to retain both beliefs inasmuch as, not noticing one of them, they do not compare the two and do not appreciate their incompatibility.

Opposing this **cognition-perception** account of self-deception, H. Fingarette in his book Self-Deception wants

to de-emphasize the relation of consciousness to knowledge and to emphasize its relation to action. Thereby he claims to be able to give a fundamentally new **volition-action** account of self-deception. For Fingarette, consciousness is not a kind of mental mirror, but rather exercising the skill of "spelling out" some features of the world as we are engaged in it. Sometimes, we can avoid becoming explicitly conscious of our engagements and, also, avoid becoming explicitly conscious that we are avoiding it. Thus, when the issue of an apparent engagement is raised, we cannot express the matter explicitly at all.<sup>13)</sup>

According to Fingarette's analysis, self-deception arises when individuals are strongly tempted to pursue an engagement that conflicts with the current "guiding principle" around which they have constructed their present self-identity. An alcoholic, for example, as Fingarette has later argued in an illuminating paper, may pursue the engagement of excessive drinking without avowing it as an engagement because he has never spelled it out as such. Nor has he made the appropriate adjustments in his attitude, emotions and behaviour to make the drinking compatible with the synthesis of engagements which constitutes him as a person. What has made this all that much easier for the alcoholic in recent years is the myth of alcoholism as a disease. As diseases are conceived as external to the person, the alcoholic is not compelled to spell out the real reasons for his drinking nor to avow this habit as a part of himself.<sup>14)</sup>

It seems to me that Fingarette's description might capture certain real types of self-deception. But even if we grant the analysis of his most thoroughly argued case, the one about the alcoholic who suffers from the 'bad faith' of thinking of his habit as a disease, there seem to be more plausible ways of explaining alcoholism in many cases as **weakness of the will**. Now, the main difference between self-deception and weakness of the will is that the latter can, whereas the former cannot, speak its name out without destroying itself.<sup>15)</sup> From my experience, most so-called alcoholics sincerely regret their drinking although they claim to feel that they are not really in control of it. They can even "spell out", to use Fingarette's phrase, very clearly all sorts of psychological and social plights which have led them into their sad state. This suggests that at least some alcoholics fulfil Aristotle's criteria for incontinence or weakness of the will, for "every incontinent is prone to regret", says Aristotle, and "notices that he is incontinent", a condition which is, of course, incompatible with self-deception.<sup>16)</sup>

Returning to the cases of the St. Andrews students, X and Y, Fingarette's analysis could possibly capture the essence of the first version where X pursues an engagement, that of acting as if Miss Y were passionately in love with him, without ever spelling out the reasons or justification for his behaviour - even turning a deaf ear to his friend's offer of information. Thus, Fingarette

seems to be describing certain types of indirect self-deception. However, nothing in his analysis can account for direct self-deception, as in the second case where X has assembled all the evidence in his mind, and can even discuss it with his friend at length, but still reaches an apparently irrational conclusion. This entails that Fingarette's new 'volition-action' account of self-deception can only eliminate the 'cognition-perception' family of terms in a limited number of cases. Direct self-deception seems more typically to be a matter of contrary beliefs than of disavowed behaviour.

We have thus returned, by way of Fingarette's proposals, to the original view of Demos: that in directly deceiving oneself, it is essential to have obscured an item of knowledge and to have persuaded oneself to believe the opposite. Moreover, it appears evident that one can only be self-deceived about matters in which one has a personal stake, it must link up with one's wants, hopes, fears and emotional needs. This point has been admirably expressed by Patrick Gardiner:

It is...not clear what could be meant by...speaking of somebody as deceiving himself if it were at the same time contended that what he was said to be deceiving himself about what was a matter of total indifference to him, in no way related to his wants, fears, hopes, and so forth: could we, e.g., intelligibly talk about 'disinterested' or 'gratuitous' self-deception?17)

The answer is, of course, **no**, which means that a person must at least have one want which explains, in part, both why his belief that not-p is latent and why he is disposed to reject a belief that not-p and to allow that p, even

when presented with overwhelming evidence against p.

Has the paradox of believing p and not-p at the same time then been dissolved? I tend to think that Demos' account makes it very innocuous, to say the least. We only have to think of the mind as a large building with many storeys and rooms, stacked with experiences and beliefs. Why should we not be able to close off certain rooms or even storeys of the building from our consciousness if their contents are incompatible with certain other beliefs that we are strongly disposed to cherish? Sartre's famous answer, that you can in fact wish not to see a certain aspect of your being only if you are acquainted with the aspect you do not wish to see, and in order to take care not to think of it, you must think of it constantly, seems to be tantamount to saying that you cannot close a room from outside without first checking carefully what is inside. That assumption simply flies in the face of all experience, the experience that, as Bishop Butler once put it, "it is as easy to close the eyes of the mind as those of the body".<sup>18)</sup> To take the decision of closing off a room, it seems quite sufficient to have a hunch that there is something inside you do not want to see. And after a while, even the hunch is not necessary. The room is just closed and you bypass it.

In finishing my discussion of self-deception, a disclaimer is in order. I do not profess to have revealed any new, substantive truths about self-deception. I have only tried to show that the common sense view of what self-

deception involves may be sound, and that the logical case against direct self-deception does not hold. That is, an account has been provided which is at once plausible and free from inconsistency. Needless to say, a pedantic objector might snap his fingers at my building metaphor: in what sense are there walls in the mind, and in what sense is a thought sealed off from adjacent thoughts? How are thoughts to <sup>be</sup> individuated in the way that rooms are? The thrust of my answer would be that the onus is still on the objector to show that there is something paradoxical about my rendering of the common sense view. Admittedly, a metaphor is only a metaphor, but it is none the worse for that as long as it is not logically flawed. Incidentally, in the context of the present argumentation, I do not need to insist on having **proved** that direct self-deception is real. The original purpose was to find out if self-deception could be seen as a real internal obstacle to our choices. For that purpose, enough has been said: no reason has emerged for rejecting the reality of indirect self-deception, and the logical case against direct self-deception has been rebutted.

But the possible objector might try another line of argument: even if internal bars of this sort **exist**, the account above is radically confused as to the question which really matters, namely, whether I am **responsible** for my self-deception or not. Is self-deception something that I do or something that happens to me - am I the victim of self-deception or am I the promulgator of it? On the one

hand it seems to be saying that self-deception is a real obstacle, an example of true psychological compulsion, but on the other that it is rendered intelligible in terms of motives: a motivated, reasonable strategy.<sup>19)</sup> To reply to this objection, it is wrong to think that nothing which the agent himself is responsible for can be a real internal obstacle, a genuine spanner in the works of the psyche. In the case of fear, a scientist might deliberately induce in himself a fear of spiders by negative conditioning as part of a research project; his subsequent terror when coming across a spider would certainly be a real obstacle, although he had only himself to blame for it. In the case of self-deception, it may seem strange to think of a person as deliberately 'deciding to be self-deceived' but it is not impossible, as J.T. Cook has shown for non-self-deceptive beliefs.<sup>20)</sup> A person might, for instance, contrive some elaborate mechanism to condition himself into believing  $p$  and  $\neg p$  at the same time, and then his subsequent self-deceptions would have to count as ones that he himself was responsible for. But, actually, we do not need to concoct any fanciful stories to prove this point since my view of responsibility does not presuppose that people are only accountable for outcomes which they have deliberately brought about, but also for their negligent omissions, etc. - and, surely, a person can be held responsible for failing to steer clear of self-deception or failing to do anything about it. The reason why self-deception was chosen as an example in the first place was

precisely the fact that it is an internal obstacle which the agent himself is generally considered accountable (and often blameable) for.

It is worth remembering that my discussion of self-deception started as part of the first defence strategy to rebut Charles Taylor's claims against negative theories of liberty. This particular strategy - denying the existence of internal bars which the agent himself is responsible for - has failed. Therefore, Taylor's second-guessing cannot be ruled out, and we seem forced to accept the implication that people can constrain their own freedom. But sometimes one must draw back in order to leap further.

### 5.3. Social concepts, irreflexivity and paternalism

Self-deception debars us from seeing the world aright, and is thus an impediment to our choices. What Charles Taylor held out against the doctrine of negative liberty was its failure to accept the reality of such impediments which, although "less immediately obvious"<sup>21)</sup> than the more palpable, externally created ones, are just as real. Now, Taylor might seem to have an easy time cashing in on the concessions we have made to his point, forcing us next to take step 2 in the direction of positive theories that, if taken to their furthest extreme, would have us kneel before the omniscient Big Brother, and ask him humbly to protect us against our own follies - thus making us truly

free.

To resist the drift of Taylor's arguments, we might still invoke the second defence strategy, claiming that we have only acknowledged the **existence** of internal obstacles, not that these obstacles constitute **constraints on freedom**. But initially this manoeuvre<sup>(r)</sup> does not sound very convincing, since we have also conceded that agents (namely ourselves) are responsible for the origin of these obstacles, and thus seem to have satisfied **both** of the previously-presented conditions (restricted choices and responsibility) for an obstacle's counting as a constraint on freedom. However, one rather subtle point has so far been overlooked in the presentation of my responsibility view. The point, which I shall try to drive home in this section, is that we cannot in any coherent sense say that an agent constrains his own (social) freedom. If this is true, we would foil Taylor's attack on a rather unexpected battleground. Now, it may seem odd, after granting that the relation **to deceive** can be reflexive, to claim that the schema 'A constrains A's freedom' yields no significant statements. But this is what I want to contend.

In recent discussions of moral and social theory, freedom and justice are often juxtaposed, so it may prepare the ground for discussion to say a few things first about the irreflexivity of justice. There is a passage in Aristotle's Nicomachean Ethics where he tackles the question of whether it is possible to do injustice to oneself. Aristotle invokes various arguments to rule out this

possibility: a) that no one suffers injustice willingly, b) that you cannot lose and get the same thing at the same time, c) that you cannot do and suffer the same thing at the same time, and d) that doing injustice involves doing particular acts of injustice; but, in fact, you cannot commit adultery with your own wife, burgle your own house and steal your own possessions. Aristotle concludes that "what is just or unjust must always involve more than one person".<sup>22)</sup> As easy as it would seem to pick holes in some of Aristotle's arguments, his conclusion is intuitively appealing. Although we do not grant Hobbes' famous claim, that the notions 'just' and 'unjust' have no place before the time of covenants and coercive power, it seems fair to say that the idea of Robinson Crusoe being just or unjust to himself on a desert island does not make much sense. Justice seems to be a social term, a term that can only have application in interpersonal relationships.

But how about freedom? Does the same apply there? Consider the possibility of the earth colliding with a comet, as a result of which only one man survives. Plainly, that man would be surrounded with obstacles, and we can suppose that he would not be able to survive very long on his own. But could he do anything that might sensibly be said to infringe upon his own freedom? I am inclined to doubt that. In a rage of despair, he might lock himself up in a cage, but would that not only make him unable, not unfree, to leave? At first glance, I can think of no suitable case where a person could be said to

constrain his own freedom. However, we might ask if that is not simply an example of the imperfections of ordinary language - or of a deviant intuition which has to be modified in light of the correct general theory of freedom. I shall argue that this is not the case. There are important logical reasons for upholding the irreflexivity of social freedom and, hence, for adding a **third** condition to my definition of a constraint: not only must the potential constraint be a real obstacle for which an agent is responsible; this agent and the victim of the constraint must not be the **same person**.

First, a useful distinction should be drawn. Of course, you can 'make yourself unfree' in the sense of deciding to become unfree to do something with respect to somebody else. You may decide, for example, to rent your house to me and sign a contract to that effect. But then you become unfree to do certain things not with respect to **yourself** but to **me**.<sup>23)</sup> So, the correct thing to be said there is not that you have constrained your own freedom, but that you have brought about the restriction of your freedom by somebody else. A famous example of the same sort is Odysseus' request to his shipmates to bind him to the mast so that he could listen to the beautiful singing of the Sirens without being literally enchanted and trapped by them. If we deny the irreflexivity of freedom-constraining, we are forced to say that Odysseus had somehow plotted against his own future self, constraining its freedom, when the simpler and more reasonable thing is to

say that the other sailors constrained his freedom, as he had ordered them to. (On my theory, a person's past, present or future wants and wishes do not matter in assessing his freedom.) Now, it seems profitable to distinguish cases of this sort from ones where a person deceives himself, or sets an alarm clock before retiring to prevent himself from sleeping in, etc. In the former sort of case, an ordinary constraint of freedom by another agent has taken place (although incidentally with the constrainees prior assent); in the latter sort the correct thing to say is, I believe, that no constraint of freedom has occurred.

According to the Encyclopedia of Philosophy, in the history of political thought, "'freedom' has a specific use as a moral and a social concept - to refer either to circumstances which arise in the relations of man to man<sup>24)</sup> or to specific conditions of social life." Flathman concurs with this view in his insistence on historical and social "situatedness" as a condition of freedom.<sup>25)</sup> Even more explicitly, Oppenheim's view chimes in with mine when he states that all power relations are irreflexive: that no actor can stand in such a relation to himself.<sup>26)</sup> Understanding freedom as a **social** as well as a **moral** concept, and 'constraining freedom' as an irreflexive relation, is the only way to grasp a vitally important feature of its nature, historical as well as logical, that is pointed out by these three writers. Precisely as Aristotle claimed for justice, the relation of social freedom must involve more than one person.

If someone insists on the oddity of allowing that a person may deceive himself, while denying that he can restrict his own freedom, I can only answer that the two concepts arise out of radically different situations. The lone survivor of the comet-collision could easily deceive himself to varying degrees, since self-deception is concerned with the **intrapersonal** matter of how a spurious belief can prevent us from seeing the world aright, but he could not constrain his own freedom, for freedom is essentially an **interpersonal** relation that arises in the context of social responsibility. If we deny this, we have no way of explaining the soundness of various distinctions, such as that between the Odysseus- and alarm clock cases explained above, which seem to lie at the heart of all freedom-talk. Needless to say, I am not arguing merely that restricting one's own freedom is not **wrongful**, because done with consent. My definition of a constraint is a moral, not a moralized one, and clearly I could often be appropriately asked to justify the obstacles I create to my own choices. The point I am making is a much stronger one, namely, that the logic of the concept of social freedom is such that it does not allow for the possibility of A's constraining his own freedom, without the intervention of somebody else.

Now, by granting this point, we see that the second defence strategy does indeed cut against Taylor's arguments. Since an agent cannot be said to constrain his own freedom, although his options are restricted by self-

deception or other internal bars for which he himself is responsible, we cannot see paternalistic measures as simply relieving people of their **own** (reflexive) unfreedom. An important assumption leading to Taylor's step no. 2 has thus been undermined.

Meanwhile, my responsibility view has two other implications which are pertinent to the issue of internal bars and freedom. First, because we can often be held responsible for failing to remove obstacles that restrict other people's choices, **my** self-deception can be considered a constraint on the freedom of **others**, insofar as it has consequences which restrict their options, and insofar as I can be held responsible for not ridding myself of it. Second, a self-deceived man, although not unfree with respect to **himself**, might be counted unfree with respect to **others**, viz., those who could be held responsible for not relieving him of his self-deception - just as the occupant of the room, locked in by the wind, was unfree to leave with respect to the janitor who did not arrive. The difference between the trapped office worker and a self-deceived person is, however, that the first cannot, whereas the second generally can, be held morally accountable for the restrictions that his unfreedom creates to other people's choices.

What is apt to seem odd about the second of these implications is that while we have alleviated the force of Taylor's step 1b, we appear to have argued ourselves into taking his step 2, thus committing ourselves to some kind

of **paternalism**. There is no reason why we could not often be potentially culpable for failing to remove the scales from other people's eyes, just as we are potentially culpable for failing to relieve them of some of their other plights, even if we were not responsible for creating them in the first place.

It may surprise some to see that a sound negative theory of freedom can entail a prima facie reason for paternalism. However, there is a world of difference between this reason and the one which follows from Taylor's arguments. For Taylor (and many other positive liberty theorists), we are not necessarily restricting a person's liberty by 'forcing him to be free', that is, not if we are merely removing self-imposed constraints on his own freedom. Thus, as I noted earlier (p. 127), the main substantive objection against paternalistic intervention, that it constrains the person's freedom, melts away - for allegedly a constraint is only being removed, not imposed. In my responsibility view of negative liberty, however, we are constraining a person's freedom in certain respects if we try to set him right by paternalistic measures, since he cannot be said to be restricting his own freedom in the first place. But if we consistently refrain from limiting a person's freedom in this way, we may possibly wind up restricting his freedom in other (and perhaps more significant) ways. So, on balance, a **limited** paternalism may serve, rather than hinder, the interests of freedom; a conclusion that is still far from the potential extremism

of Taylor's step 2.

At the end of this chapter some important things stand out. The responsibility view of freedom has been shown to entail a prima facie case for paternalism in situations where we can, for example, be appropriately asked to justify not removing the scales from other people's eyes, and where these people are, hence, unfree with respect to **us**. However, positive liberty theorists tend to make out a much stronger case for paternalism. The reason for this difference is the latter's insistence on the claim that people may be unfree with respect to **themselves**; a claim which can now serve as the first of our insignia of a positive liberty account. But as this claim has been shown to be incompatible with the nature of freedom as a social concept, doubt has already been cast on the justification of positive liberty in general: a doubt that will be reinforced in the following chapter.

5.4. References

- 1) Taylor (1979), pp. 175-179.
- 2) *ibid.*, p. 181.
- 3) *ibid.*, pp. 185-186.
- 4) *ibid.*, pp. 187-191.
- 5) *ibid.*, p. 180.
- 6) *ibid.*, p. 193.
- 7) Berlin (1969), pp. 150-151.
- 8) These examples are based on ones in Szabados, p. 147.
- 9) *ibid.*, p. 164.
- 10) I elaborate on this point in my B.A. thesis, see Kristjánsson, pp. 53-59.
- 11) Haight, p. 120.
- 12) Demos, p. 591.
- 13) Fingarette (1969), pp. 34-65.
- 14) Fingaratte (1985).
- 15) Szabados, p. 151.
- 16) Aristotle (1985), p. 192 (1150b-1151a).
- 17) Gardiner, p. 51.
- 18) Cf. *ibid.*, p. 36.
- 19) I am indebted for these objections to Nick Reid, M.Phil., who put them to me at a postgraduate seminar.
- 20) See Cook.
- 21) Taylor (1979), p. 176.
- 22) Aristotle (1985), pp. 145-146 (1138a).
- 23) Oppenheim (1961), p. 102.
- 24) Partridge, vol. III, p. 221 (emphasis added).
- 25) Flathman, pp. 3, 36-37, 68ff., etc.
- 26) Oppenheim (1961), p. 102.

## 6. POSITIVE LIBERTY

In the last chapter, grappling with some of the problems posed by Charles Taylor's arguments against negative accounts of freedom led us to the **first** of what I hold to be the two main characteristic elements of positive liberty theories: the supposition that agents can (and frequently do) constrain their own freedom. In this chapter, the **second** of the two elements will emerge. The crucial point there is that while negative libertarians see freedom as an **opportunity concept**, which only requires that our capacity to choose whatever we might care to choose is not restricted by others, positive libertarians demand that we actually utilize this capacity. So, for them, freedom is an **exercise concept**; being free means "doing something with it, not just sitting pretty on it."<sup>1)</sup> In the ensuing discussion we shall see how these two elements are reflected, to varying degrees, in theories of positive liberty and examine what bearing this has on the potential viability of these theories as accounts of social freedom.

It should be recognized at the start that 'positive liberty' seems to be a pretty general term, covering a wide range of accounts and ideals that divide positive libertarians in many ways from one another as well as from negative libertarians. For example, Berlin claims that the notion of positive liberty has historically assumed

two distinct forms, the point of the first being **self-abnegation** (or what he calls the "return to the inner citadel"<sup>2</sup>), and of the second **self-realization**. However, it must be said that, notwithstanding Berlin's renowned lucidity of style, he uses a rather disconcerting variety of expressions and metaphors in his exegesis of the essence of positive theories. As I understand him, Berlin takes both these forms to involve a bifurcation of the self: the 'higher' self being, in the self-abnegation model, that which is immune from physical determination and, in the self-realization model, the rational self that I am supposed to identify with and actualize. Thus, Berlin overlooks the more common variety of self-realization accounts which simply equate freedom with autonomy and make do without a split self. He also fails to recognize, as logically independent of the other two, a historically important form of positive liberty that I shall call 'communal freedom'.

Below, I shall first pay attention, in 6.1, to certain accounts of freedom which, although often termed 'positive' by their proponents, are actually negative liberty theories in disguise. After that, in 6.2-6.4, I deal with what I take to be the three main forms of proper positive liberty theories: **Promethean freedom**, **freedom as autonomy** and **communal freedom**. These will be seen as relating to distinct and even divergent ideals, though the borderline between them is fuzzy and sometimes straddled by particular writers. Writ large, the conclusion of this

chapter, presented in 6.5, is that as important as some of these ideals are, nothing short of a rejection of any 'positive' definition of liberty is required since these ideals are logically distinguishable from, and even incompatible with, the concept of social freedom.

### 6.1. Negative freedom in disguise

I have already mentioned some accounts of negative liberty such as Berlin's most permissive one which, although being faithful to the form of a negative account, yield definitions of a constraint that are too broad to be acceptable. Meanwhile, some of the reasons that tend to lead negative liberty thinkers away from the crude Hobbesian model or the narrow liberal one were shown to be perfectly respectable. Now, many of these same reasons have been invoked by writers who do not claim to be advancing an improved account of negative liberty but one that transcends the distinction between negative and positive liberty - or even a purely positive account. Shedding some light on the conceptual confusions that lie at the heart of these claims will help us to focus on the real dividing line between negative and positive freedom.

It is fair to say that a common characteristic of these 'aberrant' writers is their disillusionment with the traditional narrow accounts of negative liberty - which leads them to conclude, mistakenly, that what is wrong

with these accounts is not that they are too narrow, but that they are negative. This error may be partly vitiated by the fact that the received wisdom about what a negative theory can and cannot involve is often highly distorted. Thus, we may be told that a hemophiliac living in rural Alaska, who cannot afford to see a Park Avenue hematologist, is only socially unfree to do so in a positive model of liberty - or that a negative theory gives a baby, abandoned in a public thoroughfare, only the right to be left alone.<sup>3)</sup> Providing help in cases like these, education to the uneducated or means of life to the poor is, we are given to believe, something that a negative account cannot possibly explain as ways to remove constraints on freedom. I have already exposed the falsity of these claims, and shown how they apply only if one accepts an overly narrow definition of a constraint as an obstacle which has been **deliberately** imposed by another agent. Freedom, on a plausible and coherent negative account, is much more than bare immunity from such deliberately created constraints. However, the writers referred to above, giving credence to the received wisdom, have concluded that half a loaf is not the bread they expected from a definition of freedom and have, consequently, renounced their allegiance to the negative camp. Let us look at three noteworthy examples.

