The Political Idea of Freedom:
A Critical History of Some Post-War Accounts

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by

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DECLARATION

I hereby declare that no part of this thesis has been previously submitted to this or any other University as part of the requirements for a higher degree.

Lisa Barnett

May 2001
DEDICATION

I dedicate this thesis to Adam.
Thank you for always being there, especially when I most needed you.

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ABSTRACT

This thesis presents a critical history of some recent philosophical efforts to clarify the political idea of freedom. These efforts have produced an increasingly complex and inward-looking debate. Given the centrality of the idea of freedom to Western political thought and practice, it is important to step back and assess how much these analyses have achieved. This will pave the way for discussing how much can be achieved by their ‘analytical’ approach; an approach which entails analysing the political idea of freedom independently of a wider political theory.

‘Analytical’ accounts of freedom are usually presented as if they are careful and detached analyses of the concept of freedom that informs and underpins Western political thought and practice. Closer inspection, however, suggests that they are informed by a wider set of moral and metaphysical assumptions that are not always explicated and examined. As a result, these accounts turn out to be more limited and less rigorous than they first appear. In particular, they are often only relevant to a narrow set of concerns and preoccupations, and they frequently reflect the ideological preferences of the philosopher. This suggests that these accounts are far less philosophically interesting than is often supposed.

This thesis executes a critique of these accounts in two ways. Firstly, it deploys a standard of philosophical adequacy to assess critically the argumentative rigour of these accounts and, secondly, it uses past conceptions of philosophy and politics to illuminate their conceptual limitations. We will find that these accounts fail to clarify a distinctively political kind of freedom because their proponents have not thought critically about the nature of their inquiry. This shortcoming will be illustrated by examining some of the most important and influential accounts of the post-war period.
‘There is nothing worse than a hasty judgement, and nothing could be more unworthy of the dignity and integrity of a philosopher than uncritically to adopt a false opinion or to maintain as certain some theory which has not been fully explored and understood.’


‘The painter isn’t carried fluently downstream towards the sunlit pool of that finished image, but is trying to hold a course in an open sea of contrary tides.’


‘Culture is perishing in overproduction, in an avalanche of words, in the madness of quantity.’

Milan Kundera, *The Unbearable Lightness of Being*. 
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ABBREVIATIONS

The critique presented in this thesis focuses on fourteen key texts. These texts will be abbreviated in the footnotes in the following way:

TC  ‘Two Concepts of Liberty’ - Isaiah Berlin
CL  The Constitution of Liberty - F. A. Hayek
FP  ‘Freedom and Politics’ - H. Arendt
DF  Dimensions of Freedom: An Analysis - Felix Oppenheim
NPF ‘Negative and Positive Freedom’ - G. C. MacCallum
BFA ‘Being Free to Act and Being a Free Man’ - S. I. Benn and W. L. Weinstein
IL  ‘Individual Liberty’ - Hillel Steiner
WWNL ‘What’s Wrong with Negative Liberty’ - Charles Taylor
MTC ‘MacCallum and the Two Concepts of Freedom’ - Tom Baldwin
PPF  The Philosophy and Politics of Freedom - Richard Flathman
TF  A Theory of Freedom - S. I. Benn
FCT  Freedom: A Coherence Theory - Christine Swanton
REP  Republicanism: A Theory of Freedom and Government - Philip Pettit
LBL  Liberty before Liberalism - Quentin Skinner
Chapter I - The Nature and Purpose of A Critical History

(i) Introduction: the aims and assumptions of the proposed critique

One of the most enduring problems of post-war analytical political philosophy is how to understand and conceptualise the political idea of freedom. Efforts to understand this idea have resulted in descriptions, definitions, and theories of ‘freedom’, whilst attempts to conceptualise it have produced accounts of a political value, a political ideal, or a political principle. It has even been conceptualised in non-political terms, as a physical or formal relation, with its own distinct logic. These competing and often conflicting accounts, of what writers assume is the same subject, suggests that there is a great deal of confusion about what is being analysed and discussed. One of the aims of this thesis is to clarify and remove this confusion by presenting a critical history of some post-war accounts. This history will trace the origins and development of these accounts and thus the source of their confusion.

The more important task of this critical history is to assess critically the aims and assumptions that inform and underpin these ‘analytical’ accounts. Unlike accounts of freedom found in the history of political thought, ‘analytical’ accounts seek to understand and conceptualise the political idea of freedom independently of a wider political theory. As a result, these accounts are beset by some serious methodological problems. In particular, they fail to satisfy the standard of argumentative rigour shared by analytical philosophers, and they fail to address or illuminate the fundamental problems of political philosophy. Together these basic shortcomings inform the central claim of this thesis which is that analytical accounts fail to clarify a distinctively political kind of freedom. Indeed, as we shall see, this freedom can only be clearly and rigorously explicated in the context of a wider political theory.

A critical history presupposes a critical standpoint from which analytical accounts of freedom can be examined and assessed. To provide this standpoint, the critical history presented in this thesis will draw on the resources of philosophy and history. This dual perspective will allow us to identify what is wrong with these accounts as well as what is missing. In brief, the philosophical perspective will allow us to assess these accounts in terms of the standard of argumentative rigour implicit in mainstream analytical philosophy and the historical perspective

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1 i.e. that idea of freedom that is central to understanding political life and political relations.
2 The word ‘freedom’ will be placed in single quote marks when it refers to the term that analytical political philosophers are seeking to explicate as opposed to the specific idea or concept (see below).
3 There were efforts to analyse and clarify the political idea of freedom prior to the Second World War, for example, in Plamenatz’s work, Consent, Freedom and Political Obligation (1938). See also Anshen’s collection of essays in Freedom Its Meaning (1940) However, most date the origins of the contemporary debate to Isaiah Berlin’s seminal essay, ‘Two Concepts of Liberty’ (1958).
4 The term ‘analytical’ will be used to refer to post-war accounts of freedom.
5 i.e. a theory that seeks to explain and justify distinctively political relations, i.e. ruling and being ruled.
6 e.g. they do not make their assumptions explicit - see I.ii for a fuller explication of this standard.
7 e.g. the problem of explaining and justifying the coercive character of the civil state - see below and I.iii for a fuller discussion of such problems.
8 What I mean by ‘a distinctively political kind of freedom’ will be explicated towards the end of this sub-section.
9 See I.iii.
10 This dual perspective will be explicated in parts (ii) and (iii) of this chapter.
will allow us to compare analytical accounts of freedom to some accounts of freedom found in
the history of political thought. The philosophical part of this critique is necessary to show how
analytical accounts fail to satisfy the standards of their own philosophical tradition. It thus
underlines their formal limitations. By contrast, the historical perspective is necessary to show
how analytical accounts fail to address the fundamental problems of political philosophy. At the
same time, it allows us to question the analytical assumption that a political understanding of
freedom can be clarified independently of a wider political theory.11