In a paper called "Does Equality Destroy Liberty?" R. Norman argues for the claim that, so far from being antithetical, **freedom** and **equality** are in fact interdependent

values. As Norman believes that the negative picture of liberty cannot do justice to this truth, he proposes a definition, "stressing the positive fact of choice rather than the mere negative fact of non-interference"; according to this freedom means the "availability of, and capacity to exercise, meaningful and effective choice."<sup>4)</sup> Now, Norman is surely right in taking the axe to certain overly narrow accounts of liberty and pointing out that "the dividing line between natural and human impediments leaves a great deal more on the human side of the line than might at first appear."<sup>5)</sup> But why assume that a broader and more sophisticated negative liberty theory cannot account for this? I have argued, for example, that poverty can be a constraint upon freedom to the extent that identifiable people can be held accountable for it through their negligence, violation of positive duties, etc. There is no need to cry out for a rapprochement of negative and positive theories to explain that. It should also be noticed that Norman's own definition fails to meet either of the two criteria which I claimed were characteristic of positive liberty theories: what it demands is only the "capacity" for effective choice, not its exercise, and there is no mention of internal bars that could constrain the agent's own freedom. There is, however, some confusion in Norman's paper as to the distinction between ability and freedom. He takes a man who unexpectedly inherits a fortune and suddenly becomes aware of new ways of living to be on a par with a man who experiences liberation upon release

6) from prison. Thus, although nothing in what Norman says exceeds the natural boundaries of a negative account, he may in the end be guilty of the same mistake as Berlin in his most permissive mood, making men responsible for all the alterable consequences of their actions, and thus shrinking unduly the domain of mere inability.

C. MacPherson's efforts in his Democratic Essays to play down the importance of the negative-positive distinction are misguided in much the same way. For him, a positive conception would highlight man's ability to live in accordance with his own conscious purposes, to act and decide for himself - and he asks if these are not the noblest strivings possible for any individualist theory. Furthermore, MacPherson claims that when the exact impediments to negative liberty are spelled out, they turn out to be much the same as the potential impediments to positive liberty.<sup>7)</sup> In this he is partly right and partly wrong. He is **right** because his minimal account of positive liberty contains nothing that is not also to be included in the negative model; he is **wrong** insofar as his definition is still a far cry from positive liberty proper. It is, naturally enough, not difficult to erase the distinction between two concepts if you just leave out what is specific to one of them and concentrate on what is common to both.

Finally, let us look briefly at some of the views aired by L. Crocker in his book Positive Liberty. Somewhat ironically, Crocker, the only writer to have devoted a

whole book to the advocacy of 'positive liberty', turns out to be nothing more than yet another negative libertarian in disguise. He claims that the largest difference between traditional (negative) libertarian views and positive or "left" libertarianism is the latter's support for affirmative programmes aimed at removing incapacities and developing human capacities: providing free time, equipment, facilities and other means to the enlargement of life's possibilities.<sup>8)</sup> By contrast, the right libertarian wants only to minimize restraint and coercion. For example, Crocker's blind man, curable with a moderate expenditure, is not, according to the right libertarian, interfered with by those who could afford to pay for a sight-restoring operation but fail to do so.<sup>9)</sup> Thus construed, Crocker has of course not much difficulty in distinguishing between positive and negative liberty and renouncing the latter. But we have seen that this is simply representing negative liberty in its most implausible, if not caricatural, form. Crocker's own words, however, show that he has no sympathy with positive liberty proper. He says he is "cautious" in counting internal obstacles as limitations of freedom, since they are not restrictions of "social liberty".<sup>10)</sup> Moreover, the "positive liberty" he wants to defend is "a matter of the presence of options and opportunities, not a matter of self-mastery or rationality", and the concept of autonomy is really "quite distinct" from it.<sup>11)</sup> I could not agree more, but then I am supposed to be the negative liber-

tarian! Crocker's book is deficient as an account of positive liberty precisely in that it rejects all the defining characteristics that distinguish positive from negative liberty. In the end, Crocker upholds nothing more than the now familiar permissive version of negative liberty, as that which we would be free to do on some other possible social arrangement,<sup>12)</sup> openly declaring his support for Berlin's rendering of it.<sup>13)</sup> But there is no reason whatsoever to saddle that view with the name 'positive liberty'.

Crocker's ultimate aim is to find some conceptual apparatus which can underpin the ideological perspective which he calls "left libertarianism" but would probably be termed 'social democratism' or 'socialism' outside of the U.S.A. David Miller is fishing in the same (murky) waters when he takes himself to be offering "a persuasive defense of the socialist view" with his responsibility view of negative liberty.<sup>14)</sup> Both he and Crocker are wrong in thinking that a conceptual analysis of freedom will underpin a given ideology. There is, for example, no necessary connection between maintaining a negative account of liberty and upholding so-called libertarian values - witness Hobbes. Moreover, a right wing libertarian could plausibly hold that my responsibility view of freedom is correct, and that private property often constitutes a constraint on the freedom of the propertyless. But he would simply add that, on the same account, depriving the owners of their property is also a constraint on freedom,

and that for **political** (rather than conceptual) reasons the latter restriction is always, or almost always, more severe and lamentable than the former.

## 6.2. Promethean freedom

I'll put up with everything - police, soldiers, muzzling of the press, limits on parliament...Freedom of the spirit is the only thing for men to be proud of and which raises them above animals.<sup>15)</sup>

These words, expressed by Richard Wagner, represent the natural self-assertion of an oppressed party who tries to bolster his own courage and resilience in the face of adversity: you can lock me up, harass me and beat me, but at least my spirit remains free - and that is the most important freedom of all. Wagner's words as such give no indication to which definition of freedom the oppressed party adheres, they only show what aspect of freedom he happens to value most and what varieties of constraints (he tries to convince himself) he is ready to tolerate. But the view expressed by Wagner may sometimes fuse subtly with another, and philosophically more important, one: that, to quote Oscar Wilde, "a man can be totally free even in that granite embodiment of governmental constraint, prison."<sup>16)</sup> Here, the point is not only that a person can put up with so-and-so much unfreedom, but a stronger one, namely, that certain familiar kinds of constraints do not make us unfree at all. In this section, I shall be concerned with a genuine positive liberty theory,

a theory of what has been called "Promethean freedom"<sup>17)</sup>, "return to the inner citadel", or simply "inner freedom", and that is supposed to account for the truth embodied in Wilde's statement.

Theories of Promethean freedom assume that man's self is divided into two parts, a 'higher' and a 'lower' self, and that 'real freedom' consists in the **subjugation** of the latter by the former. 'Subjugation' must, however, be given a highly unusual interpretation, as we shall see. In a typical statement of this view, D. Cooper emphasizes that the right perspective upon freedom is not the common "civil" one, but a "private" perspective which sees freedom as a state of mind, rather than as the state of being free from external constraints.<sup>18)</sup>

The classic position of Promethean freedom is represented by Stoicism. A pantheistic system, whose linchpin was full-blown natural determinism, the precarious marriage between causation and moral responsibility was accomplished in early Stoicism by means akin to those employed by modern-day soft determinism: although human behaviour is determined, like other events in nature, an action can be considered free (or one for which the agent is morally responsible) if one of its causes is an act of the agent's will - a volition. So far, there is no mention of a bifurcated self. But as the centuries passed, this soft determinism gradually developed in Stoic thought into the idea of Promethean freedom, represented e.g. in the writings of Epictetus. There, the events of the external world are

believed to be as inexorably determined as before (human actions included) but now man is seen as having the possibility of escaping from this sphere of necessity into an inward space: a protected area to which the laws of cause and effect have no access. In this haven, man's higher self, his reason, can find shelter - freedom - from the fleeting world of necessity to which his lower, appetitive, self is doomed. Man's destiny is compared to that of a dog tied to a cart. He cannot help being dragged along by the cart, but it is up to him what attitude he takes to this external unfreedom within the confines of his mind: he may be dragged along grudgingly, or he may trot willingly and happily beside the cart. It goes without saying which attitude is then considered the rational one to take. In more recent times, Kant is often taken to be the chief representative of Promethean freedom, but in him this picture is complicated by a more subtle, if a less clear-cut, view of causality.

In addition to these views, traces of Promethean freedom can be found in different philosophies ranging from Taoism and Hinduism to Hegelianism and Marxism. Wherever this idea manifests itself, I see it as resting on three main assumptions: (i) Man is subject to some kind of external necessity that restricts his freedom of action completely, or almost completely. (ii) Despite this, his real/higher self can seek refuge in an internal domain where it is free from external determination; however, this inner freedom is of little or no consequence to his

lower/physical self. (iii) The true and only freedom of man is the recognition of external necessity and the mental attitude that is bound to follow: equanimity, tranquility, or (sometimes) apathy. We thus see what 'subjugation of the lower self by the higher self' really amounts to, viz., paying no attention to it, flouting it. We subjugate our lower nature by detaching our real selves from it.

Historians of ideas tend to explain the concept of Promethean freedom as a reaction to difficult social conditions which hold little prospect of improvement: times of turmoil or economic exigencies. In such situations, the most available recourse may be an 'inner emigration' to the wonderland where nothing can touch you and nobody can hurt you; where you can abandon yourself to a mental life of passive detachment from the outside world.

However, straitened circumstances are not always the spring of this notion. In times of relative economic abundance, Promethean freedom has sometimes laid the foundation not for abject **passiveness**, but for unsurpassed **heroism**. The clearest examples of this are found in what MacIntyre calls "heroic societies": Homeric Greece and the realm of the Icelandic sagas.<sup>19)</sup> Being more at home with the latter, I grant that some of MacIntyre's insights into the world of the sagas are very much to the point. He recognizes, for example, that in them **fate** is a social reality and the descrying of it an important social role - and that understanding the workings of fate is in itself

20)  
considered to be a virtue. But not all the conclusions which MacIntyre draws from this about the "key features" of heroic society are correct. He claims that a "man in heroic society is what he does...he has no hidden depths", and that to "judge a man therefore is to judge his actions."<sup>21)</sup>

That man's **actions** are the touchstone of his real virtues in a fatalistic society seems very implausible; in the case of the Icelandic sagas, at any rate, it is simply untrue. There, man is not "what he does" but what he **thinks**: what attitude he takes to the drama of his life, whose script has been written in advance. Gísli Súrsson is, as MacIntyre himself notes, a winner, not a loser at the moment of his heroic death. However, it is not because of the number of men he kills or wounds before he is himself overborne, it is because he is a hero at heart: he has the attitudes and ideas that befit a hero. Björn in Njáls saga also fights against the odds when battling with the hero Kári, but even while doing so he is a coward at heart and therefore remains an object of unrelenting derision.

The real magic in the literary style of the Icelandic sagas, which seems to have misled MacIntyre, lies in the fact that the things which really matter, man's "hidden depths", are never described from the inside, as it were, but must always be deduced from descriptions of the person's outward appearance: his countenance, his clothes, his kinship, the odd remarks he makes, etc. MacIntyre mis-

takes the charming but cryptic **style** of these epic works for an important philosophical truth about the ideas of the society they describe, and thus comes to see things upside down.

In reality, the Icelandic sagas are a classical embodiment of the main features of Promethean freedom. The hallmark of the hero is that before the inevitable battle he sees himself faced by a kind of a positive dilemma: his fate is either to die or to survive. If the former, why not die proudly and courageously? If the latter, what reason is there for holding back, either? As the outcome is already determined, a man's real freedom resides in his soul; and while everything else fades away into death and oblivion, the hero's **reputation**, as judged by the **approach** he takes to his destiny, lives on.

How much of what I have said about the Icelandic sagas applies to the society depicted by Homer and the Greek tragedies is an open question. However, if (as I am inclined to believe) the world-view of the ancient Greek epics is similar to that of the sagas, Martha Nussbaum need not be as puzzled as she is about Agamemnon's attitude to his predicament in the Aeschylus.<sup>22)</sup> Faced with the heavy doom of having his expedition fail unless he offers up his daughter Iphigenia as a sacrifice, Agamemnon at first despairs. But he then begins to arrange his feelings to accord with his fortune, and ends up as a willing victim, slipping his own neck into the "yoke-strap of necessity".<sup>23)</sup> Nussbaum wonders what moral significance it

can have simply to blow with the winds that strike against you, and cooperate inwardly with necessity. She concludes that Agamemnon's moral crisis is defused "by means that seem arbitrary and strange"<sup>24)</sup> Arbitrary and strange they may seem to us, but given the background of a Promethean theory of freedom, they are the most natural thing in the world. Was not Agamemnon simply entering the sphere of his real freedom, and leaving behind the realm of necessity, by taking this attitude to his predicament?

Although the idea of Promethean freedom has exercised a strange fascination for men at various times in history, the arguments against it are both numerous and strong. **Firstly**, the idea of locating 'real' freedom in a special realm, beyond the empirical world of causality, in a system that is otherwise deterministic, seems seriously suspect. A modern determinist might reply to it in the following way:

People's deliberations take place within the same spatio-temporal order as other natural events in the world. The thoughts that people have at any time, and the reasoning in which they will engage, is determined by the state of their central nervous system and their environment at that time. There is no reason to suppose that the deliberations of pure practical reason are any less caused by brain events than are those of inclination-tainted deliberation. Moreover, if it were the case that there is a natural causal order, which includes the actions of bodies...as well as the coming and going of inclinations, it is difficult to see how the 'actions' of the rational self could...fail to violate the laws of the natural causal order.<sup>25)</sup>

**Secondly**, Promethean freedom has the counter-intuitive implication that by removing desires, we automatically become freer: if a slave does not desire freedom any more,

qua slave he is no longer unfree. **Thirdly**, as Berlin has pointed out, Promethean freedom rests on the presupposition that knowledge always liberates, that once something is understood or known, it is conceptually impossible to see oneself as being at the mercy of it.<sup>26)</sup>

But how does the mere knowledge that I have been locked up in my room make me freer? We might want to insist that knowledge is always better than ignorance, but this does not entail that it always makes us freer. On the contrary, real constraints remain constraints even if they are understood and accepted as such. **Fourthly**, we can ask why apathy at worst, heroism at best, is the natural concomitant of the recognition of necessity. Why not irony, or simply despair? **Fifthly**, and most importantly for the argumentation in this thesis, Promethean theories grossly violate the condition of social freedom that a man cannot make himself unfree. In fact, they violate it to such an extreme degree as to make the subjugation by one part of myself of another a necessary condition of my own real freedom.

Logically consistent or not, Promethean theories have no relevance for a correct analysis of social freedom. They can most favourably be understood as upholding certain virtues, such as self-control, self-abnegation and equanimity in times of hardship, but as carrying them to the extreme by incorporating them within a framework of ill-founded metaphysics.

### 6.3. Freedom as autonomy

'Autonomy' means literally, as indicated by etymology ('autos' = self; 'nomos' = rules/laws), the having or making of one's own laws. Before examining the variety of positive liberty which tries to link autonomy with social freedom, some conceptual clarifications are needed. Furthermore, something must be said about the connection between social freedom and freedom of the will, an issue that has been explicitly avoided in this thesis so far.

Let us start by expanding on Benn's useful distinction<sup>27)</sup> between "autonomy" and "autarchy". An **autarchic** person has the psychological constitution necessary for autonomy, i.e., he is a competent chooser, whether or not he happens to make a choice in a given situation. This means that the autarchic person has the capacity for what Aristotle would call practical reason: he can look for reasons, deliberate on them and make rational decisions when confronted by a range of options. Remaining faithful to etymology, a **heterarchic** agent would only be (1) one who had been deprived of this capacity by another person. However, for the sake of simplification, I shall use 'heterarchy' as a contradictory rather than as a contrary of 'autarchy', so that everybody who is not autarchic is to be considered heterarchic. Thus, in addition to (1) above, a person could be heterarchic for two reasons: because (2) of a natural impediment (mental deficiency, brain damage, psychotic state, etc.) that disqualifies him

as a chooser, or because (3) he has sold himself into some kind of mental slavery (drug addiction, yielding himself mindlessly to manipulation, etc.). Plainly, what these different causes of heterarchy have in common is that they paralyze or impair the agent's capacity for choice, blocking the possibility of rational decision-making.

The **autonomous** person is the one who utilizes his autarchy, being, as Rousseau or Kant would put it, obedient to a law that he has prescribed to himself. As in the case of heterarchy, 'heteronomy' and 'autonomy' will be considered contradictories. Hence, a person can fail to be autonomous (and thus be **heteronomous**) in a given situation for three reasons: because (1) he is constrained by someone else from reaching an autonomous decision, (2) he fails to do so owing to some natural impediment, or (3) he does not bother to make the effort. However, in spite of this, he may remain **overall** a competent chooser. These conceptual points clearly entail that every heterarchic person is necessarily heteronomous, but not vice versa, because, as Benn says, "a competent chooser may still be a slave to convention, choosing by standards he has accepted quite uncritically from his milieu."<sup>28)</sup> A "slave to convention" may be a rather strong way of putting it, for the autonomous man must keep his capacity to make independent judgements intact; any possible conformism must simply be caused by the fact that he is too busy, lazy or complacent to look critically at the issues himself, while he **can** do so if he wants to. Otherwise, he is not only heteronomous

but also heterarchic, toeing the line of custom like a man under hypnosis.

In sum, the autonomous person actualizes that which the autarchic person only has potentially. He is not only capable of reasoning, he reasons; not only capable of choosing, he chooses. But being fully autonomous is, of course, impossible for a finite being. Trying to reach a rational decision before every action would not only make our lives miserable but impossible to live. While autarchy is a **principle**, something that we generally expect people to have, Benn thus rightly describes autonomy as an **ideal** that transcends it, a goal thought to be worthy of aspiring to although it cannot generally be attained.<sup>29)</sup>

It might now be worthwhile to bring some of this to bear on the question about the connection between free will and social freedom briefly touched upon in chapter 1. Strawson argued convincingly in a famous paper that there are a number of attitudes and institutions (praise and blame, punishment and reward) which are appropriate only to agents who are in some (non-social) sense **free**, and that a person is considered morally responsible only if he is a possible candidate for such attitudes.<sup>30)</sup> Since on my view of social freedom, the attribution of moral responsibility plays a major role, we must ask what precisely this other sense of freedom amounts to that is required for judgements about social freedom to be appropriate.

Day has an unequivocal answer, namely, that liberty presupposes **ability**: the truth of 'A is able to D' being a

necessary condition both of the truth and also of the falsity of 'A is unfree to D'.<sup>31)</sup> That this cannot be the correct answer is, however, shown by the fact that a man with a broken leg, confined to a wheelchair, must surely be counted as free to run, although he cannot; similarly, if there were a law against running, he would be unfree to run in addition to being unable to do so. But the situation changes drastically if we imagine the man being confined to the chair not because of a broken leg but because of a state of severe mental retardation, or if the 'person' sitting there turns out to be an automaton. Here, I think, we come to the core of the matter: questions about social freedom can be raised only about beings who are **autarchic**, who have the minimal capacity to choose. Otherwise, they are not **freedom-evaluable** in the first place. A person in a coma, let alone by others, is not, as one writer claims,<sup>32)</sup> a paradigm case of negative freedom: such a person is neither socially free nor unfree. This is also why we hesitate to call a kleptomaniac socially free or unfree to steal since we are not sure if he is really freedom-evaluable in that respect or not.

Already in chapter 1, I passed a tentative judgement about free will being in some sense a prerequisite of social freedom. Strawson must be understood as making a similar point, and now we have pinpointed what this sense is. In fact, I want to claim that all fruitful discussions about **free will** are discussions about the precise nature and extent of **autarchy**, the capacity to choose. Still,

someone might want to leave a space in between 'autarchy' and 'determinism' for Epicurean, or should we say Heisenbergian, freedom of the will, covering decisions that are not causally determined but happen at random. I have no real objection to this use; but note simply that this kind of 'freedom of the will' would have no relevance to social freedom. If, however, this is the only kind of free will possible, or if determinism is true, all talk of 'social freedom' is meaningless.

To exemplify my conclusion about the connection between autarchy and social freedom, let us imagine a 'typical' situation of a robber, with a gun in his hand, ordering a bank clerk to hand over some money. If the robber is autarchic (but not e.g. working under hypnosis, or insane), he is morally responsible for his threat and can thus constrain another man's freedom. If he is heterarchic, he cannot make the bank clerk socially unfree to retain the money, but simply make him unable to do so (as is true of any kind of natural compulsion). Let us assume, however, that the robber is autarchic. The bank clerk is then either autarchic or heterarchic. If he is autarchic (which bank clerks usually are, one would hope), then he is socially unfree to retain the money, since he is constrained, and in this case coerced, to hand it over. If he is heterarchic (e.g. under hypnosis), he is not freedom-evaluable and thus neither socially free nor unfree to retain the money. He could, however, be socially unfree qua hypnotized person with respect to the agent who hypno-

tized him and possibly to those who could have prevented it but did not. All these qualifications may seem to have made the process of judging social (un)freedom a most complicated one; but in reality it is not the case since we can usually presuppose, when going about our daily business, that most of the people we are dealing with are autarchic. The reason for this are the modest demands made upon the rationality of the agents: to be autarchic a person only needs to be a minimally good reasoner. Autarchy is what Feinberg would call a "threshold conception of natural competence", the line being drawn somewhere between the capacity levels of the normal adult and the mildly retarded, excluding infants, insane persons, the severely retarded, the comatose and the seriously manipulated, but including virtually everybody else.<sup>33)</sup>

Before leaving the topic of free will and social freedom, a disclaimer is needed. It may seem that I have been upholding a theory according to which free will is a purely procedural concept of rationality, much as H. Frankfurt and G. Dworkin have recently done,<sup>34)</sup> thus defusing the determinism-free will dichotomy and undermining my own claim that if determinism is true, 'social freedom' is devoid of meaning. This has not been my intention. Briefly, in the Dworkin/Frankfurt model an agent with a free will has not only **first-order** desires for particular actions, but also **second-order** (or even higher-order) desires for having a lower-order desire, or for that desire to be his will. In the latter case (which

Frankfurt calls a "second-order volition"), the agent identifies himself with a lower-order desire, and as long as that process is unhindered, his will is free. But as it is conceivable that the process itself is causally determined (the person being determined to want what he really wants), Frankfurt concludes that his account of free will is neutral with regard to the problem of determinism. <sup>35)</sup>

Relating this to what has been said here about autarchy as a precondition of social freedom, it may appear that I, like Frankfurt, have abandoned the traditional requirement of free will theories that we are 'free to do otherwise'. As long as the procedure of rational decision-making is up to standard, it does not matter if our higher-order desires have been implanted in us through manipulative conditioning, hypnosis or whatever. But on closer inspection, this cannot be correct, since in my model, such a person would not be autarchic but heterarchic. My 'autarchy' requires, as Frankfurt's 'free will' does not, what Dworkin calls "procedural independence", <sup>36)</sup> namely, not only that the person has the capacity to choose on the basis of his higher-order desires, but also that these desires are his own, and that the possibility to choose otherwise is a genuine option for him. Thus, I conclude that Frankfurt has failed to explicate the concept of free will or autarchy correctly. Incidentally, I think that the same applies to all those who seek to rescue free will by flirting with some kind of soft determinism. I do not need to establish as part of my present

argument what precisely is meant by 'having the option to choose otherwise' or that 'my desires are my own', although I can say that I am more or less in agreement with modern day indeterminists like P. van Inwagen on those issues.<sup>37)</sup> I should, however, finish this detour into the free will issue by emphasizing the claim that, for social freedom, the capacity for choice is presupposed, and that this capacity requires both (minimal) practical reason and procedural independence.

Now, there is an old tradition in philosophy which wants to equate social liberty - to return to that - with **autonomy**. More often than not, John Stuart Mill is taken to be one of the strongest proponents of this view, with his emphasis on individuality and the choice between different ways of life. Thus, John Gray states that this particular version of positive liberty informs Mill's most liberal work, On Liberty.<sup>38)</sup> As a first step in challenging the theory of freedom as autonomy, I shall argue that this was not Mill's view at all. What Mill praises in such glittering terms in On Liberty is the **readiness** and **capacity** to make deliberate choices between alternative beliefs and patterns of life, but not necessarily the **exercise** of this capacity. Hence, his notion of individuality can best be understood as relating to the concept of autarchy, as I have explained it, not autonomy.

Mill is concerned that we do not undermine our own autarchy by what I called earlier 'selling ourselves into some kind of mental slavery'. When he claims that he "who

does anything because it is the custom makes no choice",<sup>39)</sup> or that our "faculties are called into no exercise by doing a thing merely because others do it...", the emphasis must be seen as lying on the "merely because". What he is warning against is not the "intelligent following" of custom, but what he calls the "mechanical adherence to it".<sup>40)</sup> Here, Mill furnishes a distinction between two types of conformism:<sup>41)</sup> to follow custom **merely** because it is a custom is not to make a choice at all; and even worse, in doing so you gradually undermine your own autarchy and hence freedom. But to accept and follow custom, however uncritically, e.g. because you are too lazy to look for an alternative, or too content with the way things are, cannot be condemned as a lack of freedom on Mill's view, as long as you can make the effort if you want to. Therefore, it is autarchy but not autonomy that Mill sees as a necessary condition of freedom.

What has confused many authors is the fact that Mill simultaneously argues for something else, namely, the special **value** in modern society of making choices that are not only autonomous but also eccentric or idiosyncratic: "Precisely because the tyranny of the majority is such as to make eccentricity a reproach, it is desirable, in order to break through that tyranny, that people should be eccentric."<sup>42)</sup> But this does not entail that the non-eccentric, but autarchic, conformist is in any sense less free; it only means that if you stubbornly refuse to bend your knees to custom, you are paying an **extra service** to

society.

Admittedly, there are places in On Liberty and especially in System of Logic where Mill seems to demand that we not only have the opportunity for choice, but that we actually exercise it.<sup>43)</sup> Some of these may be accounted for by the fact that Mill is not always very systematic in the presentation of his views; but where this excuse does not suffice, the following observation can be made. Claiming that being a competent chooser sometimes requires activity, does not entail that what this competence amounts to must be autonomy (exercise), not only autarchy (capacity). To take a parallel example, overcoming external obstacles may sometimes be necessary to be (negatively) free to do x, but that does not mean that the freedom you end up with is more than the opportunity to do x. Similarly here, to remain a competent chooser, different types of activity may be needed to overcome internal or external obstacles which threaten to undermine this capacity, but that does not mean that the competence needed as a precondition of social freedom is more than a capacity to choose (autarchy). There is thus no good reason to think that Mill presupposed actual autonomy as a condition of freedom, or that he equated the two.

Showing that John Stuart Mill did not adhere to the view of freedom as autonomy does not, of course, show that this view is wrong. First we should note that, although 'autonomy' is most often used in the way I have suggested to describe the state of exercising our autarchy, there

are some other uses abroad. For example, 'autonomy' is sometimes invoked to refer not to a **state**, but to a **right** of non-interference, often in conjunction with topical discussions about the permissible extent of paternalism. There is no time here to partake of these debates about the **value** of autonomy, but I may be allowed to comment, as an aside, that talk about an inviolable right to autonomy may merely serve to obscure the issue at hand, since Mill seemed in any case well equipped to thwart the menace of paternalism without presupposing any such right. I shall, however, leave this and other more deviant uses of the term out of consideration. The pressing question is still about the possible connection between social freedom and autonomy: if freedom is a necessary condition of autonomy and/or autonomy a necessary condition of freedom.

Richard Lindley in his book Autonomy expounds the former view by making freedom from external constraints the second of the "two dimensions" of autonomy. Now, it is obvious from the discussion above that freedom from **certain** constraints is a necessary condition of autonomy, namely, from those that would make the person heteronomous in sense (1) (p. 174): another agent being responsible for preventing his exercise of practical reason. But Lindley goes much further, claiming that a prisoner languishing in his cell, although having a strong, well-ordered will and being a clear, rational thinker, cannot be considered autonomous since he is "able to do hardly anything". Realizing, however, that his own example is counter-

intuitive, Lindley tries to rescue it by assuming that while the man may be autonomous, he is at least prevented from exercising his autonomy.<sup>44)</sup> The problem is that such a distinction cannot be made in the case of autonomy, as it is in itself an exercise concept. Even if we take Lindley to mean 'autarchic' when he says "being autonomous", the counter-intuitiveness is not obviated since his claim would still entail that a person such as Nelson Mandela could not have taken autonomous decisions in his prison cell. On the contrary, the reasonable thing to say seems to be that although Mandela may have been taking autonomous decisions all the time, he was in fact prevented from acting on them. Taking rational decisions and being able to carry them out are surely two distinct things. Hence, in general, social freedom is not a necessary condition of autonomy.

But is autonomy a necessary condition of social freedom? While remaining for the most part faithful to a responsibility view of negative liberty, Connolly sometimes seems to answer this question in the affirmative, e.g. by giving a definition of 'acting freely' according to which X acts freely in doing z when "he acts without constraint upon his unconstrained and reflective choice with respect to z."<sup>45)</sup> Why "reflective" (which seems here to mean 'autonomous')? We have already seen that autarchy is a necessary condition of freedom in the sense that a heterarchic person is not freedom-evaluable. But autarchy makes a much less extended and intense requirement on

rationality than does autonomy, or more precisely, autarchy requires only in potentiality that which autonomy requires in actuality. A heteronomous person is not necessarily unfree. He is not unfree if he does not exercise choice because of a natural impediment (in that case he is merely unable to do so) or because of voluntary conformism (in that case he just does not bother). In neither of these cases are there obstacles to his choice for which another person is accountable and which prevent him from taking an autonomous decision. Hence, as we see, autonomy is not a necessary condition of freedom, at least not when we consider **particular** free actions. However, it could be argued that autonomy is in a more general and indirect sense a precondition of freedom. For if people were never able to exercise practical reason, there would be no sense in asking them to give justifications for their actions; without that there would be no concept of moral responsibility and, hence, no social freedom. But this does not entail that individual agents cannot perform particular free actions unless they act upon a "reflective choice". By comparison, soccer would not exist if no goals could be scored, but this does not mean that a particular goalless match counts any less as a game of soccer than a match in which goals are scored.

The theory of freedom as autonomy implies both that agents can constrain their own freedom (by not bothering to take autonomous decisions) and, more generally, that a man is unfree if he does not exercise his capacity for

choice. Both these claims conflict with the nature of social liberty. Autonomy designates a set of properties which constitute a human **virtue**, and a very important one at that. But, unlike social freedom, autonomy is not an interpersonal relation. Hence, I conclude that another variety of positive liberty fails to meet the criteria for social freedom.

Furthermore, theories of positive liberty which try to combine autonomy with some other positive ideal cannot be expected to fare much better. For example, the attempts of Keith Graham and other neo-Marxists to rescue the concept of autonomy from its individualist context and restate it within a theory of 'communal freedom' should already look *prima facie* implausible. Yet, they cannot be discarded until the following section has shown why this third and last variety of positive liberty theories will not wash either.

#### 6.4. Communal freedom

There is an Icelandic proverb which says that relatives make the worst enemies. It is particularly noticeable that the differences between the view I shall call 'communal freedom' and other positive liberty accounts run at least as deep as those between communal freedom and negative liberty. With the exception of K. Graham, who tries to square autonomy and communalism,<sup>46)</sup> the point of departure

for most of the communal freedom thinkers is their rejection of freedom as autonomy (and often of Promethean freedom as well). Hannah Arendt provides a case in point. For her there has been an ominous trend toward transposing the idea of freedom from its "original field, the realm of politics and human affairs in general, to an inward domain..."<sup>47)</sup> B. Dauenhauer makes an even more pungent remark when he claims that if radical human autonomy were indeed realized and sustained, this would be a defeat for freedom and not a triumph.<sup>48)</sup>

The basic idea of these thinkers is this: just as for the negative libertarian the isolated, self-reliant person becomes a valued objective, so for the proponents of autonomy man is seen fundamentally as an atomic individual, and only derivatively as a social being. On both of these accounts it is thus thought to be possible and desirable for the agent to achieve radical independence from others to enhance his freedom. It is this vision of the free, self-subsistent individual that the communal freedom thinkers aim at vitiating. Against it, they pit the views of Husserl, Merleau-Ponty and other modern philosophers of a similar stripe who claim that persons can only be human, and consequently free, to the extent that they are citizens of a society: participants in intersubjectivity. This latter view is then seen as harking back to crucial elements in ancient Greek thought, where freedom necessarily involved interplay with other persons.<sup>49)</sup> Nobody can be considered free as a mere indi-

vidual; on the contrary, man is only free when he acts within a framework of communal ties, rules and bonds. Freedom is the raison d'etre of **politics**, not of splendid **isolation**. Some of these writers even go as far as stating that, since communal interplay always involves different kinds of relationships (of equality, hegemony, subsumption, etc.), man is no less free when he is on the receiving end of authority and power than when he is himself the leader, exercising power - so long, that is, as there is mutual **respect** at work in the relationship.<sup>50)</sup> In simple terms, this means that when you obey a command or yield to a constraint imposed by another agent, this constraint does not limit your social freedom if a) you see the need for it, and b) you respect the person imposing it. In capsule form, we can thus define communal freedom as stating that freedom is the active participation in different relationships within a community characterized by fraternity and mutual respect.

As a first response, it may be asked if the communal freedom thinkers are not really imagining a wonderland in which the ducklings of this world have become swans. Are solidarity and respect actually the main characteristics of modern communities? In Benn's Theory of Freedom, there is a trenchant and insightful critique of different communitarian models which seems to indicate that the **mutuality** sought for there can be realized only in face-to-face relations, not on a larger societal basis, and that other proposed forms of community are likely either

to break down or turn into a totalitarian nightmare: the immersion of the individual in the whole.<sup>51)</sup> In reply to this, the communal freedom thinker could claim that, although no present society comes near to satisfying his criteria, such a society of fraternity and respect is nevertheless a worthy ideal to aim at. The problem about this move is that it entails that in the present state of affairs no social freedom is attainable at all; we would have to embark on a MacIntyrean project of constructing radically new forms of community to have any hope of creating a background against which the notion of freedom could (again?) become intelligible.

Although simple observations about the societies we live in, or the nature of human societies in general, may seem to cut against the theory of communal freedom, there remains something attractive about it. Understanding its attractions may be the first step to realizing its shortcomings. Firstly, communal freedom emphasizes as no other theory the social nature of freedom, its interpersonal form, its situatedness. Secondly, it reminds us of the fact that man is a political animal and that most of the activities which are conducive to our flourishing or eudaimonia must necessarily take place within a social context. Moreover, active participation in the society we belong to can be seen as a precondition of being able to enjoy many of the benefits that such an institution has to offer. There is every merit in underlining these truths about the nature of social freedom and the nature of man.

It has to be remarked, however, that in theories of communal freedom all these laudable ideas are overworked and inflated. Because freedom is a social concept, it is assumed that no obstacle imposed in the name of society or with the needs of society in mind can restrict our liberty. But this is not true. We are unfree to do x when we are constrained from choosing and/or doing x, however necessary and desirable such a restriction may be.

Hannah Arendt finds something drastically wrong about the notion that perfect liberty is incompatible with the existence of society.<sup>52)</sup> But she is conflating different points. It is true of man that his nature cannot be realized in isolation; it is also true that freedom only acquires meaning in interpersonal relationships, but it does not therefore follow that the commitments you must accept to be a member of society do not limit your freedom. They do, however just and democratic the society may be; but then getting married also necessarily restricts your freedom in many respects, however much you love your spouse and want to be united with her or with him in holy matrimony. The truth is that a person often undertakes commitments which, through someone else's agency, will restrict his freedom, not because he is forced to do so, but because he wants to; because he prefers some other value to certain liberties. Denying this is calling for a **moralized** definition of freedom according to which you cannot constrain another person's freedom by anything which you have a right to do. In the end, communal freedom

may, indeed, come down to little more than that.<sup>53)</sup> However, the legitimacy of such a moralized definition has already been argued against in this thesis (2.1).

The fact that nobody can enjoy perfect freedom in a society, and that there is nevertheless a prima facie presumption against every restriction of it, may seem to be a paradoxical product of my negative model. But if you are an enthusiastic soccer player, do you not consider every attack of the other team as a threat? Yet, would it not be a still greater threat if they stopped attacking altogether, i.e., stopped playing the game? In general, there is nothing incoherent about combining a negative theory of freedom with a desire for an integrated community of common dependence and common sacrifice; then the presumption in favour of freedom is simply overridden in many cases by other considerations, deemed to be more important.

The reason why the communal freedom thinkers fail to acknowledge this possibility may, as Berlin suggests, lie in their belief that all good things must in the end be compatible and even entail each other; a belief that he rightly describes as being attractive but false.<sup>54)</sup> Now, it is possible that Berlin's own views on the irreducible plurality of values yield too easily to what MacIntyre would call a **decisionist** interpretation. However, an alternative explanation might be possible on Aristotelian lines that would reconcile an essential trade-off between certain values with an objective human teleology.<sup>55)</sup> Any-

way, as far as the idea of communal freedom in general is concerned, I have already exposed some of its principal weaknesses. A theory which claims that we are only free if we are participating actively in a communal project, that we make ourselves unfree by not doing so, and that certain constraints imposed by society are not real constraints at all, is not a viable candidate for an account of social freedom.

#### 6.5. Positive liberty reassessed

At the end of the last chapter and at the beginning of the present one, two main characteristic elements of positive liberty theories were described, and doubts were entertained as to whether such theories could have anything to do with social freedom. Now, after having examined a whole gamut of positive accounts, the reassessment presented in this section will turn out to do little more than confirm my original doubts.

Let us first say something about the connection between positive liberty and paternalism. At the end of chapter 5, it was argued that positive liberty lent itself more easily to development into rampant paternalism, and even totalitarianism, than did negative liberty. This claim can now be supported by reference to the three main forms of positive liberty. Thus, there is plainly not much in **Promethean theories** which can be used to counter

paternalism. At worst, paternalism can be seen as simply one more inconvenience with which the higher self has to put up; at best, if enacted by the higher self itself on the lower self, it is an admirable state of affairs. The proponents of **freedom as autonomy**, with their heavy emphasis on individual rational choice, are somewhat better equipped to resist paternalism (see e.g. K. Graham's arguments against Lenin's vanguardism <sup>56</sup> ). But as soon as the autonomous self of the individual begins to be equated with the rational self as such (shared by all rational agents), a slide into paternalism begins here, too. **Communal freedom**, on the other hand, seems to be the variety of positive liberty most open to paternalism. To be free, man must be an active member of a community; if he fails to participate or refuses to abide by its rules, the right course of action may be to 'force him to be free', i.e., coerce him into enjoying his liberties and, hence, realizing his genuine human nature.

If we reflect back upon the two characteristic elements of positive liberty, we see that they violate what I have shown to be central features of social freedom: that a) a person cannot be said to constrain his own freedom, and b) to be free, only opportunity, not its exercise, is required. What, then, is **positive liberty**? It turns out to be a very general term, covering a variety of accounts, all supposedly having to do with social freedom, but in reality upholding other distinct, if no less respectable, values. Self-abnegation and self-control can

be important virtues; the frequent exercise of autonomy is also a significant accomplishment, and some degree of social participation is a necessary feature of man's eudaimonia. But why in the world should we interpret these values as aspects of social freedom which is the simple relation of being unconstrained by another agent? Marxism, incidentally, is perhaps the paradigm case of a positive liberty theory since it combines all the three main varieties into one: freedom as the recognition of necessity (until the world revolution), freedom as the autonomy of agents released from false consciousness, and freedom as the participation in productive activity. This may be due to Marxism's mixed conceptual roots: Aristotelian, Kantian and Hegelian. But again, all these values can and **should** be explained and celebrated without any reference to social freedom.

Somebody might question this conclusion by pointing out that the positive liberty theories I have surveyed all fit into MacCallum's generic schema for freedom (p. 10), although they disagree among themselves, and with negative liberty theories, on the ranges of the given variables. The obvious answer to this is to say that MacCallum's schema must be too broad, since it fails to exclude accounts that we have found good reasons for not counting as those of social freedom. If somebody wants to rescue his proposals, the schema will have to be made much more precise, incorporating e.g. the two central features of social freedom set out above, and thus excluding the

positive theories.

Should we then just make a clean sweep of all positive liberty theories? Should the term itself even be abolished? I am not sure. Perhaps we need a term to refer to a set of theories which are thought to have some bearing on social freedom but do not. Nevertheless, the constant conflation of 'positive liberty' with real (negative) freedom is a rather lamentable state of affairs. The most sympathetic interpretation of positive liberty would be to try to argue that it designates **another kind** of freedom than the social one (as freedom of the will is another kind of freedom). However, most of its proponents would not agree: they see 'positive liberty' as **competing** with 'negative liberty' for the correct notion of social freedom. Also, I have shown that the positive liberty theories examined above uphold specific values which have nothing to do with 'freedom' in any ordinary sense of the word. So, although positive freedom may be 'positive', 'freedom' seems, indeed, to be a misnomer.

6.6. References

- 1) Crick, p. 206.
- 2) Berlin (1969), pp. 131ff.
- 3) See e.g. Levin, pp. 85 and 95.
- 4) Norman, R., p. 87.
- 5) *ibid.*, pp. 95-96.
- 6) *ibid.*, p. 96.
- 7) MacPherson, pp. 116-119.
- 8) Crocker, p. 70.
- 9) *ibid.*, p. 2.
- 10) *ibid.*, p. 3.
- 11) *ibid.*, p. 4.
- 12) *ibid.*, p. 67.
- 13) *ibid.*, p. 4.
- 14) Miller (1983)a, p. 68.
- 15) Cf. Cooper, p. 131.
- 16) Cf. *ibid.*
- 17) This term was coined by Cooper, see *ibid.*, p. 132, the reason being that "Prometheus is the paradigm of the man who, enchained by the ruler of rulers, Zeus, yet remains defiantly free."
- 18) *ibid.*, pp. 131-132.
- 19) MacIntyre (1981), ch. 10.
- 20) *ibid.*, p. 117.
- 21) *ibid.*, p. 115.
- 22) Nussbaum, ch. 2.
- 23) *ibid.*, pp. 35-36.
- 24) *ibid.*, p. 47.
- 25) Lindley, p. 24.
- 26) See "From Hope and Fear Set Free" in Berlin (1978).
- 27) Benn (1975-1976), pp. 112-117.
- 28) *ibid.*, p. 123.
- 29) *ibid.*, pp. 123-130.
- 30) See "Freedom and Resentment" in Strawson.
- 31) Day (1977), p. 264.
- 32) McCloskey, p. 494.
- 33) Feinberg (1986), pp. 28-30.
- 34) See Dworkin, G. (1970, 1981) and Frankfurt.
- 35) Frankfurt, p. 20.
- 36) Dworkin, G. (1981), p. 212.
- 37) See van Inwagen.
- 38) Gray (1986), pp. 58-59.
- 39) Mill, p. 116.
- 40) *ibid.*, p. 117.
- 41) See Smith, p. 252.
- 42) Mill, pp. 124-125.
- 43) See quotations and references in Smith, p. 238.
- 44) Lindley, p. 69.
- 45) Connolly, p. 157.
- 46) That is the basic intent of his interpretation of Marx, see Graham, K. (1986).
- 47) Arendt, p. 145.
- 48) Dauenhauer, p. 82.
- 49) *ibid.*, p. 81.

- 50) **ibid.**, pp. 87ff.
- 51) **Benn** (1988), ch. 12.
- 52) **Arendt**, p. 154.
- 53) This could also work the other way round. Thus, **Gray** (1981) argues that Hayek's moralized definition of freedom, according to which man is free when he is not subject to coercion by the arbitrary will of another, leads him into the path of positive liberty. Gray's point is well taken, for in Hayek's view, rules possessing certain formal elements (generality, equality: "true laws", etc.) cannot restrict liberty inasmuch as they cannot be treated as truly coercive. The communal freedom thinkers could not agree more.
- 54) **Berlin** (1969), p. 167.
- 55) See e.g. **Nussbaum**, ch. 10, and **Hurka**.
- 56) See **Graham, K.** (1986).

## 7. FREEDOM AND POWER

After having put paid to attempts to construct a 'positive' account of social freedom, it is now time to return to the insights of the responsibility view. Earlier in the thesis it became evident that social freedom had to be accorded a place within a hierarchy of interrelated concepts. At that point, emphasis was placed on tracing its logical links **vertically**: to moral responsibility and from there, in turn, to that which people can appropriately be called upon to justify. It remains to examine whether the responsibility view can shed light on the kinship of freedom to other concepts to which it may stand in more **horizontal** relationships, so to speak: concepts such as power, control, influence, authority, etc. These (along with freedom) tend to be referred to collectively as **power concepts** and be said to share certain basic characteristics such as irreflexivity. Also, their meanings are often seen as partially overlapping.<sup>1)</sup> In an exhaustive inquiry into the nature of social freedom, all these claims would merit investigation. However, in order to keep the scope of the present thesis within reasonable limits, I confine my attention in this chapter to the concept of **power**.

What interests me is, naturally enough, power as a **social** concept and, more specifically, the idea of someone's power **over** another person. I distinguish this from

the more general possession of power to do things, which need not designate a social concept, and also point out a contrast between the social relations of 'exercising power over' and 'having power over' someone. Rather than producing at the outset any hypothesis on the exact links between social power and freedom, I set out, in 7.1, on a short polemical journey into the thicket of scholarly opinion on power. It gradually becomes apparent that many of the insights that were brought to bear on questions of freedom, can also aid us here in cutting away some of the dead wood. Subsequently, in 7.2, I formulate and defend a responsibility view of **exercising power over** which, if correct, attests to an even more intimate relationship between freedom and power than has been suggested by previous writers. Finally, in 7.3, I use the conclusions of this and earlier chapters to examine what is meant by saying that individuals or groups of people have more or less freedom/power than somebody else, i.e., I address the question how we can sensibly talk about different **degrees** of freedom/power.

### 7.1. Conflicting views

There are voluminous studies on power, just as there are on freedom. However, it is difficult to ascertain with some of them what **kind** of power is being discussed. For example, Steven Lukes quotes in his monologue on (social)

power Arendt's view that power is the property of a group of people acting in concert; the antithesis of power being violence.<sup>2)</sup> At first sight this definition seems so far removed from ordinary usage as to verge on the absurd: so far is it from being the case that an exercise of power is necessarily the sign of the union of minds that most people tend to think exactly the opposite. One is tempted to conclude that Arendt's problem is here, as was the case in her treatment of freedom, that she is so preoccupied with certain ideals about how people should lead their lives or how society should be ordered that she takes important social terms like 'freedom' or 'power' and re-defines them to accord with these ideals. This would be as fruitful an endeavour as trying to conquer inflation by expunging the word 'inflation' from the dictionary. However, Arendt's definition could, more sympathetically, be understood to refer, not like Lukes' account to A's exercise of power **over** B, but to the **locus** of social power (in 'the people'), or something of that sort, in which case these two accounts would simply not be about the same thing and, hence, not **competing**.

Another difficulty is that many of the numerous studies on power are more sociological than philosophical and, thus, tend to presuppose some definition which is never clearly stated. Still, there are distinguished philosophers who have contributed to the discussion, notably Bertrand Russell with his claim that power is the production of intended effects. In this definition, the

question **who** can produce these effects on **what** is passed over. More importantly, a question from chapter 2 crops up again: why place so much emphasis upon **intention**? What is e.g. the significance of the distinction between doing something deliberately and negligently in this context? Connolly produces a convincing counter-example to an intentionality view of power: the story of a white employer in control of scarce job opportunities who, through inattention and habit, fails to consider other candidates than lower-class white males. He could do otherwise if he were to attend carefully to the consequences of his actions, but he does not. So, he contributes to the high unemployment of minorities and thereby exerts power over them.<sup>3)</sup> The upshot of the story seems to be that intention cannot be the decisive factor here.