The success of our critical history will depend on how far it can illuminate the shortcomings of
existing accounts and how far it can pave the way for a clearer understanding of the subject
being investigated. For this reason, it does not need to examine all of the accounts of
'political' freedom discussed and debated since the Second World War.12 Such an exhaustive
treatment would obscure the point of the exercise which is to identify certain basic problems
and shortcomings with these accounts as well as with the general, analytical approach that
underpins them. This is best achieved by examining a selection of accounts which illustrate
these shortcomings in a lucid way.

The following accounts will provide the main focus of our critique: Isaiah Berlin’s ‘Two
Arendt’s, ‘Freedom and Politics’ (1960), Felix Oppenheim’s, *Dimensions of Freedom: An
Analysis* (1961), G. C. MacCallum’s, ‘Negative and Positive Freedom’(1967), S. I. Benn and
W. L. Weinstein’s, ‘Being Free to Act and Being a Free Man’ (1971), Hillel Steiner’s,
‘Individual Liberty’ (1974), Charles Taylor’s ‘What’s Wrong with Negative Liberty’(1979),
Tom Baldwin’s, ‘MacCallum and the Two Concepts of Freedom’ (1984), Richard Flathman’s,
Christine Swanton’s, *Freedom: A Coherence Theory* (1992), Philip Pettit’s, *Republicanism: A
Theory of Freedom and Government* (1997), and Quentin Skinner’s, *Liberty before
Liberalism* (1998).13 All of these accounts are trying, either explicitly or implicitly, to clarify
that idea of freedom that is central to understanding political life or political relations.14 Our aim
will be to identify specific and generic problems with these accounts and their project.

Although these accounts can be understood to arise out of a single common concern or
enterprise,15 it is also important to recognise the different concerns and preoccupations that
inform and underpin them. Indeed, to ignore these different concerns is to obscure the specific
merits and achievements of particular accounts. In the past, commentators on, and contributors

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11 The phrase ‘political understanding of freedom’ will be the standard way of referring to that freedom which is
central to understanding (philosophically) political life and relations.
12 The phrase “political freedom” will be used in a technical sense in this thesis to denote a distinctively
political kind of freedom. It should not be confused with its ordinary meanings, e.g. participation in the political
process. It will be placed in single quote marks when the aim is to clarify a distinctively political kind of
freedom, but when the result is an account of a very different kind of freedom.
13 As we shall see, whilst these accounts appear to be reflecting on a distinctively political kind of freedom,
they fail to understand the necessary conditions of explicating this freedom.
14 There will be some departure from this chronological order in the main body of the critique.
15 However, as we shall see, there are different ways of understanding this phenomena.
16 i.e. they are all trying to clarify the political idea of freedom.
to, this debate have singularly failed to recognise this aspect of the debate. Indeed, previous commentators, such as W. A. Parent and D. Miller, have assumed that the debate is ‘about the meaning and nature of freedom’. They have thus assumed that there can be better or worse accounts of this ‘concept’. However, this ignores the multiplicity of ways the language of freedom can be used and understood. To avoid the confusion and dispute that arises out of characterising the debate in this way - and from assessing accounts according to a single ideal account - this thesis proposes to assess these accounts according to their different concerns and approaches. Since there are some common concerns and approaches within the diversity of this debate, an episodic rather than a continuous treatment of the material will be presented.

Thus, each of the core chapters of the thesis will focus on a particular period in which a distinct set of concerns and a distinct method of analysis is prevalent.

The content and structure of the thesis will be summarised in part (iv) of this chapter, but in brief, Chapter II will discuss the ‘ideological’ concerns of the 1950s and early 1960s and the appeal to history and tradition, Chapter III will consider the ‘descriptive’ concerns of the 1960s and 1970s and the appeal to ordinary language, Chapter IV will focus on the ‘normative’ concerns of the 1970s and 1980s and the appeal to the language of freedom in practical discourse, Chapter V will discuss the ‘theoretical’ concerns of the 1980s and 1990s and the appeal to the logical principles of consistency and coherence, and the concluding chapter will consider the ‘republican’ accounts of the 1990s, and the appeal to ‘republican’ political thinkers of the past. Each of these fairly narrow concerns and methods of analysis will be clarified and assessed in each of the core chapters. We will find that not one of these concerns or methods points to a distinctively political kind of freedom.

Although the accounts of freedom to be examined in this thesis illuminate the variety of ways in which we can understand and conceptualise the political idea of freedom, they are only as illuminating as the aims and methods that inform them. These aims can be far more narrow than the philosopher presenting the account realises. Thus, the aim may be to clarify an ideological dispute, address the practical problems of political organisation, revive a lost conception of freedom, improve descriptive precision, explicate the criteria or norm of freedom shared by a particular community, or address the shortcomings of an existing account. The methods used to realise these aims are similarly limited. Thus, they may be historical, linguistic, or logical. Whichever the aim, and whatever the method, the account is necessarily limited to illuminating

17 Miller, Liberty, p.2. Parent uses similar language claiming that ‘the principal aim’ of these articles and books is to '[elucidate] the nature of liberty’ (‘Some Recent Work on the Concept of Liberty’, p.149).
18 i.e. they have assumed that the word ‘freedom’ denotes a single concept.
19 This way of criticising the freedom debate originated in a reading of Wittgenstein’s Philosophical Investigations.
20 Thus, contributors have been encouraged to search for a more adequate account of the meaning or the nature of freedom than their predecessors. However, such an aim, as we shall see, is mistaken.
21 Cf. Swanton’s project (V.iv).
22 Whilst there is some overlap between these different periods, this does not detract from the differences in aims and methods that characterise them.
23 This classification is obviously oversimplified and no doubt exceptions can be found, but it is suitable for our general purpose, which is to illuminate the different concerns and preoccupations informing post-war accounts and how this shapes the content and grounds of their claims.
a specific concept of freedom, rather than a single, generic concept implicit in all political concerns and purposes.24