Nor are we much aided by Weber's suggestion that the fact of **resistance** is crucial to attributions of power, since it can be convincingly argued both that power may preempt resistance, as happens in some of the worst cases of totalitarian control, and that B can be under A's power although he may on particular occasions (and at great costs) be able to resist A successfully. As far as Dahl's definition, that A has power over B to the extent that he can get B to do something which B would not otherwise have done,<sup>4)</sup> is concerned, it seems to be much too permissive by including all forms of rational persuasion and fraternal advice. If I tell you that the bridge you are planning to cross is unsafe and you change your mind about crossing

it, have I exercised power over you? Or are the students X and Y, the former of whom is required by his teacher to read a book in order to pass an exam while the latter is told that if he is interested in a certain field, he might be well advised to read it, both subject to their teacher's power when picking up the book from the library? The answer seems to be **no** to both these questions: acting on good advice does not show that a person is on the receiving end of a power relation. In light of the discussion in chapter 3, the reason immediately suggests itself that advice or rational persuasion do not erect obstacles to persons' choices in the first place and, thus, cannot constitute exercises of power over them. If that is so, we may already have spotted one similarity between the exercise of power over somebody and the restriction of his freedom.

The observations up to this point should already have indicated why I question the fruitfulness and general viability of Benn's definition of 'power' in The Encyclopedia of Philosophy:

A, by his power over B, successfully achieved an intended result r; he did so by making B do b, which B would not have done but for A's wishing him to do so; moreover, although B was reluctant, A had a way of overcoming this.<sup>5)</sup>

Why must A be **successful** - and why did he have to **intend** the result? (see the points made above against Weber and Russell). Why did B have to **do** something (but not refrain from doing it)? Why is it necessary that B **would not have done** it otherwise? In case my parents threaten to disin-

herit me unless I marry a white girl, is that not to be considered an exercise of power if it so happens that I would have married a white girl anyway? Why does B have to act **reluctantly**? Is it not the supreme example of power when the subjects start obeying the powerholder willingly and uncritically, grovelling at his feet? In other words, it seems possible to question all the basic ingredients of Benn's definition.

Perhaps Benn's mistake lies in trying to define power in isolation from other and intimately related concepts. One of Oppenheim's chief aims has always been to lay out a clear-cut taxonomy of all of these. To do so, he relies on one of the fundamental tenets of operationalism: the need to "reconstruct" the meanings of terms (8.4). For Oppenheim, **power** incorporates the extensions of both **control** and **unfreedom**. We have already seen how he defines unfreedom (p. 55); furthermore, on his definition, A controls B's not doing x to the extent that A influences B not to do x or renders it impossible for him to do x. Thus, although unfreedom and control often coincide, freedom is compatible with control in cases of influence, and unfreedom is possible without control when A constrains B by making it punishable for him to do x. Power then covers both what is common and what is specific to these two concepts.<sup>6)</sup>

The problem here is the same as with all of Oppenheim's other definitions; they are not based on any argued analysis of how the terms are actually used, or how they

should be used in light of the purpose they serve in our language, but simply on a definitional fiat. Let us decide to define them in this way and then we can use them systematically henceforth: such is Oppenheim's philosophy. It seems more or less a coincidence that he chooses to see control as a form of power but not vice versa, as would e.g. be implied by Rescher's account of control,<sup>7)</sup> or that **influence** is not chosen as the most general term, as Wrong does in his book on power.<sup>8)</sup> Now, I tend to doubt the value of such arbitrary, stipulative definitions, and one of my objectives in writing this thesis has been to show that we do not have to make do with a definition of that sort in the case of freedom. However, it may well be true that there is no neat division between many of the inter-related power concepts in our language; in that case Oppenheim should simply be mindful of Aristotle's advice not to look for more precision in subject matters than they admit of.

One of the most impressive attempts in recent years to give a rational (non-arbitrary) account of social power is that of Lukes in his Power. A Radical View. He claims that there are clearly standard cases of the possession and exercise of power about which we can all agree and which give rise to the following core concept: A exercises power over B iff A affects B in a (significant/ non-trivial) manner contrary to B's interests. However, people's views about the nature of interests differ; therefore, according to Lukes, power is an essentially

contested concept (9.2) with three main contrasting con-  
9)  
ceptions.

In brief, what he calls the **one-dimensional** ("pluralist", "liberalist") view is based on a want-regarding principle of interests as publicly revealed and observable policy preferences; he has most power whose preferences are actually shown to prevail. On the **two-dimensional** ("reformist") conception, interests are understood as preferences within or outside the political agenda, which means that power can also be enacted by preventing certain issues from appearing on that agenda ("non-decisions"). The **three-dimensional** ("radical") conception is of an essentially different sort, implying that power may be exercised over men even when their wants have been fully satisfied, as a person's real interests are not what he happens to want, but whatever he would want if he were to become a fully autonomous agent. In the present state of affairs, people's beliefs and desires are constantly being shaped in such a way as to preclude options which they would have preferred and chosen under ideal conditions. Hence, power may be exerted in preventing a conflict of interests from ever occurring, there can be a conflict of interests without a respective conflict of preferences, and neither A nor B need be aware of the power relation.

Unfortunately, the many virtues of Lukes' account are overbalanced by its defects. Thus, the reference in the original definition to A's necessarily acting **contrary** to B's interests must be unfounded, and in fact Lukes himself

10)  
has now abandoned it. A dictator who imprisons a dissident has no less exercised power over him although the imprisonment may turn out to be beneficial to the dissident's but detrimental to the dictator's interests. Moreover, ordinary notions of political power seem to admit that a government might exert power in the interests of all. The most serious weakness in Lukes' position lies, however, in his holding simultaneously the incompatible views that power is an essentially contestable concept and that the three-dimensional view is superior to the other two as shown by rational arguments.<sup>11)</sup> In 9.2 we see why this will not do and also why the essential contestability thesis itself, which guides Lukes in his analysis, is wrong.

### 7.2. A responsibility view of power

Meanwhile, there are elements in Lukes' account that point in a more promising direction. In the first place, he is surely right in emphasizing that people's wants may be the product of a system that works against their real interests and that often, in attributing power, we are working with counterfactuals as to how people would have acted if not restricted by internal bars implanted in them by somebody else. Incidentally, in chapter 5 we saw that the existence of such bars poses no problem for a correct theory of negative freedom. Secondly, after sketching the

conflicting conceptions of power, Lukes remarks that the identification of the process of exercising power lies in the relation between power and **responsibility** - that to locate power is to fix responsibility for consequences held to flow from the action, or inaction, of certain specifiable agents.<sup>12)</sup> However, Lukes fails to pursue this insight in a book that is often needlessly brief and inexact. For example, he does not explain the connection between this thesis about responsibility and the definition of power which states that power is always enacted contrary to B's real interests. If the latter is true, A is likely to be **culpable** (not only **accountable**) for exercising power over B. So, in the end it is anybody's guess if Lukes' monologue was meant to uphold a moral or a moralized definition of power. His considered opinion on this question is complicated by the fact that he subsequently retracted both the contrary-to-interests clause (see above) and the suggestion that a direct attribution of responsibility to individual powerholders is possible.<sup>13)</sup>

Other writers, notably Connolly,<sup>14)</sup> have tried to develop a more straightforward responsibility view of social power, but usually without paying much attention to the connection between such a view and the correct definition of social freedom. Their assumption seems to be that the meanings of these two concepts are not too intimately related for each of them to be worked out in isolation from the other. Let me now express and test a more radical

suggestion, namely, that A exercises power over B iff A is responsible for the non-suppression of obstacles that narrow B's options - and hence that the extensions of 'constraining B' and 'exercising power over B' virtually coincide. If this is true, the concepts of power and (un)-freedom turn out to be necessarily and intimately related.

The first doubt about the viability of a responsibility view of power may be expressed by the claim that the primary use of the term 'power' is not to denote a relation but rather a capacity or a property. Thus, P. Morriss goes so far as stating that a power-vocabulary should not be used if our basic concern is something other than the capacity for producing events. While granting that the locution 'power over' has a specific use of its own, he claims that it is not the general, and certainly not the main, way in which we talk about power. On the contrary, what lies at the root of all power-talk is having or exercising the 'power to' do things.<sup>15)</sup>

It is obvious that the general possession of power to do things does not necessarily designate a social concept: we can have power **to** move stones or other inanimate things as well as having power to affect agents. However, even if I had the power to move a big rock, I would never say that I had or exercised power **over** the rock. Now, it seems natural to assume that the social **relation** of exercising power over someone requires the **capacity** or the property which the general term designates: A would not be able to exercise power over B unless he had in some sense the

power or ability to do so. But exactly the same applies to freedom: A cannot constrain B's freedom if he does not have the ability required in the specific case to do so. For example, if A wants B's hands tied up, he must be able to tie them up himself or have the authority and the means of communication to order someone else to do it. The important point here is that we have made considerable progress in analysing 'constraining freedom' as a social relation without the need ever arising of stating carefully what A's ability must amount to (except his satisfying the logical condition of being an autarchic agent). So, if there is no reason to say that the language of constraints should not be used when our basic concern is something other than the capacity for producing events, it is odd why it should not be possible to work out a plausible view of 'power over' as a social relation without saying something important first about the general 'power to'.

It is worth pointing out that the adjective 'powerful' is sometimes used in the capacity-sense and sometimes in the relational sense. We can easily talk about a **powerful** man as one who has the ability to do various things, some of which may affect other persons (e.g. make business offers that are too good to refuse). But as long as his acts do not erect obstacles to their choices, it is odd to say that he exercises power **over** them. On the other hand, 'powerful' is also commonly used to refer to men who do precisely the latter.

Another potential objection to a responsibility view of power runs as follows. Consider a small boy who runs away from home and hides in his neighbour's garage for a few hours because he feels his parents have been neglecting him. 'If they think I am lost or dead, at least they'll miss me', the boy thinks. (Who has not harboured similar thoughts as a child!). Now, on my definition, the boy may succeed in constraining his parents' freedom, by being responsible for placing obstacles in their path, since they will probably have to cancel their plans for the day and look for him. But - and here is the point of the objection - so far is it from being the case that the boy has power over his parents that the only way he can so much as arouse their attention is by constraining their freedom.<sup>16)</sup> Hence, power and (un)freedom are not intertwined in the way I have claimed.

Combatting this objection requires me to draw another distinction, this time between two locutions about social power: 'having power over' and 'exercising power over'. In a somewhat trivial sense, we may say that A has power over B whenever he exercises power over him. However, this is not the way the locution 'having power over' is commonly used. Rather, it tends to denote relations of more complex sorts of which I shall mention four, starting with that of **authority**: I have authority over B because of a difference of standing between us which makes my exercising power over B legitimate and/or voluntarily complied with by him. Secondly, 'having power over' can simply refer to the fact

that A is **generally known** to exercise power over B in a certain (important) respect: 'I have power over my wife in financial matters but she has complete power over me in the kitchen!'. Thirdly, it may suffice that A is **generally capable** of erecting obstacles to B's choices (although he does not exercise that capacity for extended periods) for us to say that he has power over B. Fourthly, we may even say that A has power over B, period, meaning that A's possibilities to exercise power over B are unusually comprehensive and intensive (7.3), although **complete power** in this sense is probably impossible (contingently). So, it seems that while 'having power over' can mean a number of different things, it always depends logically on the more basic and easily definable 'exercising power over'. To return to the story of the lost son, it may be true that he did not **have** power over his parents in any of the four above senses and that he, nonetheless, managed to **exercise** power over them in this particular case.

It is noteworthy that we have no term corresponding to 'having power over' in the case of unfreedom, meaning e.g. that A has in general the capacity to constrain B's freedom (in a particular field) or that he frequently does so. To describe such a state, we would simply say that A has power over B. This is, I believe, one more indication of the logical affinity between exercising power over and constraining freedom.

The case of the neglected boy failed as an objection since for A to be able to exercise power over B in respect

x, it is not necessary that he generally has power over him in that respect nor, of course, in other and perhaps more important respects. But does not all this have the counter-intuitive implication that everybody can exercise power over everybody else, at least in some respect? It does have that implication but I am not sure this is a defect. Tony Benn, the politician, has advocated what he calls the "stiletto heel principle": that if you put all your weight on one place, you can go through almost anything.<sup>17)</sup> If one individual A, however 'insignificant' a person he may be, sets all his energy at hampering or annoying person B, he will most likely succeed, however powerful B is. He can, for example, send B threatening letters which may force him to employ bodyguards, etc. Also, in a certain (trivial) sense, by being able to **exercise** power over B, A **has** power over him, but as pointed out above, the latter locution is usually restricted to relations of a more general nature.

In spite of these clarifications, there may still be flies in the ointment. Gray thinks he has spotted some. On a responsibility view such as Lukes' or Connolly's, a power relation exists whenever one agent is significantly affected by another, but the problem is, Gray says, that "significantly affecting" is a feature of many other sorts of social interactions such as love or trade and, hence,<sup>18)</sup> not a distinctive characteristic of power relations. This may hit at the two mentioned accounts; however, on my responsibility view, an effect on B which A is responsible

for does not constitute a constraint on B's freedom unless it satisfies the logically prior condition of erecting an obstacle to his choices (this was the thrust of chapter 3). Expressing your love to, or offering to trade with, a person does not generally constitute such an obstacle and is thus not to be counted as an exercise of power. But Gray has more to say. If it is true that power relations may be most pervasive and efficacious when B is himself not aware of them, why can the powerholder A not also be the victim of such an invisible force?<sup>19)</sup> The simple answer is that he can. Obviously, A's own freedom to do x can be constrained by another person (C) although A is simultaneously exercising power over B by constraining him from x-ing. More importantly, the relation of exercising power over can be symmetrical. A can exercise power over B while B is simultaneously exercising power over A in the same respect. The whole idea behind nuclear deterrence is e.g. based on such a symmetrical exercise of power, the superpowers constraining each other from using nuclear force.

A. Reeve concurs with Gray in rejecting a responsibility view of power. Let us look at the three main arguments he produces against it.<sup>20)</sup> **Firstly**, he asks, if A has power over B to the extent that A fails to remove a restriction, why does A not also have power over B to the extent that A might introduce a constraint but does not in fact do so? Here, it is possible to reply that A may well have such power over B, at least in the trivial sense of

the "stiletto heel principle" according to which everybody could have power over everybody else. However, what I have been aiming at is not an account of 'having power over' but of 'exercising power over', and a person who could introduce a constraint but does not do so is obviously not responsible for an erected obstacle (since there is no obstacle). Hence, there is no exercise of power taking place. **Secondly**, Reeve asks us to consider the example of a person A who is taking an exam in which only the top 10% pass. By doing as well as he can, and knowing of this regulation, is he not imposing a disbenefit on the weaker candidates and thus (counter-intuitively) exercising power over them? In reply, two strategies are open to me. Recall first that there are different contexts in which we may invoke moral responsibility (pp. 109f.). While it is true that A is responsible for his decision to sit the exam, it is probably not true that he can appropriately be asked to justify his disbenefitting the other candidates; hence, he is not responsible for the potential obstacle to their choices. Alternatively, if some plausible reason could be given for this to be an appropriate question to ask in the context, my response would be that, counter-intuitively or not, he has constrained the freedom of his fellow students. But then the prima facie illegitimacy of this constraint would be easily overridden by other considerations: the need for competitive examinations, the justice of the best getting their rewards, etc. Anyway, the need for this second recourse is doubtful since it is difficult

to imagine situations in which it would be appropriate to ask a student why he made life more difficult for others by doing better than them on an open exam. **Thirdly**, Reeve claims that certain sorts of fanatics might rightly be regarded as lacking responsibility, while still exercising considerable power. If Reeve means that heterarchic persons can be considered as agents, exercising power **over** other persons, I have already produced arguments against such claims in 6.3 to which I need not add here.

I do not intend to devote as much energy to the defence of a responsibility view of power as I have devoted to my view of social freedom, for this thesis is about freedom rather than power. However, the most serious objections to a responsibility view of power have, I feel, been answered. Moreover, my insights about power and freedom have proved to be mutually supportive in the sense that most of the points I have needed to make in this chapter have been little more than echoes of others which were raised previously in the discussion of freedom.

Since responsibility views of power are no novelty, my account of 'exercising power over' is not likely to be looked at with scepticism merely because it is a responsibility view, but rather because of the intimate connection it upholds between power and unfreedom. If, as I claim, the extensions of 'exercising power over' and 'constraining freedom' virtually coincide, the question may be asked why we should go against conceptual economy in having two locutions express the same relation. Would the former not

more usefully be taken to refer to something else? One answer might be that by using the expression 'to exercise power over' we are picking out precisely those cases of power which involve someone's freedom being constrained. Furthermore, these two locutions could be seen as bringing our attention to different aspects of the relation between A and B: 'exercise of power' shifting the focus to the powerholder, A, while 'constraint on freedom' relates more to B and the obstacles that restrict his options.

What plausible alternative could there be to the sort of responsibility view I have been advocating? The only one that suggests itself to me is an **intentionality view** of power. In such a view, A exercises power over B when he intentionally constrains B's freedom. This would be, more or less, in accordance with Russell's and Benn's views discussed earlier (pp. 200ff.). There, one counter-example about a thoughtlessly discriminating employer was taken to show that A can exercise power over B **negligently**. But this might have been altogether too quick. Would it not have been more illuminating to say that while the employer constrained the freedom of individuals from minority groups to find jobs by being morally responsible for the obstacles that stood in their way, he did **not** exercise power over them since the relevant intention was missing?

The problem here is much the same as we came across earlier in dealing with the liberal conception of freedom (2.1): the difference between those consequences which an agent brings about intentionally and those which he brings

about non-intentionally seems to be arbitrary from precisely that moral point of view which talk about social power requires. Such a distinction would rob some of the most topical debates about power of their point. For example, an issue of much concern nowadays is the massive environmental pollution created by big corporations. Few environmentalists would go so far as to claim that these consequences are a) (directly) intended by individuals within the corporations. Rather, they would claim that these are b) more or less unwanted but intentionally created (foreseen/avoidable) by-products of other measures, or c) non-intentional effects, unforeseen by any specific individual since none of them took the trouble to weigh the foreseeable consequences of the corporate decisions. However, in both b) and c), as well as a), individuals within the corporation could possibly be held responsible for the pollution (4.6), and it seems most implausible to hold that only in a) and b), the corporation could be exercising power over people affected by the pollution. To take another example, whether or not we are feminists, most of us will accept that there have been numerous cases in history of men exercising power over women. Surely, we will have to agree that the most insidious but at the same time the most thorough-going instances of such relations have taken place when men have not been aware of them, i.e., when they have exercised power over women through their own mindlessness or inattention.

Someone might want to deny that the difference

between intentional and non-intentional actions in this context is arbitrary by pointing out that 'exercising power over' is an **exercise concept**. The difference between exercise and opportunity concepts has already been invoked in this thesis to make certain points about freedom and autonomy, the objector might say, but now it seems to have been forgotten. Still, it is pretty obvious that for an **exercise** of A's power over B to take place, A must be actively engaged in restricting B's options, and for that, A's actions must be intended or at least intentional.

I agree that 'exercising power over' is an exercise concept, but I do not accept the objector's subsequent conclusion. For a relational concept to be an exercise concept, it is not necessary that A or B are 'active' in some elementary sense (their minds, bodies, etc.), but that the **relation** between them is actual as opposed to potential. Thus, although **freedom** is an opportunity concept, **constraining freedom** is an exercise concept, since the relation between A and B must be actual, viz., there must in fact be a real obstacle impeding B, for the non-suppression of which A can be held responsible. The same applies to 'exercising power over': A does not **exercise** power over B when B merely responds, perhaps mistakenly, in anticipation of an expected obstacle, although we might want to say in such a case of anticipatory surrender that A **has** power over B in one of the senses explained earlier (p. 211). 'Having power over' in that sense would then designate an opportunity concept. This tallies with my

answer to Reeve's first objection (pp. 213f.): for an exercise of power over someone to take place, an obstacle must be present and the possibility to hold A responsible for it - but it does not follow that there is any need for intentionality on A's part.

The final objection I shall consider is that the link I wish to uphold between power and unfreedom is of a completely **trivial** nature: that what I have done is simply to pick out one locution of power among many and tailor it to meet my needs so that in the end it could not fail to have the same extension as 'constraining freedom'. Here, I deny both the claim that the locution 'exercising power over' was picked out arbitrarily and that it was given a trivial, stipulative definition. On the contrary, this expression proved to be the most common, basic and simple one when dealing with power as a **social** relation (but not as ability to do things in general). Then I tried to sort out how it could most usefully be defined to convey our purpose in ascribing to someone an exercise of power over another agent. After examining numerous proposals and objections, the conclusion proved to be in accordance with my original suggestion: that we exercise power over somebody when we constrain his freedom, and vice versa.

### 7.3. Degrees of power and freedom

The course of discussing the relationship between freedom

and power may direct our attention to one more potentially thorny issue. Recall the thread of my argument in chapter 3, according to which B's freedom to do x with respect to agent A is an all or nothing affair. Either A makes x less eligible for B or not. If he does, the mere 'size' of the actual obstacle is irrelevant to attributions of unfreedom: an obstacle, of whatever size, which A is responsible for, makes B unfree to do x with respect to A. However, even if B is unfree to do x, he can be free to do numerous other things which may be more important than x. Then, in section 7.2, I argued that the locution 'having power over', although not having a single technical meaning, is commonly used to denote the general tendency or capacity of an agent A to constrain B's freedom in a certain respect. Hence, A can have power over B in one respect (financial matters) while the reverse holds in another (the kitchen), and it was even shown that the power relation could be symmetrical (nuclear deterrence). If all this is true, the question arises whether we can impart any sense to the common claims that A is in general freer than B, that A has more power than B or that society S<sub>1</sub> is freer than society S<sub>2</sub>. In other words, is there any **aggregate net** freedom and power?

Most of us have an intuitive feeling that there must be some way of calculating and comparing different freedoms on a single scale, for how else could we e.g. say that Icelanders enjoy more freedom than Albanians? Berlin is trying to capture this intuitive idea when he says that

what we are referring to in speaking about the degree of freedom enjoyed by men or society is the width or extent of the paths before them, the number of open doors, as it were, and the extent to which they are open: "The more avenues men can enter, the broader those avenues, the more avenues that each opens into, the freer they are."<sup>21)</sup> This sounds convincing, but to continue with the same metaphor, it cannot be denied that we may consider ourselves much less free after a dozen new, broad "avenues" have been opened to a destination we do not care about if, simultaneously, the one possible avenue to our personal 'promised land' has been narrowed down slightly. So, the question is if all we can say about the degrees or totality of freedom and power is bound to be a matter of mere personal preference.