In losing sight of the limited aim and utility of their inquiries, analytical political philosophers have often presented their accounts in an obscure and misleading way. In particular, they have often presented them as an analysis and an account of the meaning, the nature, or the concept of freedom that is central to political thought and practice. In reality though, they have simply clarified a concept of freedom that illuminates their own particular concerns and preoccupations; concerns that are not always political, or philosophical. In failing to recognise this, philosophers of freedom often talk at cross purposes. Thus, whilst they assume that they are all trying to clarify the same subject-matter, in reality, their subject-matter depends on their wider concerns and preoccupations. Since no two analysts of the post-war era share exactly the same concerns and preoccupations, they fail to agree on how the concept of freedom should be analysed and conceptualised. The result is a great deal of unnecessary confusion and dispute.

One of the reasons why analytical political philosophers are so unclear about the conceptual range and significance of their claims, is because they fail to clarify and distinguish the different ways in which the political can be understood. That is to say, they fail to apply their analytical techniques to their subject-matter in a sufficiently precise way. Had they fully utilised these techniques, they would have realised that the political idea of freedom - which is central to understanding political life and political relations - can be analysed and understood in at least four different ways: scientifically, ideologically, normatively, or philosophically. A scientific analysis of 'freedom' seeks to establish a 'value-free' definition or description of this term, an ideological analysis of 'freedom' seeks to explicate and advocate a favoured understanding of it,25 a normative analysis of 'freedom' seeks to clarify the criterion or standard of freedom shared by a particular community,26 and a philosophical analysis defines or describes ‘freedom’ in the course of explaining and justifying distinctively political relations.27

Each of these different types of analysis help to illuminate the different kinds of concern associated with the political; concerns which can be scientific, ideological, normative, or philosophical. Whilst political philosophers should arguably be engaged in the last form of inquiry, analytical accounts of freedom fall into the first three categories. This means that post-war philosophers of freedom, substitute a philosophical understanding of the political with a scientific, an ideological, or a normative understanding. This has far-reaching implications for their accounts for it is only a philosophical understanding of the political which describes a

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24 By 'concept' this thesis will generally mean '[t]hat which a person has when he understands or is able to use some portion of his language'. (A. Flew, A Dictionary of Philosophy). As we shall see, this established philosophical sense of the term departs from its standard use in the freedom debate. From time to time, the word 'concept' will also be used in this thesis as a general classifying device (see below and appendix).

25 e.g. socialist, liberal, republican, etc.

26 This is inherently ideological, because analysts select which norms to clarify according the their own value-preferences, despite being presented as a detached inquiry. The difficulty of distinguishing an ideological and a normative understanding of freedom will be discussed at various points below.

27 In the past, all of these analyses have been described as 'philosophical'. However, this obscures from view a distinctively philosophical understanding of the political idea of freedom. Besides it is more accurate to describe analytical political philosophers as engaged in 'conceptual analysis' rather than 'philosophical analysis'.
uniquely and distinctively political kind of freedom. This is because it analyses and conceptualises ‘freedom’ in the context of a wider political theory. As we shall see, it is this wider theory that gives the analysis a distinctively political focus. By analysing ‘freedom’ independently of a wider political theory, analytical political philosophers lose sight of this distinct focus, they thus fail to clarify that freedom which is central to a philosophical understanding of political life and political relations.

Corresponding to these different ways of understanding the political, are different types of political concept. Thus, a scientific or empirical understanding of the political rests on the construction of descriptive concepts, an ideological understanding of the political rests on the construction of appraisive concepts, a normative understanding of the political rests on the construction of evaluative concepts, and a philosophical understanding of the political rests on the construction of explanatory concepts. The failure of analytical political philosophers to distinguish these different types of concept helps to explain the lack of clarity surrounding their accounts. Indeed, by ignoring these distinctions, philosophers of freedom have done a considerable disservice to clarity in their efforts to explicate the political idea of freedom. In particular, they have failed to specify what kind of concept they are clarifying, and perhaps more misleadingly, have presented their analyses as more definitive and comprehensive than they actually are.

In order to deal with these different ways of understanding and conceptualising the political idea of freedom, this thesis will postulate different kinds or concepts of freedom. Thus, whilst it will be assumed that ‘freedom’ always implies ‘the absence of impediments’, what kind of impediment is relevant to the discussion, will depend on what kind of freedom is being discussed. This ‘pluralist’ approach is important for two main reasons. Firstly, it will help us to understand the confusion that characterises the post-war freedom debate. In particular, it will help us to see that philosophers of freedom are analysing and clarifying different kinds of freedom, such as physical freedom, moral freedom, legal freedom, psychological freedom, interpersonal freedom and freedom of choice. Secondly, this ‘pluralist’ approach will help us to identify the single most important shortcoming of analytical accounts. That is to say, it will enable us to see that analytical political philosophers fail to clarify a distinctively political kind of freedom. This shortcoming cannot be identified independently of a pluralist framework, for it is only when we recognise the different kinds of freedom that can become the subject of analysis and debate, that we can distinguish amongst these subjects, a distinctively political kind of freedom.

28 i.e. a freedom that is unique to political experience, i.e. any political experience and not a specific type or form of political organisation (e.g. liberal). In other words, it is an account of freedom that is informed by the common concerns of any political community - see below (I.iii).

29 How this makes it ‘distinctively political’ will be explained below (I.i).

30 Cf. Appendix: A Taxonomy of Freedom Concepts, which distinguishes different kinds of freedom with the appropriate adjective.

31 This core meaning ensures that we do not lose sight of the central idea at the heart of all accounts of freedom.
Given the centrality of these claims to the thesis, it is important that we pause to illustrate them. The different kinds of freedom then, that populate the freedom debate, can be formally distinguished in the following way. In the class of descriptive concepts, there is the ordinary concept of ‘physical’ freedom which means ‘the absence of external obstacles or impediments’ and which is discussed and explicated by Steiner, there is the behavioural concept of ‘interpersonal’ freedom which is explicated and discussed by Oppenheim and which means ‘the absence of agential constraints’, and there is the juristic concept of ‘legal’ freedom which means ‘the absence of legal constraints and which is part of Berlin’s account of ‘negative’ freedom. Each of these concepts seeks to describe political relations in a value-free way.

The class of appraisive and evaluative concepts is less easy to distinguish. Thus, whether a concept is classified as appraisive or evaluative depends on whether it expresses the value-preferences of the analyst/speaker, or whether it describes an agreed criterion shared by a community. Since there is some overlap between these, how to classify an account will depend on the degree of analytical detachment that it displays. Concepts that fall into one or other of these classes include the democratic concept of ‘political’ freedom which means ‘participation in the political process’ and which is mentioned in passing by Hayek,32 the individualistic concept of ‘personal’ freedom which means ‘making one’s own choices’ and which is explicated and discussed by Benn and Weinstein, the mental concept of ‘psychological’ freedom which is explicated by C. Taylor and which means ‘the absence of internal constraints’, e.g. conscience, habit, and being self-determined, and the anthropological concept of ‘social’ freedom which is implicitly discussed by Flathman and which entails ‘the absence of normative constraints’, i.e. shared norms, customs, traditions, etc..

Finally, in the class of explanatory concepts, there is the ethical concept of ‘moral’ freedom which means ‘the rule of right reason’ and which is discussed in Berlin’s account of ‘positive’ freedom. There is the philosophical concept of ‘metaphysical freedom’ which is explicated and discussed by Arendt and which means ‘action that is undetermined’, i.e. not arising from necessity, and there is the normative33 concept of ‘civil’ freedom which means ‘the absence of arbitrary constraint’, i.e. not being arbitrarily restrained by specifically political institutions.34 Hayek and Skinner come closest to explicating this freedom and it is this concept which constitutes a distinctively political kind of freedom. Generally speaking, analytical political philosophers have failed to explicate this freedom in a clear and satisfactory manner. However, an analysis of it can be found in the history of political thought.

Despite these different ways of conceiving their subject-matter, contributors assume that they are all trying to clarify the same kind of freedom. Evidence of this assumption can be found in their frequent reference back to previous accounts, either in a critical or appraisive stance. Such

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32 This should not be confused with the more technical use of the phrase ‘political freedom’ in this thesis.
33 This constitutes a distinctively political understanding of freedom and should not be confused with a normative understanding. The main difference here is that the normative concept of freedom - as opposed to a normative understanding - is informed by standards that are implied in nature or in some divine order, rather than in a particular community, e.g. natural law, General Will.
34 The phrase ‘civil freedom’ will be used interchangeably with ‘political freedom’.
a stance presupposes that new contributors to the debate are discussing the same kind of freedom, i.e. the same subject, as their predecessors. However, closer inspection suggests this is far from so. One of the reasons why analysts fail to recognise these differences is because they interpret existing accounts in terms of their own concerns and preoccupations. This is particularly true of MacCallum, Benn and Weinstein, Taylor, Baldwin, Flathman, Skinner and Pettit. This leads these contributors to talk at cross-purposes and thus perpetuate unnecessary confusion and dispute. Thus, they assume they are explicating and discussing the same subject-matter as their predecessors, but clearly they are not.

The pluralist approach to understanding the post-war freedom debate has been strongly resisted by analytical political philosophers because it implies that analysts are not discussing and debating the same subject-matter. However, the assumption that analysts are discussing the same subject remains to be demonstrated. Indeed, our preliminary investigation suggests that the assumption is mistaken and needs to be dispelled because it is the source of much confusion and dispute. Thus, until philosophers of freedom recognise the different concerns and preoccupations informing their competing accounts, and thus the different concepts of freedom that they are analysing and clarifying, no progress in understanding can be made.

The main alternatives to this proposed pluralist approach to understanding the post-war freedom debate, are Berlin’s negative-positive distinction and Macallum’s triadic analysis of freedom. Both of these frameworks currently dominate the freedom debate and can be used to characterise accounts within it. However, the pluralist approach is superior to both because it is more precise and illuminating. Indeed, Berlin’s distinction between the absence of some kind of impediment and the presence of certain capacities or abilities is so vague that a multiplicity of different concepts can be fitted into each ‘camp’, depending on the wider concerns and preoccupations of the theorist. This distinction is also difficult to sustain on logical grounds for the presence of certain capacities or abilities presupposes the absence of certain impediments to these capacities or abilities. Meanwhile, the ‘pluralist’ approach is superior to MacCallum’s approach because it does not obscure important distinctions by focusing on a single logical form, or a single, core definition. Neither of these frameworks then, help to illuminate the confusions or the shortcomings of the post-war debate.

Despite the difficulties surrounding the negative-positive distinction and the single concept thesis, much of the freedom debate takes place within these conceptual frameworks. Indeed, the unquestioning acceptance of Berlin’s negative-positive distinction and/or MacCallum’s single concept thesis has structured these inquiries and effectively misled them. Thus, by accepting

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35 See, in particular, Swanton (V.iv).
36 Contrast, Berlin’s Taylor’s and Baldwin’s use of this distinction - see relevant sub-sections below.
37 Whilst there is a core understanding of ‘freedom’ at the heart of the pluralist analysis (see above), it does not provide the focus of this analysis.
38 Whilst the former encouraged theorists to defend either a negative or a positive concept (see especially Steiner and Taylor), the latter seemed to offer a more neutral starting point to discussions of freedom, e.g. Feinberg, *Social Philosophy*, p.12 and Rights, Justice and the Bounds of Liberty, p.3-4; see also Tim Gray’s use of MacCallum’s formula in his survey of the post-war debate and Rawls, *A Theory of Justice*, p. 202. These
uncritically the existing terms of the debate, philosophers of freedom have absorbed the assumptions of their predecessors and have failed to establish the distinctions outlined above; distinctions that are essential to a careful and detached analysis of the political idea of freedom. Berlin’s distinction, in particular, is rarely, if ever, ignored. Thus, most contributors - from the 1960s to the 1990s - either implicitly or explicitly, accept, reject or develop this distinction, in an effort to clarify the political idea of freedom.\(^3\)\(^9\) One of the aims of this thesis is to show how this focus is mistaken and how it has prevented political philosophers from clarifying a distinctively political kind of freedom.\(^4\)\(^0\) Indeed, it has drawn attention away from this freedom. Instead, discussants have clarified many different kinds of freedom depending on their own particular concerns and preoccupations. The result has been a seemingly endless and fruitless dispute with contributors often talking at cross-purposes.