While relatively little has been written on this totality problem, there are notable exceptions. For instance, Oppenheim spends considerable time unravelling the different "dimensions of freedom". While holding on to the thesis that there is "no such thing as 'liberty in general'",<sup>22)</sup> he concedes that people often try to compare the different types of actions that an agent is free or unfree to perform. The four dimensions he discerns are a) **probability**, b) **degree of deprivation**, c) **scope**, and d) **domain**. B is with respect to A more unfree to do x, a) the greater the probability that he will be prevented or punished, b) the higher the negative utility for him of being constrained, and c) the smaller the number of ways A

leaves him free to go. Furthermore, d) the greater the number of actors A can make unfree, the more powerful is he. Oppenheim then concludes that one actor has more total power or freedom than another if he has more power or freedom as judged by each dimension; or alternatively, if he scores higher than another on one dimension while they are equally powerful or free as judged by the others. Also, one actor has more total power or freedom than another if he is more powerful or free as judged by the **most significant** dimension. But what is the most significant of these dimensions? Here, Oppenheim's uncompromising operationalism comes to a halt; there are no general operational criteria to be found, and the concept of a **free society** is thus "essentially a valuational one...<sup>23)</sup> unsuited for the purposes of scientific inquiry".

Wrong gives a similar account of the dimensions of power, although for him there are only three. Power is a) **extensive** if the power subjects are many, b) **comprehensive** if the powerholder can move them by a variety of means, and c) **intensive** if he can push them far without a loss of compliance. Wrong then makes certain plausible suggestions about the contingent interrelationships of these dimensions, for example, that the more extensive the power is, the less comprehensive and intensive it is likely to be. However, as far as the totality problem is concerned, the most he can do is to make the general remark that total or absolute power usually means power that is high<sup>24)</sup> both in comprehensiveness and intensity.

A possible recourse is simply to abandon oneself to **subjectivism**, as implied by Flathman's claim that a free society is (roughly) one in which it is true of the preponderance of persons that they are not unfree to act in respects that matter most to them,<sup>25)</sup> or to the sort of **relativism** implied by Connolly's account, according to which power is greater, the more important interests it touches, while judgements about the importance of interests are inherently controversial.<sup>26)</sup> Apparently, this could warrant Taylor's "diabolic defence of Albania": that the Albanian society is freer than the American one since there are fewer traffic lights (although less concern for human rights)<sup>27)</sup> in the former than the latter. However, for those of us who are neither moral subjectivists nor relativists, such claims do not constitute a satisfying end-result.

It might be helpful to distinguish here between two questions: a) 'Is  $S_1$  a free society?' - and b) 'Are you freer in society  $S_1$  than  $S_2$ ?' When we talk about a free society, we are usually referring to one in which social freedom is a fundamental ideal, secured in the constitution and laws. In such a society, the major principle is that one freedom shall only be constrained to protect another (and more important) freedom. In this sense, we can have many different free societies, though Albania is hardly going to count among them. Meanwhile, question b) can easily be asked about two 'free societies'. Then, it forms a part of the question 'Is  $S_1$  a **better** society than  $S_2$ '

S ?'. Both could be 'free' in the above sense, but in all societies some freedoms have to be restricted, and it is a natural question to ask if the freedoms protected in S<sub>1</sub> or S<sub>2</sub> by restricting others are the right (the most important) kinds of freedom. A proper answer to such a question should, I believe, not depend on contingent individual preferences or the relative judgement of the majority of people about the nature of interests, but rather on certain **objective** truths about human eudaimonia: about that which makes human life worth living. However, these 'objective' truths would be **substantive** truths, based on facts about the nature of human beings, not **conceptual** ones.

Thus, my response to the totality problem discussed in this section is that while an analysis of freedom and power may help us to locate 'free societies', questions about net aggregate freedom and power require judgements about the **most important** freedoms and the **best** states of affairs. As I have repeatedly pointed out, such questions cannot be answered within the limits of a conceptual analysis of freedom and power.

7.4. References

- 1) See e.g. **Oppenheim** (1961, 1981).
- 2) Cf. **Lukes** (1974)a, pp. 28-29.
- 3) **Connolly**, p. 106.
- 4) Russell's, Weber's and Dahl's views are cf. **Lukes'** Introduction (1986).
- 5) **Benn** (1967)b, vol. VI, p. 424.
- 6) **Oppenheim** (1961), chs. 2-6.
- 7) **Rescher**, pp. 327-353.
- 8) **Wrong**, pp. 22-24.
- 9) **Lukes** (1974)a.
- 10) See the Introduction to Power, **Lukes** (1986).
- 11) See e.g. **Barry's** criticisms, p. 252.
- 12) **Lukes** (1974)a, pp. 55-56.
- 13) **Lukes'** Introduction (1986).
- 14) **Connolly**, ch. 3.
- 15) **Morriss**, pp. 22-33.
- 16) This example is based on **Gylfason**, pp. 28-29.
- 17) Cf. **Morriss**, p. 88.
- 18) **Gray** (1983), p. 79.
- 19) *ibid.*, p. 91.
- 20) **Reeve**, pp. 83-85.
- 21) **Berlin** (1978), p. 192.
- 22) **Oppenheim** (1961), p. 127.
- 23) *ibid.*, p. 207.
- 24) **Wrong**, pp. 14-20.
- 25) **Flathman**, p. 311.
- 26) **Connolly**, p. 127.
- 27) **Taylor** (1979), p. 183.

## 8. OBSERVATIONS ON METHOD

It is my aim to devote the last two chapters of the main body of the thesis to questions of method. That is, after having, so to speak, delivered the goods, I plan to scrutinize the methodology which has, to a large degree **implicitly**, been employed in the course of the discussion. Arguments have so far been launched, and conclusions reached, with a certain complacency toward the methodological hazards which are often taken to bedevil studies of this kind. It must be admitted that the development of my argument would have been somewhat more cautious if I had felt genuinely intimidated by these hazards. I have not. However, I can envisage someone objecting that I have been so absorbed in creating a piece of workmanship that I have failed to give serious thought to the question whether the tools being employed were appropriate. The purpose of the ensuing discussion is both to forestall such an objection and, if possible, to secure further the foundations of the responsibility view for which I have been arguing, by placing them within a sound methodological framework.

In 8.1, I raise the question whether there is any need for a separate study of method. From there, in 8.2-8.4, I move to a critical survey of three well-known methodologies that could possibly have been employed in a conceptual inquiry into the subject of freedom, and dis-

cuss the extent to which the methods of my thesis fit the mould of any one of them. Questions about the special nature of moral concepts then emerge and are pursued in 8.5. Generally speaking, the discussion in this chapter is somewhat abstract and historical. It is not until chapter 9 that the treatment of these methodological issues is brought to a conclusion and their relevance to my account of freedom is fully borne out.

#### 8.1. The need for method

Before commencing a study of method, a note of warning should be sounded. Ruminating over questions of method, whether as a prelude to or, as here, a sequel to prosecuting them, is liable to be redundant. Preoccupation with such questions can even distract us from more substantial issues. Is not a method best known by its fruits? The idea behind these misgivings is simple enough. Either you have convinced the reader that the position you have staked out is a tenable one, in which case any further justification is superfluous, or he views your attempts as much cry and little wool, in which case a lengthy discussion of your methods will strike him as that of a bad shearer blaming his sickle.

These considerations suggest that all theses in moral philosophy could be pruned of methodological discussions. But such a conclusion may be altogether too quick. To be

sure, we say that a tree is known by its fruit. However, just as a delicious looking fruit lying on the ground may turn out to be poisonous, depending on the nature of the tree it has fallen from, the initial appeal of a moral thesis might be specious. Sometimes, one way to show that it is **not** is to back it up by considerations at another level of inquiry, metaphysical or methodological. To take another example, we do, as a rule, run worse, not better, if we think too much about our feet.<sup>1)</sup> But advances in running techniques, so amply apparent at any Olympic Games, have in fact been partly brought about by experts who have devoted a great deal of attention to the workings of the human foot.

So, however convincing the argumentation of the preceding chapters has been, it does not seem superfluous to ask whether it has been based upon arguments appropriate to a conceptual moral inquiry, and whether I have perhaps been taking assumptions for granted which require justification. I would go so far as saying that despite all the 'running' I have done so far, my results will be unsatisfactory until I have shown that they were arrived at in an appropriate way.

The spur to the writing of this thesis was my dissatisfaction with the fact that debates about freedom seldom get off the conceptual ground: the opposing parties do not agree to start with on the meaning of that about which they could disagree, and the opportunity for a fruitful discussion is lost. It may be called naive, but

my belief was (and still is) that a definition of social freedom could be found which would commend itself to any rational thinker and serve as a natural point of departure for substantive debates. My aim was to search for a definition that a) **respected common usage** as much as possible, b) was **coherent**, both internally and with respect to other related concepts by honouring morally important distinctions, and c) was **serviceable** and non-relative in the sense indicated above, i.e., could be used by any thinker irrespective of his substantive beliefs about how much freedom there should be in this or that area of social life.

It is always of value in philosophy to follow sound precedents. My objectives seemed to point in different directions, and they immediately brought to mind three historically famous methodologies. If my emphasis was on common usage, should I not follow the tenets of **ordinary language analysis**? If coherence is what I was after, would not a method such as Rawls' **reflective equilibrium** come in handy? If I wanted a serviceable definition, why not side with **operationalism**? Here, towards the end of the thesis, it might be interesting to ask to what extent the insights of these three methodologies have actually been reflected in my treatment of social freedom, and to what extent I have departed from them. Moreover, **what** has led me to adopt or renounce their insights? To answer these questions, we need to review critically some of the advantages and some of the limitations of the three

methodologies.

## 8.2. Ordinary language analysis

Most textbooks in sociology and related subjects start with an onslaught on the 'positivistic heresy', only to be followed by a meticulous application of exactly that same approach to specific problems as if nothing in the world were more natural. Now, someone might ask whether I have not fallen into a similar trap, by tacitly invoking and employing a method that was knocked off its philosophical pedestal some time ago and is now supposed to be, to all intents and purposes, dead. I am of course referring to a way of approaching philosophical questions commonly known as **ordinary language analysis** and described by one of its more favourable critics as "piecemeal philosophical engineering"<sup>2)</sup>. For some reason, this was a kind of philosophy to whose temptations many people found it easy to succumb, and if some aspects of my thesis bear witness to that fact, it may confirm Keith Graham's observation that philosophical views "can lead a subterranean life...after they have been explicitly and consciously disowned"<sup>3)</sup>. To answer the question whether the charms of ordinary language analysis (OLA) have had too strong a grip on me, and whether such a grip is always necessarily to be deplored, some of the basic characteristics of that method must be rehearsed.

By OLA I am referring to a method practised by Oxford philosophers such as Austin and Ryle from the forties onwards. It is vital to distinguish it from the methods and attitudes of the later Wittgenstein and his followers in Cambridge who are also sometimes called 'ordinary language philosophers'. To appreciate this difference, a few words must first be said about the latter.

The Cambridge-type of ordinary language philosophy has its origin in Wittgenstein's repudiation of his earlier views in his later works, and especially in the so-called 'game theory' of language which superseded the 'picture theory' of the Tractatus. In contrast to Wittgenstein's earlier commitment to the search for a logically perfect language, the main contention of his later works is that ordinary language is all right as it is. Philosophical problems arise not because our language is faulty or imperfect, but because we (philosophers more often than laymen) subtly misuse language. For example, we extend or restrict the ordinary uses of words, gradually straining or contorting their meanings, until we begin to doubt the unhesitant application of these same words in ordinary discourse. Thus, all sorts of perplexities and difficulties are generated. The aim of philosophy is first and foremost a **therapeutic** one; by pursuing it we determine how our language is actually employed, examining the rules that govern the use of various expressions, and as we gradually realize where and how we went wrong, we rid philosophy of conceptual confusion. Its problems turn out

to be **pseudo-problems** which are to be dissolved rather than solved. On this view, philosophy "may in no way interfere with the actual use of language", it simply "leaves everything as it is".<sup>4)</sup>

The Oxford philosophers did not share Wittgenstein's therapeutic view of their subject; they did not believe that all philosophical problems were bogus or that every sentence in the language was necessarily "in order as it is". However, what they did believe in was the possibility of clearing up or even solving a number of philosophical problems through the analysis of ordinary language. In answering questions by dint of OLA, particular linguistic expressions are compared with particular situations, or as Austin described it, we proceed "by examining what we should say when, and so why and what we should mean by it."<sup>5)</sup> That is, we set up scenarios, described in the language which we and the readers share, and then ask what anybody (including ourselves) would say about these situations with a given question or purpose in mind. In this way we utilize the richness of ordinary language with all its subtle distinctions, developed through the experience of generations of language speakers, to clarify the problems at hand and, at best, to bring a conceptual dispute to a conclusion.

It has been fashionable for a while to speak disparagingly of OLA, and thus a critic might complain that the methods used in this thesis in introducing the responsibility view of freedom were alarmingly close to those of

OLA. As the reader will recall, a series of thought experiments was conducted involving a janitor and a trapped office worker (persons of that anonymous and anaemic nature that lend monumental tedium to most conceptual inquiries) - and was not the point of these thought experiments to ascertain what would be the **correct** thing to say about freedom or unfreedom in various situations? In other words, the question must be answered to what extent my attempts to establish the responsibility view were pursued within the confines of OLA. I shall approach this question in a roundabout way by looking at some of the most common objections against OLA and examining how vulnerable the methods of the present thesis might be to them. Such objections are, needless to say, a legion. Ordinary language philosophers have been accused of doing **etymology** instead of philosophy, of committing the "**assertion fallacy**", of an insidious but inherent **conservatism**, and, lastly, of pursuing a method of the utmost **triviality**. Let us look at each of these in turn.

a) It is simply wrong to say that OLA replaces philosophy by etymology or philology. Its aim is to look into the workings of our language as it is employed **here and now**. Austin and Ryle would surely have deplored the linguistic excavations performed, for example, in Heidegger's early works where truths about the origin and development of certain Greek terms were taken as crucial for their meaning. By contrast, the meaning of expressions is for the ordinary language philosopher determined by the

rules that govern their use in present language games. The examples given in this thesis (p. 7) about the probable origin of the word 'free' in English and Icelandic may, for instance, have pointed our attention in the right direction, but they were in no way crucial for my subsequent analysis.

b) In his book Speech Acts, John Searle claims to delineate certain fallacies commonly committed by ordinary language philosophers, resulting from an insubstantial general theory of language which, Searle says, amounts to little more than slogans such as "meaning is use". The one that need concern us here is what he calls "the assertion fallacy". It is the fallacy of confusing the conditions of assertability of concepts in particular contexts with their general presuppositions, or more precisely, the fallacy of equating the question what a word W means with the question what are the conditions for the performance of non-defective assertions of certain present-tense indicative sentences containing W. Thus, ordinary language philosophers wrongly conclude that, because it would be bizarre to say certain things in certain situations (like 'I know that I am in pain'), the particular concepts or expressions are inapplicable to such situations; when the reason, as in the above example, might simply be that the things are too obvious to be worth saying.<sup>6)</sup>

Now, it is not my aim to take up the cudgel for ordinary language philosophy in general, but only for the methods of my own thesis, insofar as they could be seen to

take their cue from OLA. Here, I want to claim that the distinctions drawn, for example, between freedom and ability and freedom and autonomy are at least impervious to this objection, since what I did was not merely to point out the strangeness of using these terms interchangeably, but to give **arguments** showing why such equations would be misconceived. The reason why a man hemmed in by a landslide is said to be unable, not unfree, to go, is not that the latter is too obvious to be stated: it is simply wrong. If he is not constrained by another agent, he is free to go although he cannot do it. Perhaps, the "assertion fallacy" is sometimes committed by ordinary language philosophers, but in backing up my claims about the correct use of the term freedom by appeal to the ordinary use of language, I was not committing this fallacy.

c) It is often said that the Achilles' heel of OLA is its conceptual and linguistic conservatism. The idea is that OLA biases political theory in a conservative direction by forestalling radical departures from existing forms of thought. Williams thus argues against Austin that he is committed to the view that all worthwhile distinctions have already been drawn - and by demanding that we should always look at how things work before we make changes, he effectively prevents any changes being made.<sup>7)</sup>

I do not think this is a fair objection, for Austin's point was not that language could not be made to work in new ways; he simply pointed out that a lot of distinctions had already been drawn in the course of many generations

and that these were "likely to be more numerous, more sound...and more subtle...than any that you or I are likely to think up in our armchairs of an afternoon".<sup>8)</sup>

So, although Austin believed that it should generally be left to necessity, not to a particular philosopher, to be the mother of invention, he did not hold any neo-Darwinistic view about the nature of the distinctions in our language.<sup>9)</sup>

The fact that people are advised to be cautious in drawing new distinctions is not enough to sustain a charge of conservatism. However, this charge still crops up at a deeper level. Thus, Marcuse claims that since OLA takes exclusively as its subject matter the "totalitarian scope of the established universe of discourse", it can merely reinforce the values of the society from which the language evolves.<sup>10)</sup> Again, I think the opponents of OLA are tilting at windmills. Just as a student may use the very terms and expressions he picked up from the lips of his teacher to criticize him later on, the concepts of ordinary language, although first learnt within pre-established language games, may later be used to criticize those very practices or institutions. For example, Lukes and Connolly do not seem to have any difficulties in arguing for a 'radical' conception of interests, as superior to a more 'conservative' one, by employing tools of ordinary language.<sup>11)</sup> Generally, in times of political or social instability, people tend to be rebellious and their use of language radical, but it is radical because it is

used to argue for radical views, not because the rebels have managed to transcend any limits of OLA in defining terms. Claiming that ordinary language is inherently conservative, in the sense of reinforcing prevailing values, is like claiming that water is in its nature a 'peaceful' substance since it is more often used to quench our thirst than to drown people in. As far as freedom and power are concerned, I see no reason to believe that my analysis of these concepts has functioned in any regulative or conservative manner, nor that it would necessarily assume a different form in a radical society than a quiescent one (propagandism and abuse apart).

d) So far then, OLA has stood the test against various criticisms, or at least as much of OLA as is employed in the preceding chapters of my thesis. However, the charge of **triviality** still remains. There are different ways of understanding that charge. Firstly, it may mean that what is wrong with OLA is its dealing with the language of plain men who do not think; secondly, that it fails to capture the 'evaluative', as opposed to the 'descriptive', aspect of our discourse, thus trivializing it; or thirdly, that the findings of OLA are bound to be trivial because it has no means of arbitrating between divergent usages.

Ryle has admirably answered the first point. When ordinary language philosophers claim to be investigating the "stock use" of an expression, they are, of course, not restricting themselves to ordinary or colloquial express-

ions on the lips of Everyman. The expression can be an unordinary or technical one, like 'infinitesimals'; the question is simply what its stock use is in the relevant language game, be it played by people in general or a limited number of experts.<sup>12)</sup>

The alleged inability of OLA to take account of the evaluative dimension of linguistic expressions is taken by some to be the bane of the method. Such an objection hinges, however, on the validity of the description-evaluation distinction in its traditional form, a distinction that will be rejected in section 8.5 by drawing on Kovesi's account of moral notions. If 'evaluation' is not the mere icing on the cake of 'description', but simply a way of describing from another point of view, then there is nothing preventing OLA from doing justice to the so-called normative element of language. My arguments for this contention will have to be shelved until the relevant section, but let it suffice to say here that if certain moral terms like 'unfreedom' or 'power' embody a presumption of prima facie illegitimacy, then such a presumption should be captured by OLA.

Turning finally to the third point, the claim is that despite all its meticulous clarifications, OLA has in the end no means of resolving problems of **divergent usage**. We obviously do not all say the same things in the same situations, usages do differ. Austin's reply in his famous paper "A Plea for Excuses" is to point out that they do not differ nearly as much as one would think: "The more we

imagine the situation in detail, with a background of story...the less we find we disagree about what we should say".<sup>13)</sup> The point here is that often when we think we want to say different things of the **same** situation, we have actually imagined the situation slightly differently. However, Austin concedes that nevertheless, "sometimes we do ultimately disagree".<sup>14)</sup> Ryle has no compunction about admitting this either: "Sometimes the stock use in one place is different from its stock use in another...Sometimes, its stock use at one period differs from its stock use at another",<sup>15)</sup> etc.

It would be convenient if all differences in the usages of 'freedom' and 'autonomy', for example, could simply be eliminated by concocting a story or two, and then everybody would agree about the distinction between these concepts. However, it is important to note that it was never the claim of the Oxford philosophers that this could necessarily be done. Nor did they believe that prevailing stock uses are always the best ways of arranging things. Austin freely admits that other considerations are likely to be of relevance "if our interests are more extensive or intellectual than the ordinary".<sup>16)</sup> Thus, having to accept that an objective definition of a term such as social freedom, which is used by philosophers and laymen alike, cannot be constructed solely by means of ordinary language analysis, in no way undercuts the fruitfulness of that method. Those who think it does are barking up the wrong tree. They may have a point against

people who share Wittgenstein's belief that philosophy cannot go beyond simply "arranging what we have always known",<sup>17)</sup> but not against OLA. That the latter cannot do more than to unpack an existing linguistic practice at a particular time and place is not an **objection** against its method: this was all it ever pretended to do.

Most critics of OLA have, I believe, been fighting against strawmen. They have not realized how modest people like Austin and Ryle were (at least in theory, if not always in practice) about the usefulness of their own approach. However, to accept that the use of OLA is limited is not to say that it has no use whatsoever. On the contrary, OLA serves as a natural starting point for all conceptual inquiries. Invoking Miller's far-fetched stories about the janitor and the office worker in chapter 2 was fine, as long as the aim was nothing more than to get the discussion off the ground. Arguably, a point was even scored in doing so, since ordinary language must at least be a language that I share with a number of other people, be that number great or small. Hence, I agree with Alan Ryan that "everyone who appeals to the propriety of departing from ordinary language is under the necessity of making out a case for this departure".<sup>18)</sup> But similarly, and in this case more importantly, a definition which conforms with someone's use of language is not worth a lot if it is not possible, independently, to adduce good reasons for its being as it is. Conformity with ordinary language can be **one** such reason, but only one among many - and, as

we have seen, Austin never claimed that OLA was the only source of fruitful discussion. He explicitly says that "ordinary language is not the last word: in principle it can everywhere be supplemented and improved upon and superseded. Only remember, it is the first word."<sup>19)</sup>

To conclude this section, we have seen that any references in earlier chapters to the verdicts of ordinary language were warranted, as long as they were only used as starting points of the discussion, but not made as appeals to a final arbiter. OLA often brings to our attention subtle distinctions that already exist and should be respected, or it convinces us that no competent speaker could use a word in such-and-such a way. But in the case of a term like freedom, where usages do differ considerably, something more is needed; OLA must by necessity be "supplemented and improved upon". Since my aim is to indicate a cogent line of defence for the methods used in the preceding analysis of freedom, the vital question is: how was it then supplemented and improved upon?

### 8.3. Reflective equilibrium

Although appeals to 'ordinary language' are now, surprisingly, considered passé by most philosophers, the same cannot be said for appeals to our moral **intuitions**. They are widely used to elicit verdicts about the correct descriptions of various scenarios. But if the objective there is

also to find out what is the proper thing to say in/of a given situation, how does this differ in practice from OLA? The differences might run less deep than many philosophers are inclined to think. However, there are some. For instance, the **considered moral** intuition of a **rational** agent is not the same as any spontaneous verdict of ordinary language. Also, the appeal to intuitions tends to presuppose a certain methodology, namely, Rawls' reflective equilibrium. It is within that framework that the words 'considered' and 'rational' acquire a clear sense.

Rawls does not claim any originality for his method. The basic ideas behind it seem to have been bequeathed to him by Nelson Goodman's justification of inductive and deductive principles of inference. An inference is, on Goodman's (admittedly highly contentious) account, justified by conformity to general rules/principles and those are in turn justified by conformity to accepted inferences. At first sight this looks circular, but Goodman claims that the circle is a virtuous one: "rules and particular inferences alike are justified by being brought into agreement with each other. A rule is amended if it yields an inference we are unwilling to accept; an inference is rejected if it violates a rule we are unwilling to amend." <sup>20)</sup> What we have here is a kind of an interplay: a two-way traffic pattern. The method of reflective equilibrium is that of **mutual adjustments** between the abstract and the concrete: between theory or definition on the one hand, use and intuition on the other. The latter only

serve as provisional starting points that are to be measured for consistency, tested by criticism and reflected on in the light of the former. It is this general model that Rawls seizes on to underpin his theory of justice.

Relating mutatis mutandis what he says about justice to my treatment of freedom, and replacing moral principles by definitions of moral terms, the following application of the method of reflective equilibrium to a theory of freedom is suggested. People have certain intuitions about freedom, frequently brought to light in judgements about particular situations, artificial (like the office stories) or real. It appears that people share at least certain criteria for freedom, i.e., they understand freedom-talk, although they lack a developed, articulated definition. The main task of a conceptual inquiry is to formulate such a definition, one that seems best to support our intuitions. Then, by going back and forth, sometimes altering the details of the definition, sometimes withdrawing the judgements based on our intuitions and bringing them into conformity with the proposal, eventually we arrive at a definition that is both formally coherent and yields results which "match our considered judgements duly pruned and adjusted"<sup>21)</sup>. This process gradually leads to the state of reflective equilibrium, the state reached "after a person has weighed various proposed conceptions and has either revised his judgment to accord with one of them or held fast to his original con-

22)  
victions".

The basic justification for this method in Rawls' work is simple enough: there is no other way to proceed. If we reject this method, we are forced to rely either on Cartesian self-evident truths or try to win acceptance for some stipulative definition. But both of these have been done many times without much success. By contrast, the fundamental insight here lies in accepting the fact that to solve any disagreement, we must proceed from certain shared assumptions. We look for possible bases of agreement and try to expand and develop them by mutual adjustment. Naturally, we have to make some compromises along the way, but we are bound to be satisfied with the end result, knowing it to be the best we can hope for.

Rawls' reflective equilibrium is clearly superior to OLA as a general methodology for moral inquiries. It explains the prima facie plausibility of common beliefs, and also why/how radical departures from these beliefs are sometimes called for. In any event, it is closer than OLA to the method employed in this thesis. It does not seem far off the mark to say that in chapter 2 I proposed a general definition of social freedom, tailored to fit as many of our intuitions as possible, and then went "back and forth" in a Rawlsian way until the intuitions and the definition were in harmony.

But is the method of reflective equilibrium one that I would have been well advised to use? Hare has launched a thorough-going attack on that method. He claims that

although Rawls skirts round the issue, he is in the end nothing more than an old-fashioned intuitionist. It is to intuition that he appeals at all the crucial points in his arguments.<sup>23)</sup> Now, if it so happens that he can find a large enough number of readers who share his intuitions, he thinks that he has represented the views of people in general, and together they can "congratulate themselves on having attained the truth". But such a contingent consensus does not change the fact that intuitionism in general, by making the truth of a theory depend on an agreement with people's intuitions, sets in motion a vertiginous slide into subjectivism; and this is the real upshot of Rawls' method, according to Hare, namely a kind of subjectivism in the narrowest sense.<sup>24)</sup> Thus, if A, an advocate of reflective equilibrium, comes across a person, B, who says that torturing people is all right, making an appeal to A's moral intuitions cuts no ice with B. Repulsive as B's view may be, he need not be committing any logical or linguistic error in holding it.<sup>25)</sup>

I would like to make two critical comments on Hare's arguments. **Firstly**, he fails to notice that Rawls' new 'intuitionism' - if we choose to call it by that name - distinguishes itself sharply from intuitionism in the traditional sense which is a type of non-naturalism. On Rawls' view, a person presented with an appealing account of justice (or for that matter freedom) may well have to revise or abandon an intuition, however strong, which does not conform to it, in order to achieve the best reflective

equilibrium, but if Rawls' intuitionism were a form of non-naturalism, this would be out of the question; the intuition would be incorrigible.<sup>26)</sup> **Secondly**, Hare holds that although moral intuitions have in themselves no probative force, what does have such force is the ordinary use of moral words.<sup>27)</sup> But how can moral words be defined without a recourse to moral intuitions; how can the brick-laying be independent of the bricks? Here, we must remember that Hare assumes that words such as 'freedom', which are commonly used in a moral discourse, can be understood in a descriptive (non-moral) sense; the dimension of normativity does not enter in until we make some **substantive** moral statements about freedom. However, this assumption goes against my claims about the nature of freedom as a moral (evaluative) concept, claims that are vindicated by more general arguments from Kovesi in 8.5.

Despite these flaws in Hare's argumentation, his basic point about the limitations of Rawls' method has some foundation. Plato poses a crucial question in the Republic when he asks: "If a man starts from something he knows not, and the end and the middle of his argument are tangled together out of what he knows not, how can such a mere consensus ever turn into knowledge?"<sup>28)</sup> The problem about a **coherence method** like Rawls', where a general account is made to match intuitions by mutual adjustments, is that it seems ultimately liable to a charge of relativism. Rawls' reflective equilibrium is "tangled together" out of things that are not in themselves certain or

objective. The output depends on the input; hence, it is possible that different groups of rational agents using this method end up with different conclusions, all depending on the intuitions and proposals with which they started. For example, the definition of freedom, however "duly pruned and adjusted", might in the end vary between communities.

Actually, Rawls himself is fully aware of this fact. As has become clearer in some of his more recent writings, his aim was never more than to reveal and refine the general principles which **we** (and this explicitly means we<sup>29</sup> in Western liberal democracies) are inclined to use. The same would apply to definitions of moral terms; they would also, on Rawls' view, be relative to our culture. Since I refuse to be content with the result that my definition of freedom only appeals to the community of moral agents who share my basic intuitions, I differ from Rawls over at least one very basic and important meta-methodological commitment. It may be that my **procedure** in this thesis is essentially that of Rawls (and of countless other philosophers, early and late, who have used the same method without giving it a catchy name), but I disagree with him about the underpinnings and the limits of the method. What I have been aiming at is a definition of freedom which is **non-relative** in a sense that Rawls' reflective equilibrium does not account for.

Now, the third methodology which suggested itself at the start of my project, **operationalism**, emphasizes

objectivity. Could its insights be brought to bear on my commitment to a non-relative definition of freedom?

#### 8.4. Operationalism

The Encyclopedia of Philosophy defines operationalism as "a program which aims at linking all scientific concepts to experimental procedures and at cleansing science of operationally undefinable terms, which it regards as being devoid of empirical meaning"<sup>30)</sup>. Confronted with the morass of everyday, non-technical expressions, the operationalists see no alternative but to construct a new vocabulary: a precise sense has to be imparted to these vague expressions in order to make them serviceable for scientific purposes. Always most at home in the field of natural sciences, operationalism is, for instance, famous (or infamous) for claiming that just as temperature **is** the reading on a thermometer, intelligence **is** the score in an IQ-test. Whether 'intelligence' means something over and above this in ordinary discourse is of no more interest to science than our different sensitivity to heat is of relevance to measurements of temperature.

If OLA has been at death's door for some decades, then one would think that operationalism - one of the most extreme concomitants of an outdated positivism - had been buried long ago. Still, the spectre of operationalism keeps haunting us, and it has recently been raised with

some force in Oppenheim's copious writings on political concepts. Oppenheim's demand is that each concept be associated with a precise and definite testing operation, an operation that can be repeated and employed by different people, regardless of their preferences, and can be used for making predictions about future events (in this case the behaviour of agents).

Generally, operationalists are contemptuous of so-called **political philosophy** which they consider hopelessly speculative and inexact. However, they believe it can and should be replaced by **political science** which, by replicating the methods of natural science, constitutes a dispassionate study of the facts as they are, without metaphysical overtones. Most important for our purposes is the claim that political concepts should be purged of all value connotations: science can only **describe**, not **evaluate**. When we start disagreeing about values, we have exceeded the bounds of science, but political concepts have a **descriptive** content which can be isolated and operationalized, apart from all value commitments.

To see, more specifically, how these assumptions would apply to the concept of freedom, let us quote Hillel Steiner:

To ask whether an individual is free to do A, is not to ask a moral question. It is, rather, to ask a factual question the answer to which is logically prior to any moral question about his doing A. Indeed, it is difficult to comprehend how one could perform an action which one ought not to perform - a wrong action - unless one is free to do it..."31)

Naturally enough, as we have already seen in the case

of Oppenheim (2.3), operationalists view freedom as a descriptive concept to which evaluative connotations have only contingently become attached, and as a concept whose proper use can be determined without any prior agreement on broader issues, such as responsibility. As in other cases, meaningful disagreement about this particular concept presupposes an agreed definition in non-valuational terms; the question whether freedom can become a subject of empirical science is simply the question if there are experimental data to which the term 'freedom' can be linked.<sup>32)</sup> We have already seen that Oppenheim takes a positive answer to that question for granted.

Now, to be fair to Oppenheim, while he acknowledges that his approach "moves against the tide of current theory",<sup>33)</sup> he also wants to distance himself from some of the dogmas associated with positivism. He is not a behaviourist, nor does he believe that value judgements are 'meaningless'. Most importantly, he accepts that political science cannot in a strict sense be value-free, inasmuch as ideological commitments tend to influence the choice of topics and hypotheses to be tested.<sup>34)</sup> This last concession is frequently made by modern-day operationalists, acknowledging the Popperian insight that 'hard facts' do not lie unproblematically before our gaze: our interests and values steer the process of discovery. But this does not change the fact that once a topic has been chosen, a field has been demarcated, the investigation can proceed within its confines in a value-free manner.

Charles Taylor has called this position the "mitigated  
35)  
positivist view".

Having been told that political concepts like freedom can be operationalized, it still remains to ask which rules are to govern this procedure, and how much account must be taken of ordinary usage. In the end, the general rule of procedure for an operationalist is simply that of fulfilling the requirement of fruitfulness for scientific inquiry (practicality, predictability) as explained above. Furthermore, since neither everyday language nor previous scientific usage has fixed the meaning of terms like 'freedom' or 'power', they may be defined in a way that best serves this purpose. It is here that Oppenheim's **reconstructionism** comes into the picture. Although we should, as a rule, not depart further than necessary from current English, the tools of ordinary language are often too blunt to be of use for scientific investigation. What we need to do is to construct a language "as free as possible of the imperfections of ordinary usage, or rather to reconstruct its basic concepts"<sup>36)</sup>. The similarity to Wittgenstein's approach in the Tractatus is plain, and indeed acknowledged by Oppenheim: language is not "in order as it is", we need to construe a logically perfect language. All this shows how far from philosophical mainstream ideas the method of operationalism really is.

Connolly has presented Oppenheim with a dilemma. If his reconstructions are far removed from ordinary language, then he is bound to lose contact with the

community to which he speaks; if, on the other hand, they are close to it, the appearance of normative neutrality dissolves.<sup>37)</sup> This should remind us of the fact that the linchpin of operationalism is nothing but the distinction between description and evaluation: the separability of facts and values. Strangely enough, we have seen how those who challenge OLA for being unable to capture the normative element of political discourse (p. 238), Hare (p. 246), and now the operationalists, who think they need to "reconstruct" this discourse to keep it value-free, share the presupposition that description and evaluation can, in principle, be separated. It should be clear from my discussion of freedom that this is a presupposition which I reject. My methods, therefore, are anything but operationalist. The only thing I share with the operationalists is their desire for authoritative and serviceable definitions, but I do not believe this should - or could - be accomplished by dint of their artificial and antiseptic language.

Indeed, it would be salutary for our present purposes to get to the root of the dogma of the separability of description and evaluation. If it can be uprooted, the wind will be taken from the sails of operationalism. To do this, we need to look more closely into the nature of moral concepts in general, a task awaiting us in the next section, which draws on Kovesi's excellent account.

Finally, it should be noted that if the responsibility view of freedom and power espoused in the present

thesis holds good, the analysis of these concepts has little if any bearing on predictions of human behaviour - which means that one more operationalist ideal goes by the board. A constrained agent may yield to the restriction, but he may also strengthen his will and act in the face of adversity. The mere knowledge that he is unfree to do x does not provide us with any rigorous means of predicting his resulting behaviour. It is, by the way, not clear to me how such a prediction would be possible even on Oppenheim's operationalist definition of freedom, at least not in so far as his punishability condition is concerned (p. 55). Even if we know that an act is punishable, and an agent therefore in Oppenheim's model 'unfree' to perform it, how can we say in advance if he will refrain from it or not? But then, as Connolly points out, power and unfreedom are bound to be disappointing concepts to predictivists because predictivism itself provides a defective model of social inquiry.<sup>38)</sup>

#### 8.5. Moral notions

Kovesi's Moral Notions is a gem of a book, too often overlooked by students of moral and political philosophy. In it he provides, if not knockdown arguments against the description-evaluation distinction, then at least a thoroughly convincing general account of the nature and formation of concepts which circumvents this distinction.

Kovesi starts by noting that the word 'yellow', so frequently adduced in the literature as an example of a **descriptive word**, is not a very good representative of that type, but rather of colour words which have special features of their own. Being yellow is a quality that must be present for us to judge something to be yellow; it is, needless to say, the essential characteristic of yellowness. However, the same does not apply in the case of more typical descriptive words like 'table' or 'kettle'; there are no perceivable qualities of being-a-table or 'kettle-ness' which make objects into things of that sort. Of course, certain qualities or properties must be present in an object for us to call it a 'table' (size, texture, material, etc.), but none of them seems to be definitive in the sense that if the object were not of this size or made out of this material, it would cease to be a table. In other words, none of these properties is that of 'tableness'. What turns an object into a table is not that it has some specific perceivable properties but that it fulfills a certain **function** or satisfies a sociological **need**. The features we look for in deciding if an object is a table or not are those which constitute the object's being the sort of thing which serves the purpose tables were invented to serve.<sup>39)</sup>

All this sounds agreeably Aristotelian, and in fact Kovesi seems here to be drawing on Aristotle's distinction between form/essence and matter. The **form** or the "formal element", as Kovesi sometimes calls it, is the rationale

of the concept, that to which we point in answering the question why we call a number of objects 'tables' and refuse the name to other things; the **matter**, by contrast, refers to contingent characteristics in which the object may vary without ceasing to be a table.

Kovesi's analysis does not strike one as very original or exciting until he brings it to bear on moral terms as well as those which are wrongly called descriptive. For instance, what makes different bits of human action into **murder** must be a common formal element which enables us to classify materially different actions as actions of the same kind. It is exactly this formal element, although not a perceivable quality, which affords us the possibility of following a rule in the classification: the possibility of seeing a certain kind of order and distinction through the endless multiplicity of human circumstances. We must recognize what it is for an act to be an act of murder before we can call it so, we must recognize the point of the expression. Human inventiveness is at its best when it comes to devising new methods of disposing of our fellow-beings. Hence, there is no way of describing or predicting the possible material elements of killing in the future. But if we understand the point of murder-talk, we will be able to answer the question whether these possible future acts would count as instances of murder or not, irrespective of their **empirical** similarities or dissimilarities to past acts of murder.

It is a well-known Aristotelian point that the same thing can serve, respectively, as matter and form in different contexts; a tile is a form with respect to the sand of which it is made, matter with respect to the house of which it forms a part. Similarly, Kovesi points out that just as various movements can be the material elements of different kinds of murder, so murder, along with 40) cruelty, robbery, etc., is a material element of vice.

The point of talk about tables is to designate objects that fulfil a specific function, important to human life, enabling us to sit, eat, read, write, etc., in a convenient way, given the form of the human body. The point of murder-talk is to classify a type of action: the wrongful taking of human life. Terms like 'murder', which group together the morally relevant facts of certain situations, Kovesi calls "moral terms" and their meanings "moral concepts".

The exposition so far can be summed up by saying that to understand the nature of concepts, we must consider the point or rationale for inventing them and then for employing them in one way rather than another. It is this rationale which enables us to follow a **rule** in using the term, since to say that things are similar is to say that there is some point of view from which the similarity can be detected. Most noteworthy is that the difference between moral and other notions does not appear to coincide with a difference between evaluation and description. The real difference can be seen as lying in the formal

elements, the divergent reasons for collocating certain features, aspects and qualities, and for grouping them together. Non-moral notions are relevant to the inanimate world, or to human beings only insofar as they are a part of that world; moral notions are more deeply embedded in man's interests, wants and needs, in that these factors not only guide us in the formation of the concepts but enter into the concepts themselves. Moral concepts are thus not only **formed by** ourselves, they are **about** ourselves.<sup>41)</sup>

It will readily be seen from the above discussion that whereas we always describe from some point of view, we can never be said to do so from a perspective we could call **the** descriptive point of view. In the case of moral concepts, like murder, we describe from the moral point of view, but that point of view is in no way less descriptive than the perspective employed in classifying an object as a table or a kettle. It is simply **another** perspective, we are drawing attention to features of another sort.

These considerations suffice to bring out the nature of the misunderstandings that have flourished so long on the basis of the description-evaluation distinction. Evaluation is not the icing on the cake of hard facts; in the case of moral notions we cannot, so to speak, peel away the layers of evaluation until we touch bottom: the neutral descriptive content. We do not **first** have hard facts and **then** load them with normativity. There is a rationale behind a concept like **murder** which determines

the acts brought together under that heading. If we remove the rationale, we are not left with the descriptive criteria for murder minus evaluation, we are left with nothing at all. To take another example, by removing the evaluative element from the notion of tidiness, we strip ourselves of the possibility of grouping together various instances of untidiness. Why would inkspots and coffee stains on this page both be considered untidy? Surely ink and coffee are chemically different! An attempt to specify 'tidiness' in chemical ('tidiness-neutral') terms would fail for the same reason as an attempt to specify 'murder' in morally neutral terms: there is nothing left to specify as the <sup>42)</sup> same. As Kovesi puts it most forcibly: "Moral notions do not evaluate the world of description but describe the world of evaluation".<sup>43)</sup> All notions are formed for some reason, they 'describe' from some point of view, and the moral point of view is no exception. The insistence on an unbridgeable gap between description and evaluation, that has bedevilled so much of moral philosophy, is simply groundless.

It is no surprise that an account such as Kovesi's should be pitted against a non-naturalistic view of morality which sees moral activity as pre-eminently non-cognitive or non-rational; J.M. Brennan does so, for example, in his book The Open-Texture of Moral Concepts. But, more surprisingly, Brennan also wants to contrast Kovesi's account with naturalistic ethics on the grounds that Kovesi implies that there is no logical transition

between concepts formed from different points of view,  
e.g. the moral and non-moral one.<sup>44)</sup> I am afraid Brennan  
may be letting the descriptive-evaluative distinction in  
again by the back door, especially when he claims that the  
"employment of ethical concepts requires special cognitive  
activity over and above the understanding of the relevant  
factual and logical considerations."<sup>45)</sup> I wonder what the  
"relevant" facts are, upon which the ethical concepts are  
to supervene. On Kovesi's account, there are no indepen-  
dent, non-moral facts that are relevant for the formation  
of a moral concept; it rests on facts described from the  
moral point of view, and they are as 'basic' as any other  
facts. It may be merely a question of definition whether  
or not this account squares with naturalism. If Brennan  
means by naturalism the theory that value words are defin-  
able in terms of **brute facts**, such as colours, feelings,  
etc. (many would, of course, deny that even these are  
'brute'), he is surely right that Kovesi's account is  
antagonistic to it. However, there are more plausible  
forms of naturalism, such as Aristotle's view that what is  
**good** for man is what conduces to his eudaimonia; and there  
is absolutely nothing in Kovesi's view to make it incom-  
patible with such naturalisms. On the contrary, we may  
discern in his view arguments which reinforce naturalism,  
inasmuch as Kovesi maintains that values are facts of a  
certain kind.

Whether Kovesi's account of the 'morally descriptive'  
sits easily or uneasily with naturalism may in the end be

of little importance to the thrust of my thesis. However, it carries other highly-relevant implications. Kovesi's arguments help to vindicate my treatment of freedom as a moral, or value-loaded concept. I would, indeed, go as far as Crocker who claims that to "attempt a 'value-neutral' account of liberty is at best only superficially more sensible than to give a 'biology neutral' account of fish."<sup>46)</sup> It seems to me, in line with Kovesi, that the point of employing the term 'freedom' is to group together actions that are similar to one another in a morally relevant way. So, my quest for an authoritative definition of freedom could not have been aided by the operationalist desideratum of isolating the 'purely descriptive' element of the concept, for no such element exists.

What I have done in this chapter is to defend the use of references to ordinary discourse as a helpful starting point in philosophy. OLA is more valuable as a method than is commonly acknowledged nowadays, inasmuch as it often captures concepts, distinctions and insights which can be apt in thinking about (and even solving) philosophical problems. However, when we start to arbitrate between radically divergent usages, something more is needed. There, Rawls' method of reflective equilibrium can help us (and my procedure in this thesis is close to his) - but only up to a point; for in the end Rawls' method seems liable to a relativistic interpretation. Finally, I rejected all the basic claims of operationalism, apart from its insistence on the need for objectivity.

8.6. References

- 1) See Ryle's comment, p. 39.
- 2) Ryan, p. 93.
- 3) Graham, K. (1985), p. 19.
- 4) Wittgenstein (1968), p. 49e (§124).
- 5) Austin, p. 46.
- 6) Searle (1969), pp. 141ff.
- 7) Cf. Ryan, p. 99.
- 8) Austin, p. 46.
- 9) See Ryan, pp. 99-101.
- 10) Cf. Wertheimer (1976), p. 405.
- 11) See Connolly, ch. 2; the radical concept of interests is the foundation of Lukes' analysis of power (1974)a.
- 12) Ryle, p. 27.
- 13) Austin, p. 48.
- 14) *ibid.*
- 15) Ryle, p. 26.
- 16) Austin, p. 49.
- 17) Wittgenstein (1968), p. 47e (§109).
- 18) Ryan, p. 99.
- 19) Austin, p. 49.
- 20) Goodman, p. 64 (emphasis omitted).
- 21) Rawls, p. 20.
- 22) *ibid.*, p. 48.
- 23) Hare (1981), p. 75.
- 24) Hare (1975), p. 82.
- 25) Hare (1981), pp. 11-12.
- 26) Shaw elaborates on this point, see p. 132.
- 27) Hare (1981), pp. 13-14.
- 28) Cf. Hare (1975), p. 84 (Rep. 533c).
- 29) See references in Arneson.
- 30) Schlesinger, vol. V, p. 543.
- 31) Steiner, p. 35.
- 32) Oppenheim (1961), p. 4.
- 33) Oppenheim (1981), p. 2.
- 34) *ibid.*, p. 198-199.
- 35) Taylor (1967), p. 27.
- 36) Oppenheim (1981), p. 177.
- 37) Connolly, p. 224.
- 38) Connolly, p. 101.
- 39) Kovesi, ch. 1.
- 40) *ibid.*, p. 21.
- 41) *ibid.*, p. 147.
- 42) See Brennan, pp. 54-55.
- 43) Kovesi, p. 119.
- 44) Brennan, pp. 66ff.
- 45) *ibid.*, p. 86.
- 46) Crocker, p. 9.