Having outlined the framework within which analytical accounts of freedom will be assessed, and having shown how this framework is superior to rival frameworks for understanding conceptual disputes about the political idea of freedom, we now need to specify more precisely what we mean by a distinctively political kind of freedom. This requires some familiarity with the history of the subject. As we have seen, there are a number of different ways of understanding the political. All of these are equally valid for they arise out of different concerns and preoccupations. However, it is arguably a philosophical understanding of the political that political philosophers should be seeking. Since contributors to the post-war freedom debate present themselves as ‘political philosophers’ engaged in a philosophical debate, their failure to explicate this understanding is a serious shortcoming. To grasp the distinctiveness of a philosophical understanding of ‘political’ freedom, we need to draw on the resources of history.

A philosophical understanding of the political idea of freedom then, arises out of philosophical reflection upon the political. As already indicated, this form of thought seeks to explain and justify distinctively political relations, i.e. relations of ruling and being ruled.\(^4\)\(^1\) These relations are philosophically puzzling because they involve the coercion of some by others. That is to say, rulers have the exclusive freedom or power to coerce the ruled into doing their bidding. The exclusiveness of this freedom or power is puzzling because it conflicts with our basic and unquestioned assumption that human beings are, and should be, equally free.\(^4\)\(^2\) To address this puzzle or paradox, political philosophers seek to show how the coercive character of the civil productive thinkers lose sight of the specific purpose of MacCallum’s analysis - to assess competing accounts - and assume his account constitutes a definition of freedom.\(^3\)\(^9\) That Berlin’s account is the standard starting point is illustrated by various commentaries on the freedom debate, e.g., T. Gray, Freedom, Parent, ‘Some Recent Work ...’ and Blackwell Companion.\(^4\)\(^0\) i.e. emphasis on the negative-positive distinction has drawn attention away from what is distinctively political about freedom.

\(^4\)\(^1\)For this characterisation of the distinctively political see. Aristotle, Politics, Bk 3, Ch. IV, Sect. 14. Aristotle also postulated such relations in nature, Bk I, Ch. V, Sect. 4. See also Collingwood, The New Leviathan, Part II, XXV, 25.7 (p.185), who seems to follow Aristotle’s lead.

\(^4\)\(^2\) We assume we are equally free as human beings (at least potentially) in a variety of senses, e.g. metaphysically, morally, politically, legally etc. - unless of course, we renege a particular kind of freedom through our actions, e.g. breaking rightly constituted laws.
state is consistent with an agent’s freedom. This leads them to outline and conceptualise a distinctively political kind of freedom. These accounts are part and parcel of a much wider political theory. They are therefore part of an explicit conception of the political. For this reason, they describe and discuss a freedom that is distinctively political.

Whilst it is beyond the scope of this thesis, to provide a detailed analysis of how the idea of freedom has been variously understood and conceptualised in the history of political thought, we do need to illustrate the above claim with some pertinent examples. A philosophical understanding of the political idea of freedom then, is most clearly expressed in the political thought of Locke and Rousseau. At one level of reflection, these thinkers conceive freedom or liberty as a metaphysical or ethical condition in which individuals are ruled by right reason. Thus, Locke contrasted liberty with licence and claimed that the free man was he who obeyed the laws of nature, whilst Rousseau linked freedom to virtue and claimed that the free man was he who consented to and obeyed the general will. This ethical idea of freedom as an attribute of the law-abiding or virtuous agent was used to develop a specifically political conception of freedom. Thus, according to Locke and Rousseau individuals were free in a political sense when they were not restrained arbitrarily by political institutions, i.e. when their rights or the laws of nature were recognised, and when the general will rather than the particular will prevailed. Political or civil freedom then, implied a relation between government and citizens; a relation which was distinctively political.

In tying the idea of freedom to a wider moral framework and inferring from this a specifically political conception of freedom, these thinkers succeed in clarifying the characteristics of a distinctively political kind of freedom, i.e. a freedom unique to political life and political relations. In this way, they avoid the shortcoming of analytical political philosophers, who confuse political freedom with other kinds of freedom, such as physical freedom, or freedom of choice. Indeed, they explicitly distinguish political or civil freedom from other kinds of freedom. In particular, they contrast it with that freedom which can be equally experienced in a non-political state, i.e. physical or ‘natural’ freedom. Thus, Locke contrasts ‘[t]he natural liberty of man’ and ‘[t]he liberty of man in society’, and Rousseau insists that ‘we must clearly distinguish between natural liberty, which has no limit but the physical power of the individual concerned, and civil liberty, which is limited by the general will’.

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43 Thus, the philosophical problem of political freedom is how to remain free whilst coerced. Where such an explanation is lacking, state coercion lacks legitimacy. That is to say, it cannot be philosophically justified. A distinctively political understanding of freedom is necessary to illuminate this problem.
44 i.e. they distinguish political relations from other social relations, e.g. economic, familial, etc.
45 This is because the language of freedom is used in a multiplicity of ways depending on the wider concerns and preoccupations of the philosopher.
46 Second Treatise, Chapter II, part 6.
47 The Social Contract, e.g. Book 1, Chapter 8.
48 Second Treatise, Chapter IV, Section 22.
49 The Social Contract, Book IV, Chapter 1.
50 Second Treatise, Chapter IV, Section 22 CF
51 The Social Contract, Book 1, Chapter 8.
Locke and Rousseau are not alone in specifying more precisely than analytical political philosophers, what constitutes that distinct kind of freedom experienced in and peculiar to the civil state. Thus, even Hobbes - who is so often appealed to by modern analysts who seek a precise, value-free definition of freedom\(^5\) distinguishes ‘the liberty of subjects’ from the ‘natural liberty’ experienced in the state of nature.\(^5\) In other words, he acknowledges that civil liberty is not the same phenomena or experience as natural liberty.