## 9. NORMATIVITY AND CONTESTABILITY

Chapter 9 comprises the second part of my methodological investigation. The preceding chapter showed that of the three original objectives of my conceptual inquiry into social freedom (8.1), two (respect for ordinary usage and coherence) could be realized within the frameworks of the methodologies discussed. However, since these were not able to satisfy the third and most important demand, that of providing an objective/authoritative definition of freedom, an objector could still call into question the viability of the whole project. My aim was to find precise philosophical criteria for the concepts of **constraining freedom** and **exercising power over** which all political philosophers could agree upon and employ. But have I really come up with anything more than a set of relative, if mutually consistent, intuitions?

In 9.1, I try to formulate an account of the methodology that has actually been followed in this thesis, and which implies that it is possible to arrive at a definition of moral terms which is critical and normative, but non-relative. In 9.2, I discuss the objection that although moral concepts are not relative, they are (in the recently fashionable jargon) **essentially contestable**. The thesis of essential contestability is rejected in its general form as well as in its application to a particular concept, that of moral responsibility (9.3). Finally, 9.4

explains how the open texture of concepts leads to (innocuous) disagreements about their use.

### 9.1. Normativity without relativity

In 8.5, we saw how Kovesi's analysis undermined the description-evaluation distinction. If we find Kovesi convincing, there does not seem to be any reason to believe that moral concepts have a special logic of their own as a result of which ordinary language and intuitions about them are bound to differ. Is this not a point in favour of a method which looks for non-relative definitions of moral terms? It may be a point in its favour but it is not conclusive. The reason is that although the threat of the **specifically** relative nature of moral concepts has been averted, the threat of **general** conceptual relativism still hangs over our heads: it could be that our intuitions about **all**, or most, concepts differ and that an inquiry which aims at a single definition for any given concept is thus doomed to failure. Even if all concepts are formed for a purpose and have a **point**, why does this point have to be the same for everyone? Might not, for instance, the point of 'freedom' happen to coincide with that of 'autonomy' among some language speakers in some societies?

Now, it is true that on a map there often seem to be numerous ways up each mountain; however, a mountain may actually be of the sort that for a rational mountaineer

there is but one best path to its top. Let us say that the 'mountain' we are supposed to climb is to define the term 'table'. What we do is to search for a **function** or a social need that the term is meant to fulfil. If someone insists on reserving the term 'table' for 4-legged objects fulfilling this need, we point out to him the arbitrariness of the distinction (why not also 3-legged ones?). If his definition is so broad as to include tables and beds, we say: 'If you use "table" in this way, you will have no uses left to refer specifically to objects you put your plates on at dinner, as distinct from those you sleep on at night', etc.

This example brings out what I take to be a very important truth. All satisfactory inquiries into the nature of concepts (at any rate those relating to the empirical world) will be **critical** inquiries. It must be shown why the point of the given concept is or should be of interest to people and how the term designating the concept must be defined, so as to correspond to this point and to distinguish its meaning from different concepts with other (but perhaps related) points. Much the same applies here to 'freedom' as to 'table' in the example above. I claim to have found a rationale behind a concept which **should** be of interest to us as humans: the concept of not being constrained by another agent. It is a **negative** concept in the sense that we are free to do x, as long as there is no agent responsible for the non-suppression of an obstacle to do our doing x; and it is an

**open moral** concept (p. 27) in that it places the onus of justification on the constraining-agent. I have shown that the term '(social) freedom' is frequently used to convey the meaning of this concept in English (so does 'Freiheit' in German, 'frihed' in Danish, 'frelsi' in Icelandic, etc.); many, if not most, of our common sayings and intuitions are in harmony with it.

The crux of my **critical method** has been to argue that the term must be defined in such-and-such a way for its use to be internally coherent, and to distinguish it from the meanings of other terms which may be just as important but do not have exactly the same extension as freedom. For instance, if we define 'freedom' more broadly than I have proposed, it starts to take up a role admirably filled by other terms ('autonomy', 'eudaimonia', 'ability', etc.); if we define it more narrowly (the liberal conception, etc.), the definition becomes arbitrary from precisely that moral point of view which indicated the purpose of freedom-talk. I have claimed that it is a necessary condition of the fruitfulness of substantive debates that people agree on the meaning of those ideals about the value of which they can then disagree. My arguments have been designed to show that one particular definition of 'social freedom' is best fitted to serve as the basis for substantive political debate, even if this definition should not always prove to be in strict accordance with the common usage of people in a given society.

It is important to note that what I have been arguing

for is not an arbitrary, stipulative definition of freedom. I have tried to show that freedom-talk has a particular point or purpose in human relations, and have argued critically for a particular definition of 'social freedom' that best conveys this point. I do not pretend to have found the **true** definition of freedom that has all along been lying hidden from view (definitions are created to serve a purpose, not discovered); but I claim to have proposed a definition that is objective in the sense of being objectively useful to those interested in certain relations between agents, relations which are of widespread importance for human beings.

A proponent of Rawls' reflective equilibrium might claim that I have not really been proposing an alternative methodology. His method is also **critical**: it is an attempt to rationalize our concepts within a system of concepts and conceptual relations, correcting concepts to fit the system and the system to fit the concepts. Moreover, although it perhaps does not come out so clearly in Rawls' own discussion, such an enterprise **requires** (in order to be reflective) attention to what a system of concepts is intended to do. This may all be true, but what I have been trying to add to the Rawlsian insights is a Kovesian emphasis on the **functional** nature of concepts. Notions such as table or freedom fulfil a certain function in human life. I have claimed that it is possible to argue critically for what precisely this function is, and hence to show how the terms 'table' and 'freedom' would most

usefully be defined. I believe I differ from Rawls in my commitment to the non-relative nature of such arguments.

## 9.2. The essential contestability thesis

In addition to the specific arguments about the non-relative nature of moral responsibility in 4.4, this preceding account of the general method of my inquiry was meant to rebut a charge of conceptual relativism which might be brought against it. However, the claim that definitions of moral or political terms are ultimately **relative** has recently been superseded by another and a different one, namely, that they are **essentially contestable**. It must next be examined what this 'new' claim amounts to and if it holds good.

All the writers whose accounts of freedom can be described as 'responsibility views' have explicitly or implicitly adhered to a theory of moral concepts which accords with that of Kovesi: these concepts concern facts of a certain sort and describe them from a perspective that we could call the moral point of view. Furthermore, they connect the rationale of freedom with the attribution of moral responsibility. At the same time, however, most of these writers have pledged their allegiance to the thesis of **essential contestability** (ECT), first formulated<sup>1)</sup> by W.B. Gallie in 1956.

To take a few examples, one of the basic ingredients

in Lukes' account of **power** (7.1-7.2) is that this concept is essentially contestable, admitting of at least three different interpretations. Miller concludes his reply to Oppenheim by underlining the claim that the concept of freedom is usefully described as essentially contestable,<sup>2)</sup> and in Connolly's work, the careful investigation of political terms is preceded by an elucidation of the ECT. Connolly's general conclusion about conceptual debates in politics fits into the grid of the ECT: the common resources of reason and evidence can illuminate these debates but are in the end insufficient to reduce the number of possible interpretations of each concept to one.<sup>3)</sup> Benn is here the only exception. Incidentally, in his pioneering paper (with Weinstein) there is no mention of the ECT, although one commentator seems to interpret his views there as conforming to that thesis.<sup>4)</sup> However, in his recent Theory of Freedom he unequivocally rejects it, claiming that the concept of freedom, although contestable,<sup>5)</sup> is not **essentially** so.

In general, the light these writers (Benn apart) take the ECT to shed on the nature of freedom can be spelled out as follows. By explaining the link between freedom and responsibility (and, in Miller's case, obligation) we have discerned the point of freedom-talk. But that is not tantamount to saying that the criteria of reason suffice to settle all contests on the correct definition of freedom or the application of the concept in particular situations. On the contrary, the point is too vague or

blunt to constitute an authoritative definition, if only because our ideas about responsibility (and obligation) themselves conflict in a rationally irresolvable way.

It has already been noted (p. 81) how odd remarks of this sort may seem to a reader of Miller's paper. In the first half, the air of authority and finality is created with an impressive account of freedom which seeks to dissipate all confusion about the nature of the concept and its correct employment. Then, out of the blue, in the second half, the concessions about the essential contestability of responsibility and obligation follow, dispelling the air of optimism, if not the plausibility of the whole enterprise. However, Miller and the other writers do not seem to be the least disquieted by this boomerang-effect of the ECT. In any case, we may here ask whether this thesis is a necessary concomitant of a responsibility view of freedom or whether, as I am inclined to believe, it ultimately undermines such a view. To answer these questions, a closer look is needed at the assumptions and arguments behind the ECT.

For the sake of clarification, it is vital to understand where to place this new thesis with respect to traditional views about the relative or non-relative nature of concepts. Let us recall two historical stances on this issue, both clear-cut if extreme. John Locke tried to uphold what might be called the **miscommunication thesis**. Generally, people fail to reach agreement in conceptual disputes because, while they "fill one another's

heads with noise and sounds",<sup>6)</sup> amounting to the same spoken words, they do not refer to the same underlying concepts. Starting from the premises of his empiricist epistemology, where all words are supposed to describe ideas in the mind of the speaker (in the case of political concepts the ideas of simple and mixed modes), Locke claimed that by reducing our terms to "determined collections of the simple ideas they do or should stand for", all disputes would "end of themselves, and immediately vanish".<sup>7)</sup> More specifically, with political terms this is all the easier since they do not refer to any real existences in nature but are simply given by definitions. Unfortunately, Locke's simple remedy is based on the empiricist theory of meaning, now generally discredited. Moreover, in light of the history since his time, his optimism seems somewhat misplaced. We will see later, however, that Locke may have been less far off the mark than is commonly supposed.

Kuhn represents the other extreme stance according to which concepts (political or non-political) are inextricably bound to a particular conceptual framework. A strong (and what seems to me the correct) reading of his Structure of Scientific Revolutions attributes to him a thorough-going relativism: these frameworks are incommensurable (the 'same' terms in different frameworks having irreducibly different meanings), and the transfer of allegiance from one to another cannot be forced by logical arguments; it is more like a gestalt-switch or a con-

8)  
version experience. On a weaker reading, based mainly on his "Postscript", there can be better or worse reasons (although no final proofs) for accepting or rejecting a framework. But this concession is immediately diluted, if not abandoned, with the claim that although "good reasons for choice provide motives for conversion and a climate in which it is more likely to occur", no set of good reasons<sup>9)</sup> can in the end definitively prescribe such a conversion. The irrational element of historical coincidence and the effects of propagandism seem to be more important after all.

This whole **incommensurability thesis**, the idea of proponents of different notions of, say, freedom working in different worlds under conditions of incommensurability and untranslatability, has many counter-intuitive and theoretically cumbersome implications. At any rate, it is hopelessly at odds with the argument of my thesis. However, it has a strong affinity with another famous account of the nature of concepts, implied by Wittgenstein's talk of **family resemblances**. As 'resembling' or 'being related to' are not transitive relations, for Wittgenstein two **games**, like football and chess, may have nothing in common except their relation to a third game, tennis, which is like football played with a ball and like chess played by two persons. Similarly, two instances of unfreedom would not, ex hypothesi, need to have anything else in common than e.g. some resemblance with a third instance, perhaps one commending a wider measure of assent

as an example of unfreedom. On this view, no definition of freedom as such is required or possible. Wittgenstein's suggestions here have given rise to what might be called a **cluster theory** of the meaning of concepts (p. 287).

Locke's and Kuhn's theses, although at first sight as different as chalk and cheese, concur in providing us with an easy - some would say all too easy - escape route from conceptual debates. For example, I could claim on both accounts that an alternative view of freedom is irrelevant to my inquiry. He who wants e.g. to equate freedom with autonomy is simply referring to the wrong (or at any rate different) ideas in his mind (Locke), or employing an incommensurable paradigm (Kuhn). As against this, the thrust of Gallie's ECT is to provide a middle ground proposal, rejecting the common assumption of the two extreme stances that in conceptual debates people are simply talking at cross purposes. Gallie's idea is that while the criteria employed in freedom-talk are truly disparate, they are nevertheless elements in a common **underlying concept** which gives the discussion its unity. It is at least in a partial sense the **same** freedom that forms the bone of contention. Thus, in his frequently quoted paper, Gallie claims that there are certain concepts (not only in political philosophy but also in aesthetics, religion, etc.) which have no clearly definable standard or correct use, but of which each party has its own "interpretation" that it contends is the only proper one with a stock of convincing arguments. These concepts are, for Gallie, not

only **contested** (as a matter of fact), or **contestable** (no logically coercive reasons having **yet** been found for preferring one set of criteria to others), but **essentially contestable**: there is not and never will be any warrant for the belief that any one interpretation is the best one, i.e., there will always be good reasons for disputing the propriety of any of its uses.<sup>10)</sup> What exactly is then the nature of these concepts? They must (1) be appraisive, (2) describe an internally complex achievement, (3) the explanation of worth be initially unsettled in many respects, (4) the achievement persistently vague and modifiable in light of changing circumstances, and (5) the contested use guarded both defensively and aggressively by its proponents. The proper use of the essentially contestable concepts then involves endless disputes, sustained by perfectly respectable arguments, although not resolvable<sup>11)</sup> by such arguments.

Plainly, if the ECT is not to collapse into the blatant relativism of the incommensurability thesis or to be explained away by a Lockean you-are-really-dealing-with-different-concepts strategy, something must be added, namely, good reasons must be adduced for the assumption that all users at least tacitly agree that **one and the same** concept is at stake, not a multiplicity of overlapping concepts. This is precisely Gallie's point: only by insisting that the same concept is being disputed can we see and keep sharply focused the differences between the conflicting interpretations. What we need, then, is a

**common core** around which the different uses revolve. But where can it be found and how can it be explained?

Two main possibilities have been tried, the first by Gallie himself. To (1)-(5) he adds two extra conditions: (6) that the concept be derived from an original exemplar whose authority is acknowledged by all contestant users, and (7) the belief that the competition for acknowledgement enables the original exemplar's achievement to be sustained in optimum fashion.<sup>12)</sup> However, at once many objections come to mind, especially to (6). The actual historical examples given by Gallie of his "original exemplars" are not very plausible. Furthermore, why must 'the democratic society', e.g. (if **democracy** is an essentially contestable concept), be historical; why cannot it simply be postulated, defined negatively, or approached through judgements about the pros and cons of different societies? Even if we grant that the history of these concepts is important, why should it always be possible to trace them back to a **single** "exemplar"? Perhaps this interpretation of Gallie's condition is uncharitable; the original exemplar can for him simply amount to "a number of historically independent but sufficiently similar tra-<sup>13)</sup>ditions" or a long tradition "of a common...character". But even more seriously, as Gellner points out, does not Gallie's constant reference to some non-contested, unambiguously defined exemplar imply that a criterion for terminating disagreement really exists, thereby betraying<sup>14)</sup> his own thesis?

The second possibility is that of giving the overarching concept by a schema or canonical form, like MacCallum's definition of freedom (p. 10) where disagreements in the end concern only the proper ranges of the variables, which each party can interpret according to the criteria of freedom it holds. However, such formal definitions tend to be so vague that unanimity is gained only at the expense of the specificity required to constitute a single concept. Others have here tried to invoke Rawls' concept/conception distinction.<sup>15)</sup> The common element in different **conceptions** of freedom is then to be encapsulated by a specification of the **concept**, sufficiently restrictive for a single concept, but sufficiently broad to allow a number of interpretations.

To make a long story short, I shall claim that the whole thesis of essential contestability is wrong since the thinking behind it is either **circular** or **paradoxical**. The proponents of the ECT tend to concentrate on particular types of concepts: aesthetic, moral or political. If asked what is so special about these, opposed e.g. to concepts such as 'table', 'kettle' or 'cancer', the answer seems to be that the former are normative whereas the latter are not. But why should normative concepts be different from non-normative ones? Well, because normative disputes must be essentially irresolvable! Hence, we are caught in a vicious circle. On this reading, the ECT does nothing but reintroduce the description-evaluation distinction in a new fancy form.

Proponents of the ECT may, however, deny that there is anything special about normative concepts as such. They may simply claim that the ECT is true of a large number of concepts, and that the moral and political ones just happen to be among them. But then another objection applies, this time in the form of a dilemma. Either the alleged 'common core' of these concepts must itself be essentially contestable or not.<sup>16)</sup> If it **is**, the 'common core' is no longer common and the ECT has collapsed into an incommensurability thesis, leading to traditional relativism. If it **is not**, it is hard to see why the different conceptions should be essentially contestable either, since the best conception could, at least in principle, be picked out by comparison with the proper non-contestable core. So, in either case, the ECT is wrong.

The real dilemma of the essential contestability thinkers is that they both want to have their cake and eat it. They want to claim at once that debates about e.g. the meaning of 'freedom' relate to the same, non-relative concept - and that they are rationally irresolvable. Deep down, most of them are nothing but old-fashioned relativist wolves in sheep's clothing. Thus, in one of Lukes' articles he claims that there are no distinctively moral criteria of rationality that are not internal to a particular moral belief system: "moral judgments may be incompatible but equally rational, because the criteria of rationality and justification...are themselves relative to conflicting and irreconcilable perspectives."<sup>17)</sup> This is a

typical statement of relativism, since what we end up with, in the case of freedom, would not be a definitional dispute about a common concept but rather, as Gray puts it, "a conflict between adherents of mutually unintelligible world-views"<sup>18)</sup>. However, if you are a relativist, why not say so - why call it "essential contestability"?

Christine Swanton has noted how the ECT smacks of incoherence, but she still wants to rescue it.<sup>19)</sup> Her method is to drop the common core assumption. She claims that we may sensibly speak of contested conceptions referring to the same ideal without assuming that there is a core concept common to these conceptions. A necessary condition of communication is only that people share some judgements about some cases, enabling arguments to get off the ground, e.g. by analogy or counter-arguments. In the case of freedom, we would thus only need to agree on a reasonable number of sample instances of utterances containing 'free' to be able to say that we were arguing about the **same** kind of freedom. Further, although political disputes are not resolvable by inductive or deductive arguments (proofs), they can still be rationally resolved in specific cases by giving good reasons. This strategy is meant to save a writer like Lukes from accusations of inconsistency in claiming simultaneously that the concept of power is essentially contestable and that one of its conceptions is superior to the others (p. 206). On Swanton's account, although there is no best wheat, we can separate the wheat from the chaff, i.e., some conceptions may be

shown by rational arguments to be better than others although there is no **best** conception. The problem about Swanton's recourse is that once the common core assumption has been dropped, nothing is left of the ECT as a specific doctrine. She may be making some interesting observations on the nature of ethical arguments, but I fail to see their potential contribution to a defence of the ECT.

Gallie's aim was to propound a thesis which would explain how different accounts of an ideal like freedom may be **competing** (concern one and the same concept), while conflicts between them are rationally irresolvable. However, I have raised serious doubts about the feasibility of this enterprise. In the following section, I shall try to show that its initial appeal is often based on drawing incorrect conclusions from alleged cases of ultimate disagreement, here cases of moral responsibility.

### 9.3. Responsibility - a cracked foundation?

The standing of the ECT is of particular relevance to this thesis, since (as was noted at the beginning of the last section) most earlier proponents of the responsibility view have described freedom as an essentially contestable concept. Only in Connolly's book, however, is this claim worked out in any detail. His somewhat bleak conclusion is that no definition of freedom can be advanced that precisely distinguishes constraints on freedom from other

limitations; what can be produced is at most a flexible set of considerations.<sup>20)</sup> The reason is that disagreements over where to draw this line are in the end "contests over the extent to which a presumption of social responsibility should obtain for the obstacles themselves."<sup>21)</sup> But since ascriptions of responsibility are in many cases open to reply and objection, we are left with a "grey area" in which no conclusive arguments are available. The question whether a particular obstacle there constitutes a constraint on freedom is, however fervently debated, rationally irresolvable; this is why Connolly insists on talking about "paradigms" of freedom or power instead of definitions.<sup>22)</sup>

What Connolly would have to say about my efforts in this thesis is something like this: I was right in trying to solve disputes about the nature of freedom by moving to another level, that of responsibility. In doing so I clarified the issue considerably and have perhaps successfully defined the concept of freedom. But to say that settled decisions at one level can help to set limits to conceptual controversies at another level, does not mean that such decisions can eliminate these controversies completely. In the present case, my definition of freedom rests upon the concept of responsibility; but responsibility is itself an essentially contested concept. Hence, while the basic concept of freedom can (contrary to relativism) be fixed, it admits of varying interpretations, for different notions of responsibility support

different understandings of freedom, even within the fixed terms of the definition.

It seems to me that if I grant this, the basis of freedom-talk, which I so rejoiced in finding, is not so firm after all. I discovered, so to speak, the back of the elephant on which the earth rests, only to find that the elephant itself is floating in mid air. In that case, whatever conclusiveness and finality my efforts have produced are counteracted to such a degree as to rob the responsibility view of most of its value. But this is so, of course, just in case Connolly's argument holds water. We must now see if it does.

Connolly's argument takes up Gallie's idea of the "original exemplar". Let us say that there is a general consensus on the extension of a concept like **genocide** (= the complete extermination of a nation or a racial group) when it is originally invented or defined. Then, as time goes by, new situations arise that deviate in some way from the original case(s) which occasioned its formulations: perhaps the extermination is not complete, or it is a foreseeable but not an intended consequence of some political decisions. Now, some parties will want to revise the criteria of the concept and continue to apply it to those new situations also, while others claim that such revisions are unwarranted. Both support their case with good reasons, and an irresolvable conflict emerges.  
23)

Even granting, for the sake of argument, that

Connolly's analysis of the genocide example is right, the question remains whether the same applies to the concept of responsibility. Connolly wants to maintain that there, also, a historical shift has occurred. In olden times when responsibility was on the agenda of conceptual inquiries, philosophers could restrict their attention to specific relations between individuals: the responsibility of the shopkeeper towards his client, the lord towards his tenant, etc. But in modern societies, we have to move from considerations of individual relations to those involving collectivities: organizations, ethnic groups and, especially, large corporations. May it not be that the traditional language of responsibility is now insufficient to characterize the conditions in which we live? May it not be that we are unable to discover within the inherited web of meanings an answer to the question if a collectivity is responsible for - to take one example - the gradually debilitating effect of environmental pollution on the inhabitants of a given community? Connolly's answer to such questions is an unequivocal **yes**, and that is why the concept of responsibility is, at least in modern societies, an essentially contestable one.<sup>24)</sup>

There are, it seems, on Connolly's view two possible reasons for an irresolvable conflict over the use of a given concept. Either its point is vague, for example the point of responsibility, or there are some insurmountable difficulties in determining how to fit the concept to particular situations, e.g. the behaviour of collectivities.

In response to the first of these reasons, I could simply rehearse my analysis from section 4.3, showing that the point of moral responsibility is at least reasonably clear. But Connolly's claim is really the other: it is not so much the point of responsibility that is contested - a point which Connolly says is based on certain deeply embedded "shared ideas"<sup>25)</sup> - but rather the extent and manner to which various cases meet this point.

Again, this second line of objection can be interpreted in two ways. Either the problem is an intrinsic one with respect to typical, important cases, or it merely involves borderline cases and factual uncertainties. It must be realized that the boundaries of the sets of things to which our concepts refer are generally difficult to fix precisely. We can always expect to come across examples that puzzle us because they represent situations previously unheard of, or because they lie near the boundary of the concept. (This will be explained in more detail in the following section). Such contingencies give rise to contestedness, but not to one which justifies the more radical interpretation. What we do in such situations is to put both the example and the point of the concept under further scrutiny. Generally, we come up with a conclusive answer; at worst we are left with some controversial but atypical borderline cases. New information and better arguments can also make us change our mind as time goes on. Oppenheim is, for example, right in pointing out that the question whether the situation of workers in the nine-

teenth century constitutes an example of unfreedom is a matter of factual, not conceptual, controversy.<sup>26)</sup> The question to be answered is whether the 'capitalists' were really responsible for this situation or if it was the product of inevitable, anonymous economic forces - and that is simply a factual question.

What we have been describing so far are situations of contestedness which is merely factual and/or innocuous. So, Connolly must be relying on the more radical interpretation, namely, that there is an **intrinsic**, irresolvable problem in determining whether certain (typical, important) cases fall within the province of responsibility. But that contention is notoriously difficult to swallow when we have seen how clear the point of the concept of responsibility is. Why can we not simply use the test of moral responsibility for the non-suppression of obstacles and ask: is this a case of an action/inaction of an agent that he could appropriately be asked to justify? As we have seen (4.6), the existence of collectivities does not as such undermine the viability of this test. So, however hard I try, I altogether fail to see where the intrinsic contestability could lie in judging these typical, important cases.

In sum, the less radical interpretation of the second argument merely leads to factual and/or innocuous contestability, while the more radical one, used by Connolly, seems to be wrong as far as the concept of responsibility is concerned. In 9.2, the ECT was rejected as a general

thesis. Now, one of the cases that gave rise to the talk of essential contestability has not stood up to scrutiny either. Moral responsibility, the basis of freedom-talk, is not an essentially contestable concept; it is not a cracked foundation.

#### 9.4. The open texture of concepts

How can we account for the nature of concepts such as freedom if they are not essentially contestable but still do not pick out uniquely in advance all the possible cases falling under them? The most promising line of explanation is to follow Friedrich Waismann in his analysis of the <sup>27)</sup> **open texture** of most concepts. Although the point, or formal element, of a moral concept (freedom) or a non-moral one (table) may be a clear-cut and indisputable one, the incompleteness of empirical data makes it impossible to give an exhaustive enumeration of all the material features which the formal element may assume. That is, the set of tables or freedoms is open, not closed as in the case of geometrical terms. In the latter case, we can, for example, give a strict rule which prescribes the necessary and sufficient properties of a rectangle; we can give a complete definition which anticipates and settles once and for all every possible question of usage. By contrast, one cannot specify exactly what shapes, sizes, materials, etc., potential tables can be made of, and although we

have roughly formulated the necessary and sufficient condition for a situation to constitute an example of unfreedom, we have not defined freedom with absolute 'geometrical precision' since it may be a matter of doubt if a certain situation satisfies precisely these conditions.

For example, in a given case the responsibility condition may only be minimally met, or the obstacle imposed so modest that we doubt whether to call it an obstacle in the first place. In addition to such borderline cases, situations of an unforeseeable nature can arise, perhaps owing to a new technology - situations which could not be taken into account when formulating the original definition of the term but which nevertheless call for categorization as instances of freedom or unfreedom. Thus, in the future we may have to deal with artificially intelligent robots, Martians or who knows what. Perhaps we will have to emend or refine our definition of responsibility (and hence freedom) to do justice to such cases.

However, Aristotle would remind us not to feel too disheartened about such conclusions, since this is all the precision the subject-matter admits of. The nature of moral philosophy is simply different from that of, say, geometry - for better or for worse. However, what is disconcerting is the impression which this analysis of the open texture of concepts may have created, namely, that I am now sailing dangerously close to the thesis of essential contestability which I set out to renounce. Do the open texture model and the ECT not in the end come down to

the same thing? My answer here is **no**. On the open texture reading, a concept such as freedom has a clear core; according to the ECT different interpretations of the concept only share a vague common core. On the latter thesis, most conceptual disputes are intrinsically unsolvable; on the former they are, in principle, decidable, since there is an objective control to the inquiry: an independent criterion by which competing answers can be measured. That, of course, is the formal element of the concept, its point, which none of the parties to the dispute can change. Also, there is a method by which this formal element can be brought to bear on the questionable cases, the process of critical clarification and refinement which should be the chief method of conceptual inquiries.<sup>28)</sup>

The open texture model thus affords us, whereas the ECT does not, the sense of objectivity, of rational decidability, which alone can satisfy our intellectual demands for the subject of ethics in general. This idea is admirably expressed by Benn, in arguing against the ECT:

To the extent that we embark on the task of winning assent by rational argument rather than by mind-bending manipulation, we are committing ourselves to the belief that there is no inherent impossibility about the enterprise, and though agreement may be hard to reach, we never know that it could not be found by still more patient exploration..."<sup>29)</sup>

It is this prospect of success by "patient exploration" that makes the open texture model so much superior to a thesis of rational irresolvability.

It may be helpful to conclude this discussion of the contestability/decidability of (moral) concepts with a

schema, showing in a clear, if a somewhat simplified, way the relations of the proposals dealt with so far:

		MORAL CONCEPTS			
		<u>Contestability</u>			
<- <u>less</u>					<u>more</u> ->
a)	b)	c)	d)	e)	
miscom-	open	<u>ECT</u>	cluster	incommensur-	
munication	texture		theory	ability thesis	
thesis					

According to a), the concept has a clear point and any possible disagreement would be caused by a deliberate or accidental failure to communicate; according to b), the concept has a point that is clear, but it may give rise to disputes over borderline cases; according to c), the concept has a point but a vague one which can support various interpretations, mutually conflicting in a rationally irresolvable way; according to d), the concept has no point or essence but designates a family of properties (a 'cluster'), the most or the weighted most of which must be satisfied by a potential member of the set; according to e), the concept may have a point, but only one that is specific to a particular community or paradigm; no inter-paradigmatic (non-relative) agreement is attainable. It is important to keep these accounts separate; Connolly e.g. confuses c) and d) by wanting to hold simultaneously that most concepts in politics are essentially contestable and that they are "cluster concepts".<sup>30)</sup> But if the latter is true, they would not have any common core which could be contested.

I have argued that, in general, moral concepts do not fall under a) and e). (Other concepts, however, may: geometrical ones under a), aesthetic ones under e), perhaps).

It may be that some general moral and political concepts fall under **d)** (the cluster idea seems to fit well with a term like 'politics'); but after examining the ECT, I doubt that **c)** is an important category for the understanding of moral concepts. My main conclusion, however, is that the moral concepts which have been my special concern in this thesis (responsibility, freedom, power, etc.) fall under **b)**. They are concepts with a point - an essence - but at the same time an **open texture**. They give rise to disputes, but only disputes that are, in principle, decidable by the patient methods of conceptual analysis. Their 'contestability' is not an essential one.

It is now time to bring to an end the methodological discussion which has taken up these last two chapters. I have, I think, produced a helpful account of the nature of moral concepts in general and have, furthermore, justified the methodology employed in my investigation of one of those concepts, freedom. Maybe the most important lesson to be learnt is that, as Gray has suggested, accounts of moral/political concepts are too often marred by the promiscuous running together of two distinct theses: a) that social theorizing cannot avoid being a normative activity, and b) that social theory is beset by an ineradicable conceptual relativism which prevents it from yielding any definitions capable of compelling rational assent. <sup>31)</sup> The former thesis is true but the latter has been shown to be false.

Finally, I would like to indicate more clearly two

general implications of the above discussion, for a) the nature of political inquiry, and b) the prospects which such inquiry holds out for us. **First**, it should be noted that my conclusions about the normativity of moral concepts do not commit me to the view, espoused e.g. by Connolly, that by analysing a concept of politics I have implicated myself in politics; that explicating a concept such as freedom is "not a prelude to...but a dimension of politics itself"<sup>32)</sup>, and that by adopting any definition I am taking a stand in an ideological debate. On the contrary, my discussion implies, to quote Gordon Graham, that "politics being what it is, there are always certain facts which the advocate of any ideology cannot, or would not, wish to ignore."<sup>33)</sup> I have argued that among these facts are moral facts, and that they can be utilized to arrive critically at the appropriate definitions of moral terms.

What leads Connolly astray is the historically frequent use of seriously flawed 'definitions' of moral terms for propagandistic purposes. For example, just as it is easier to win a football game by pointing out that the opposing team is fielding an illegal player than by scoring goals, so it is 'easier' to claim that the starving masses in Ethiopia are 'free', if their situation is not the result of deliberate actions, than to grant that they are unfree, and then (perhaps) produce good reasons for not helping them. Such reasons can often be found, e.g. in cases of imperfect responsibility (4.2); but these would

be **substantive**, political or moral, reasons, not **conceptual** ones. It goes without saying that people's values conflict, i.e., their views on what is to count as the good life and the well-structured society. The reason may partly be that aiming at eudaimonia involves an essential trade-off between important but mutually inconsistent values (p. 191). Thus, politics is rightly described by Connolly as the "sphere of the unsettled"<sup>34)</sup>; but that is not because our conceptual inquiries are irresolvable and our concepts vague, but because people, employing the same concepts, differ over substantive issues.

**Second**, my conclusions clearly support an optimistic view as to the general prospects of conceptual inquiries in political philosophy. By a painstaking investigation into more and more of its concepts and their interrelations, we should be able to dissipate gradually the confusions that have surrounded their application. In this, I concur with Gray in endorsing a "classical conception of political philosophy as an intellectual activity capable of yielding determinate results and, so, of assisting reflective agents in their search for a good society."<sup>35)</sup>

It could, however, be argued that there is an unbridgeable gap, not between facts and values, descriptions and evaluations, but between moral **facts**, on the one hand, moral **prescriptions** on the other. Knowing what is good does not commit us to aim at the good; even less does an understanding of the definition of freedom commit us to

lessen the burden of unfreedom. If I am an evil-minded person, I may utilize my knowledge to increase the world's misery and injustice. If, however, I am noble-minded, being clear about the meaning of freedom may assist me in analysing and arguing against particular instances of unfreedom in the world around me; and in that endeavour, perhaps, this thesis will help.

9.5. References

- 1) See Gallie.
- 2) Miller (1985), p. 314.
- 3) Connolly, p. 226.
- 4) See Patrick, p. 47.
- 5) Benn (1988), pp. 149-151.
- 6) Locke, p. 106.
- 7) *ibid.*, p. 151. An interesting modern application of Locke's view is to be found in Morriss' treatment of the "different concepts" of power: Morriss, pp. 205ff.
- 8) Kuhn, ch. 10.
- 9) *ibid.*, p. 204.
- 10) See Gray's clarifications of the ECT (1977), pp. 338-339.
- 11) Gallie, pp. 171-180.
- 12) *ibid.*, p. 180.
- 13) *ibid.*, p. 186.
- 14) Gellner, p. 53.
- 15) Rawls, pp. 5-6.
- 16) See Gray (1977), pp. 337-343 and Swanton, p. 816.
- 17) Lukes (1974)b, p. 178.
- 18) Gray (1977), p. 342.
- 19) Swanton, pp. 816ff.
- 20) Connolly, p. 167.
- 21) *ibid.*, p. 166 (emphasis omitted).
- 22) *ibid.*, p. 217.
- 23) *ibid.*, p. 28.
- 24) *ibid.*, ch. 5.
- 25) *ibid.*, p. 192.
- 26) Oppenheim (1981), p. 87.
- 27) See Waismann, pp. 119-125.
- 28) See Brennan, pp. 134-135.
- 29) Benn (1988), p. 151.
- 30) Connolly, pp. 18-22.
- 31) Gray (1983), p. 77.
- 32) Connolly, p. 3.
- 33) Graham, Gordon, p. 74.
- 34) Connolly, p. 227.
- 35) Gray (1977), p. 346.

## 10. CONCLUSIONS

A distinguished philosopher once remarked that there could be no general theory of **holes** since holes are dug for different purposes: by children in the sand, by gardeners to plant lettuce, etc.<sup>1)</sup> My thesis should have brought to light that there can be no general theory of **freedoms** either. The most we may hope for is to clarify the concept of a specific **kind** of freedom by looking at the purpose it can most usefully be made to serve. Indeed, this has been my aim here, namely, to arrive at a definition of **social freedom**. In the case of that particular concept, people have used the term 'social freedom' like a shopping trolley which could be packed with anybody's chosen selection of separate goods. By contrast, I have tried to show how an authoritative definition is possible that catches the point which the term should be made to convey and is neither unduly subjective nor relativistic.

As my study comes to a close, it is time to rehearse and draw together some of its argumentation. Early on, I pledged my allegiance to a responsibility view of freedom. There, I took my stand upon sound precedents since such a view has been upheld recently by many respected experts in the field. However, coming across a prima facie plausible account at the start of a conceptual inquiry is merely a promise of merit which further investigation can either ratify or annul. The natural way to proceed was to examine

if every cranny could be blocked through which doubts and objections to this original account might enter. Step by step, then, my responsibility view of freedom assumed its final form as various changes and refinements of the original insights proved necessary.

It would be lighting a candle to the sun to rehearse here the numerous **arguments** employed in the course of my discussion; they are to be found in the relevant chapters. What I shall do instead is to list the **main points** made, or conclusions reached, in each chapter. However, since my polemic targets were as numerous as was deemed necessary to reach out to the perplexity of the issues, the more peripheral points must be left out of the following summary.

#### CHAPTER 1

\* **Social freedom is logically distinct from other freedom-concepts although it may presuppose free will.**

\* Freedom is not the same as ability.

\* Freedom signifies a triadic relation. However, attempts to employ the triadic schema to span the difference between 'negative' and 'positive' accounts are open to question.

\* An infringement of a person's liberty must be attributable to some agency.

#### CHAPTER 2

\* **The only account of negative freedom that is free from major flaws or inconsistencies is the responsibility view.**

\* Hobbes' conception is wrong since it fails to distinguish between freedom and ability, action and behaviour; a moralized conception is wrong since a person's freedom can be constrained without a violation of rights; the liberal conception is wrong since it rests on a distinction between 'intentional' and 'unintentional but foreseeable' which, in this context, seems irrelevant.

\* There seems to be a principle of freedom embodied in our language, placing the onus of justification on the freedom-constrainer.

\* The origin of a constraint on freedom must be attributable to an agent who can be held morally responsible for it.

\* Miller's responsibility view is the best one so far, explaining e.g. the moral significance of negligence and avoidable omissions.

### CHAPTER 3

\* The mere 'size' of an obstacle is irrelevant to ascriptions of unfreedom as long as it is a real obstacle to choice/action.

\* Various views on the necessary size of an obstacle do not bear scrutiny, e.g. Hobbes' impossibility view, Benn & Weinstein's unreasonableness view, Day's conjunctive impossibility view, and Dworkin & Frankfurt's identification view.

\* Miller's irrelevance-of-size view fails, despite its generally correct insights, to account for the truth that whereas threats can, offers cannot constrain freedom.

\* Coercive constraints form a subclass of constraints in general which are, in turn, a subclass of obstacles.

\* There is an important difference between tentative and final proposals which explains e.g. why an offer is never qua offer an obstacle to choice although some of its side-effects or the reward offered may be.

\* Current attempts to distinguish between threats and offers by employing a moral or a statistical baseline conflate the two distinct tasks of distinguishing between a) obstacles and non-obstacles; b) obstacles which do and obstacles which do not constrain freedom. For the latter, a test of moral responsibility is required.

#### CHAPTER 4

\* An agent can be held morally responsible for the 'non-suppression'<sup>2)</sup> of an obstacle when it is appropriate, in the given context, to ask him for a justification of his not suppressing it.

\* Miller's link between moral responsibility and prima facie obligations is misconstrued. His invocation of the latter is either trivial or wrong.

\* While we are not responsible for all the foreseeable consequences of our actions, many attempts to narrow the sphere of responsibility tend to undermine the distinction between a moral and a moralized test which is crucial for a responsibility view of freedom.

\* For it to be appropriate to ask A for a justification of not suppressing an obstacle, it must be possible to give some plausible reason why he could have been expected

(morally, statistically or otherwise) to suppress it.

\* The application of my moral test is not relative to a general moral perspective nor (essentially) to the standards of a given society.

\* The problem of attributing moral responsibility to collectivities admits of a solution in the responsibility view.

#### CHAPTER 5

\* Freedom is a relational concept. Its irreflexive nature entails that internal bars, which no other agent is responsible for, cannot constrain our own freedom.

\* The internality of an obstacle does not pose a problem for a correct account of negative freedom as long as another agent is responsible for it.

\* Self-deception is a typical internal bar. However, if only the agent himself is responsible for its existence, it does not constrain his own freedom.

\* An internal bar in me can be a constraint on the freedom of other persons, and on my own freedom in so far as others can be held responsible for not removing it.

\* A responsibility view of negative freedom entails in some instances a prima facie case for paternalism. However, that paternalism is much more limited than the one upheld by positive liberty theories.

#### CHAPTER 6

\* All accounts of positive liberty proper assume that a) a person can constrain his own freedom; b) freedom is an exercise-, not an opportunity-concept. Hence, they are

not accounts of social freedom but uphold other, logically distinct, values.

\* A number of negative libertarians mistakenly take themselves to be upholding positive liberty when they are arguing for a conception of negative liberty broader than the liberal one.

\* Promethean freedom is a strange form of positive liberty found in the most diverse places (e.g. the Icelandic sagas). It inflates the value of equanimity in times of hardship to a metaphysical entity.

\* Autarchy, but not autonomy, is presupposed in freedom-talk and is basically what we mean by a free will. Heterarchic persons are not freedom-evaluable. Autonomy is not a necessary condition of particular cases of freedom, nor is freedom in general a necessary condition of autonomy.

\* An obstacle counts as a constraint even if you see the need for it and respect the person imposing it (contra communal freedom).

\* The traditional view that positive liberty accounts lend themselves easily to paternalistic/totalitarian abuse is backed up by the evidence.

#### CHAPTER 7

\* Social freedom stands in a close relationship to other power concepts. For example, to exercise power over somebody is the same as to constrain his freedom.

\* Many of the conceptual mistakes made in defining power are parallel to those commonly seen in accounts of

freedom.

\* Lukes' account of power, despite its various faults, points in the right direction by suggesting a responsibility view of power.

\* 'Exercising power over' has to be distinguished from the general 'power to' and also from 'having power over'. Only the first locution is seen as having a direct connection with social freedom.

\* Judgements about net aggregate freedom or power cannot be made on the basis of conceptual truths but require a substantive moral theory.

#### CHAPTER 8

\* Some insights from recent, well-known methodologies can be used to underpin the methods employed in my thesis. Unfortunately, however, these methodologies either tend to presuppose the description-evaluation distinction or be liable to a relativistic interpretation.

\* Ordinary language analysis can be defended against most of the charges commonly brought against it (e.g. that of conservatism), but it should constitute no more than the first step in conceptual inquiries.

\* Rawls' reflective equilibrium, when applied to conceptual inquiries, bears a striking resemblance to the methods of my thesis, but I differ from Rawls in my commitment to non-relativity.

\* Operationalists see the need for authoritative definitions but wrongly think that it can be satisfied by stripping moral concepts of their evaluative dimension.

\* There is no essential difference between descriptive and evaluative concepts since the latter also describe reality from a particular point of view.

#### CHAPTER 9

\* It is methodologically possible to construct an authoritative definition of social freedom which is normative but not essentially contestable.

\* It is possible to argue critically for the point of a given concept and, thus, to arrive at a non-relativistic definition of a term such as 'social freedom'.

\* The thesis of essential contestability is either circular or paradoxical.

\* Claims about cases of moral responsibility being rationally irresolvable prove to be unfounded.

\* The open-texture model explains the factual and/or innocuous contestability of many concepts.

As this has turned out to be quite a long list, it is in order to give, as it were, a summary of the summary - constituting the main conclusion of the thesis:

Social freedom is a moral concept which designates a triadic relation between an autarchic agent A, another autarchic agent B, and some choice/action x. B is socially free to do x iff he is not constrained by A from doing x. A constrains B when A is morally responsible for the non-suppression of an obstacle that impedes (to a greater or a lesser extent) B's doing x. A is morally responsible for the non-suppression when the onus of justification can be

placed on him and that, in turn, is when it is appropriate to ask him, in the given context, why he did not suppress the obstacle. This entails that the same situation could constitute a constraint on freedom in Society and not in Society<sup>1</sup>, but as the rational arguments used to show what a person<sup>2</sup> can appropriately be called upon to justify in either society would be of the same nature and mutually understandable, the thesis is not relativistic.

Much of this study has been taken up with answers to possible objections. It is fitting to end it with three more. **Firstly**, someone might claim that I have continually overstated my differences with previous versions of the responsibility view to provide a focus for my own thesis, and that it amounts in the end to little more than a piece of 'horseback scholarship'. To answer that, I could do no better than to direct the objector back to the various places where important dissimilarities with the views of Benn & Weinstein, Miller, and Connolly manifested themselves. Originality in philosophy is preciously hard to attain. If it means coming up with ideas that no one has so much as thought of before, it is unattainable. **Secondly**, I have taken it for granted from the start that the responsibility view is a negative account of freedom, whereas Gray, for example, categorizes it as a positive account.<sup>3)</sup> His reasons, also mirrored in Patrick's thesis,<sup>4)</sup> are that such a view accepts the reality of internal bars and is connected with the idea of the auto-

nomous individual. However, I have repeatedly pointed out a) that a correct negative theory takes account of internal bars and b) that the responsibility view does not presuppose actual autonomy as a necessary condition of freedom. Here, Gray is simply wrong.

**Thirdly**, it might be asked why I frequently evade embattled topics by saying that they relate to substantive, not conceptual issues. If, as I have claimed, there is no gap between description and evaluation, and evaluative (moral) terms often embody a presumption against this or that, what is left of the distinction between the conceptual and the substantive? The answer is that by a 'substantive' issue I am referring to an issue where different arguments or values have to be weighed against one another. For example, the term 'social freedom' embodies a presumption which places the onus of justification on the constraining-agent(s). That is a **conceptual** truth which people of every political stripe would be wise to acknowledge. Thus, as e.g. G. Cohen has realized,<sup>5)</sup> socialists and capitalists can and should start their debates from a conceptual common ground. However, if they want to argue for the superiority of their respective systems while employing a common definition of freedom, they need to bring other concepts and arguments to bear on the discussion. How are the values of merit, efficiency, private property, etc., to be weighed against the presumption involved in freedom-talk? These are what I call **substantive** questions and they require a whole moral

theory which cannot be supplied here.

But have I not deprived the concept of freedom of its real significance in political debate, since it no longer seems decisive or conclusive to describe a state of affairs as involving unfreedom if different freedoms have to be weighed against each other all the time and a loss in freedom can be offset by a gain in other values? There, I can do no better than to quote Miller who points out that although a charge of unfreedom does not settle a political debate, by invoking it we are **making a move** in a political argument.<sup>6)</sup> Conceptual truths do not settle substantive issues but they can contribute to our discussion of them.

A person in one of the novels of Halldór Laxness, the Icelandic Nobel-prize winner, remarks that most questions can be answered if they are correctly put. In this thesis I have tried to **put correctly** a question about the meaning of social freedom and to find an adequate answer to it.

10.1. References

- 1) Cf. **Morriss**, p. 45. The 'distinguished philosopher' is Alasdair MacIntyre in his book Against the Self-Images of the Age.
- 2) See the sense given to the expression 'to suppress an obstacle' on p. 82.
- 3) **Gray** (1986), p. 59.
- 4) **Patrick**, chs. 4-5.
- 5) **Cohen, G.**, p. 235.
- 6) **Miller** (1983), p. 69.

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