It is clear from the above that in order to explicate a distinctively political kind of freedom, political philosophers shifted between different senses of the word ‘freedom’ to communicate their meaning. Many of them, as indicated, made a distinction between natural freedom and civil freedom.\(^5\) Furthermore, these philosophers always discussed freedom in the context of addressing genuine philosophical problems. Chief of these was to explain and justify political institutions and practices. To address these distinctively philosophical concerns associated with the political, the language of freedom was used to describe an agent’s metaphysical status, i.e. his place in nature. From this, the philosopher inferred the agent’s ‘correct’ social and political status or the ‘correct’ moral and legal relation between the individual and the state.\(^5\) Both this status and these relations were also articulated with the language of freedom.

Whilst a more extended inquiry into the idea of freedom found in the history of political thought would be necessary to develop a distinctively political understanding of freedom,\(^5\) it is sufficient for our purpose that we have identified the distinguishing characteristics of this freedom.\(^5\) Indeed, this is all that is necessary to facilitate our main task which is to identify one of the principal shortcomings of modern, analytical accounts. Thus, with our distinctions in place, we can see how analytical political philosophers - barring perhaps Hayek and Skinner, who identify it by accident rather than by design - fail to clarify a distinctively political kind of freedom. This is because they discuss ‘freedom’ independently of a wider political theory and according to their own wider concerns and preoccupations. These concerns are ideological, normative or scientific, rather than philosophical. As a result, they draw on concepts of freedom developed in other realms of thought or more usually, different realms of linguistic usage, such as ordinary language or practical discourse, rather than from concepts developed in the course of reflecting philosophically on the political. This means that they conceptualise the political idea of freedom in accordance with these wider concerns rather than in accordance with the explanatory concerns of the political philosopher.

One of the main contentions of this thesis is that a uniquely and distinctively political understanding of freedom can only arise out of philosophical reflection on the political. Indeed,
only this kind of reflection clarifies that freedom which is fundamental to and distinctive of the civil state. In the absence of such reflections, conceptions of freedom are imported from other fields, such as the philosophy of action, or constructed in a way which reflects the analyst’s own value-preferences, i.e. understandings which arise out of non-philosophical concerns. Perhaps more significantly, unless political philosophers seek philosophical understanding of the political, they fall short of their own standards of argumentative rigour, and they fail to address genuine philosophical problems arising out of the political. A philosophical approach to politics, as opposed to an historical, linguistic, or logical approach, is distinguished by its explanatory concerns.

Since a distinctively political kind of freedom can only be explicated by reflecting philosophically upon the political, it follows that insight into this freedom can only be had by engaging in such reflection. Alternatively, insights may be gained by examining the political/philosophical reflections of the past. Since analytical political philosophers do not engage in such reflection and since they do not examine the reflections of the past - at least not in a historically detached way - it is not surprising that a distinctively political kind of freedom has remained obscured from view. One of the aims of this thesis is to reintroduce this distinctively political kind of freedom as a way of highlighting the shortcomings of analytical accounts. In particular, it will help us to see that these accounts can never escape the very narrow concerns and preoccupations that inform and underpin them.

In the above, we have found that whilst analytical philosophers of freedom claim to be clarifying that freedom which is relevant to, or valued in, a political context, they have failed to identify the appropriate subject-matter for clarifying a distinctively political kind of freedom. That is to say, they have failed to identify the context in which a political understanding of freedom is explicated. As we have seen, this context is philosophical or explanatory. By ignoring this context, analysts have clarified many different kinds of freedom. There are a number of reasons for this diversity, chief of which is that there are many different kinds of freedom that can be experienced and valued in the civil state. In focusing on the experiences and values of the civil state, rather than on explaining the necessary conditions of its existence, these analysts have failed to identify the appropriate subject-matter for clarifying a political understanding of freedom. Indeed, it is only by reflecting on the latter, that a distinctively political kind of freedom is conceptualised. Furthermore, it is only the latter which constitutes a genuinely philosophical form of inquiry. Philosophers of freedom fail to recognise this because they fail to reflect sufficiently deeply about the nature of their inquiry.

We have now completed our survey of the aims and assumptions that inform and underpin this thesis. To arrive at these, we have used techniques of philosophical analysis and we have drawn on the insights of history. As we shall see, the claims of this sub-section are informed

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59 because they can avoid making their assumptions explicit.
60 i.e. they interpret the past in terms of contemporary assumptions, e.g. Berlin and Skinner - see relevant subsections below.
61 See I.iii for further discussion of this point.
by the philosophical and historical perspectives that will be used throughout the thesis to assess critically analytical accounts of freedom. These are outlined in more detail below. For now, we have used a standard of philosophical adequacy to ensure that the underlying assumptions of the thesis are explicit, rigorously defended (i.e. reflect the facts), and offer clear and precise distinctions. And we have used an historical perspective to identify a distinctively political kind of freedom. This perspective has also been used to identify the distinct form of discourse in which this freedom is explicated, as well as the fundamental problems that it is designed to address. Together, this philosophical and historical perspective will enable us to identify and illuminate the generic shortcomings of analytical accounts of freedom.

In the next sub-section, we will begin explicating, more fully, the dual perspective from which our critical history will be carried out. In particular, we will clarify the standard of argumentative rigour alluded to above. Such a standard will be extracted from the tradition of twentieth century analytical philosophy and used throughout the thesis to show how post-war accounts of freedom fail to satisfy the standard of philosophical adequacy to which they aspire. In the third sub-section of this chapter we will clarify the historical perspective from which these accounts will be assessed. This perspective is necessary to create some critical distance from these accounts. In particular, past conceptions of philosophy and politics will be used to help us see how analytical political philosophers perpetuate a dispute about ‘freedom’ that is of limited philosophical interest.

In the fourth subsection, we will summarise the content and the structure of the thesis, and in the fifth and final subsection, we will discuss the significance and importance of the proposed critique. This will suffice in the way of background to the thesis and will pave the way for our critical history. The main thesis to be advanced is that post-war accounts of freedom are philosophically inept and historically ignorant and as a result, fail to clarify a distinctively political kind of freedom. Indeed, their efforts to clarify the political idea of freedom are both limited and misleading and this is because they fail to think sufficiently carefully about the nature of their subject-matter. In particular, they fail to distinguish a political kind of freedom from other kinds of freedom. The result is a great deal of unnecessary confusion and dispute.

(ii) The philosophical perspective: a standard of argumentative rigour

Having outlined the aims and assumptions of our critical history, it is now time to consider the dual perspective from which this critique will be carried out. This will be the main objective of this sub-section and the next. Our first task is to explicate a standard of philosophical adequacy. This is not as straightforward as it may seem because philosophers are rarely explicit about the methodological principles that govern their writings. All are agreed that philosophers are concerned with careful argument, but what this implies or requires is often left unstated. Despite this, it is possible to extract a number of principles that any writing with modern,
philosophical pretensions ought to satisfy. Since modern analytical accounts of freedom are presented as if they are the result of careful philosophical analysis, it is important that we assess how far they satisfy this criterion of philosophical adequacy. One fairly unproblematic way of establishing such a standard is to draw on the resources of mainstream analytical philosophy. This is because post-war accounts of freedom are self-consciously a part of this tradition. They therefore ought to satisfy its standard of argumentative rigour.

There are then, three basic principles that post-war philosophers of freedom ought to observe, if their accounts are to be as rigorous as they purport to be. These principles concern respectively the subject-matter, the method, and the underlying assumptions of their accounts. In brief, the first demands that the content and boundaries of the subject-matter are clearly and precisely delineated. The second requires that the method of analysis used to arrive at the account, is rigorously defended, and the third demands that the underlying assumptions of the account are fully explicated and examined.64 The third of these principles is the most important for it is these assumptions that determine the subject-matter and inform the method of an account. In sum, these principles of philosophical adequacy demand clarity, precision, rigour and explicitness. We will find that analytical accounts of freedom fail to satisfy all three principles. As a result, they fall short of the standard of philosophical adequacy to which they aspire.

In order to clarify more fully the content and requirements of these principles, this sub-section will consider some general ways in which philosophers of freedom have failed to observe them.65 It will thus survey the subject-matter, the methods, and the underlying assumptions of analytical accounts. In the course of clarifying this standard, this subsection will identify the generic shortcomings of these accounts; shortcomings that can only be illuminated by this philosophical perspective. To begin then, philosophers of freedom fail to satisfy the first principle because they do not specify their subject matter in a sufficiently precise way. In particular, they fail to specify what kind of freedom they are clarifying. Thus, whilst they often imply that they are clarifying a distinctively political kind of freedom, closer inspection suggests that they are clarifying some other kind of freedom, such as physical freedom, moral freedom, or freedom of choice.66

This problem regarding what kind of freedom a philosopher is clarifying is compounded by the fact that political philosophers often use the same phrase, i.e. ‘political freedom’ or ‘social and political freedom’ to refer to the subject of their accounts. This gives the misleading impression that they are all discussing the same subject. Yet it is clear that this is not the case. For example, Berlin uses the former phrase to denote a political ideal, MacCallum uses the latter phrase to

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64 Certain assumptions are, of course, basic to an inquiry and cannot be examined. However, many assumptions informing the accounts of the post-war period are simply inherited from earlier thinkers without further question or reflection. It is these assumptions that are ‘unexamined’ and thus fail to satisfy a standard of philosophical adequacy.

65 Not all contributors to the debate suffer from all of these shortcomings, but all of them suffer from some of them.

66 See I.i for examples of this.
describe a logical relation, and Swanton uses the latter phrase to describe normative ‘phenomena’. As we shall see, all three accounts are informed by very different concerns and preoccupations and in failing to specify their distinct foci, they have generated much unnecessary confusion.

There are others, such as Hayek, Oppenheim, and Steiner, who choose to use a different qualifying term altogether. For example, Hayek and Steiner refer to their subject as ‘individual’ freedom, whilst Oppenheim labels his subject ‘social’ freedom. Despite this, all three assume they are engaging in the same debate. Thus, Hayek claims to be clarifying the political idea of freedom at the heart of Western civilisation, Oppenheim claims to be clarifying the idea of freedom implicit in Western political thought, whilst Steiner is explicitly responding to the accounts of his predecessors, i.e. Berlin, Day, and Benn and Weinstein.

Whilst some analysts, such as Hayek and Oppenheim, are explicit about the qualifying terms used to specify the freedom they are describing, others, such as MacCallum, Steiner and Swanton, do not explain or justify their qualifying term(s). Some even move between different qualifying terms without explanation or clarification. For example, Berlin variously refers to his subject as ‘political liberty’, ‘individual liberty’ and ‘personal liberty’. Arendt refers, in the course of her analysis, to ‘political liberty’ and ‘human freedom’. Flathman variously refers to his subject as ‘moral and political freedom’, ‘human freedom’ and ‘individual freedom’, and Skinner refers in his writings to ‘political liberty’, ‘civil liberty’ ‘personal liberty’ and ‘social freedom’. This lack of explicitness undermines the overall clarity and precision of their accounts.

Others conflate distinct concepts of freedom. Thus, Berlin claims to be clarifying ‘political freedom’, but in reality is clarifying, under the heading of ‘negative’ freedom the conditions of physical freedom, legal freedom and freedom of choice. A similar conflation of concepts occurs under the heading of ‘positive’ freedom. Here, the concepts of moral, psychological and metaphysical freedom are conflated. The subject of Hayek’s analysis is similarly confused. Thus, he conflates the concepts of physical freedom and civil freedom in the course of his reflections. This conflation of different concepts of freedom is important for it suggests that these analyses are not as clear and precise as they purport to be.

Another reason why the subject of the post-war freedom debate is not always clear is because many contributors discuss the idea of freedom in an unqualified way. That is to say, they do not qualify their subject with an appropriate adjective. Benn and Weinstein, and Baldwin are the most obvious examples of this, although all contributors in the course of their reflections, tend
to drop the qualifying term with which they begin. This lack of clarity is significant for as we have seen, there are many different kinds of freedom that can be discussed in a political context and confusion arises when we fail to specify what kind of freedom we are discussing. Indeed, in discussing freedom in an unqualified way, analytical political philosophers often lose sight of a distinctively political focus.

It may be contended that rather than trying to clarify a distinctively political kind of freedom, some of these political philosophers are trying to clarify what it means to be free per se. Indeed, that is why they use the language of freedom in an unqualified way. This claim though, is misleading for it implies that it is possible to be free in an unqualified sense. However, this is simply impossible for there are obstacles to action all around us. For example, there are physical obstacles which prevent us from flying unaided, there are legal obstacles which deter action by means of threatened penalties, there are social obstacles such as norms and customs, and there are psychological obstacles such as compulsive desires. This means that no agent is free of all obstacles, all of the time. We therefore cannot speak of a perfect state of freedom or being free without qualification. Instead, we must speak of being free in a specific sense. Such a sense must be specified if clarity and precision are to be maintained.

So far we have shown how analytical political philosophers fail to specify what kind of freedom they are clarifying, and how they fail to make sufficient distinctions. This is because they fail to distinguish the different ways of understanding the political. Indeed, a careful analysis requires that the analyst specify in what sense he is explicating the political idea of freedom, if clarity is to be ensured and confusion avoided. In failing to make enough clear and explicit distinctions, post-war accounts of freedom are both vague and imprecise. Thus, analytical political philosophers are not always clear what they are talking about and this, as we shall see, leads them to talk at cross-purposes. Furthermore, they fail to clarify a distinctively political kind of freedom and this is because of the random and unrigorous way in which they identify their subject-matter. Indeed, as we have seen, they conflate this freedom with other kinds of freedom such as, physical freedom, metaphysical freedom, psychological freedom, moral freedom, legal freedom, social freedom, and freedom of choice. Failure of analysts to recognise this has resulted in no end of confusion and dispute. By removing this confusion, this thesis will help pave the way for more fruitful discussion and debate.

As well as a lack of clarity surrounding the subject-matter of analytical accounts, there is often imprecision in the way the analyst defines or describes freedom. That is to say, some contributors have failed to clarify the terms of an account in a clear and precise way. This means that the analyst defines or describes freedom, with equally ambiguous terms, thus simply shifting the problem of clarification elsewhere. For example, Berlin defines freedom as ‘the area within which a man can do what he wants’ and then fails to define this ‘area’ in sufficiently precise terms. Hayek defines it as ‘the absence of coercion’, and then uses the

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74 NB only discussions of metaphysical freedom, can be discussed in this way. Any other kind of freedom implies the possibility of some kind of constraint.

75 TC, p.7.
term ‘coercion’ in two distinct senses, and Benn and Weinstein characterise conditions of unfreedom as ‘restrict[ing] choice by making alternatives unavailable or ineligible’. They therefore have to discuss the conditions of “unavailable” and “ineligible” actions. Exposing this type of ambiguity is important, for it is clear that analytical accounts of freedom are not as precise as they sometimes appear.

We will also find that there is imprecision surrounding the terms of the debate. Indeed, whilst contributors often refer to the concept of freedom, they tend to use the word ‘concept’ in a number of different, and inexplicit ways. For example, Berlin uses it as a classifying device, MacCallum uses it to denote a basic logical relation which is implicit in the use of a term, and Steiner seems to use it to refer to the meaning of freedom. In this thesis, the word ‘concept’ is used in the technical philosophical sense to refer to ‘[t]hat which a person has when he understands or is able to use some portion of his language’. Since a single term can be used in a multiplicity of ways, there can be many different concepts signified by it. Indeed, it is important not to confuse words with concepts, yet this is what seems to occur within the freedom debate. This lack of clarity and precision is especially damaging for Berlin, MacCallum and Baldwin. Thus, they make no attempt to clarify what they mean by a ‘concept’ yet this notion is central to their claims.

Another source of imprecision arises at the methodological level. Thus, despite often claiming to be presenting a more adequate account of freedom, philosophers of freedom rarely make their criteria of adequacy explicit. Indeed, we will often find that accounts are only more adequate in terms of addressing the specific concerns informing the new account; they are not more adequate for addressing the concerns of an earlier account, despite implying this. As an example, MacCallum gives the impression that his ‘triadic’ account of freedom is more adequate or superior to the negative-positive dichotomy favoured by Berlin. However, when we look more closely we see that MacCallum’s agenda is very different to Berlin’s and therefore it is misleading to suggest that his account is better or more adequate. Which account is more adequate depends on the nature of the wider concerns which the account is supposed to elucidate, i.e. the specific aims of the analyst.

This points to a further problem with analytical accounts of freedom which is that the wider project of the philosopher moulds what he or she is saying about freedom. This helps to explain the lack of philosophical detachment that characterises these accounts. Thus, arguments are often deployed by the philosopher to support an already favoured account, rather than to arrive at an account in a detached and rigorous way. Despite this, the philosopher of freedom often seeks to base his account on more independent grounds by appealing to a particular method of analysis. Thus, Berlin, Hayek and Arendt appeal to history and tradition, Oppenheim, MacCallum and Steiner appeal to ordinary language, Benn and Weinstein, Taylor and Baldwin

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76 CL, e.g. p.133.
77 Benn and Weinstein, BFA, p.197.
78 A. Flew, A Dictionary of Philosophy, entry: ‘concept’.
79 A fuller discussion of this can be found in III.iii.
appeal to the language of freedom used in practical discourse, Flathman bases his conclusions on 'interpretations and elaborations of an array or constellation of concepts and ideas that are salient in our moral and political thinking',\(^{80}\) Swanton bases her account on endoxa concerning freedom, and Skinner and Pettit appeal to the 'republican' accounts of the past. However, none of these philosophers have explained why their method or appeal is appropriate or reliable for clarifying a distinctively political kind of freedom. In other words, they have assumed that these appeals are satisfactory, instead of looking at them critically and rigorously defending them.

Another problem with these different methods of analysis is that they allow the analyst a considerable degree of latitude in the way he or she defines or describes 'freedom'.\(^{81}\) That is to say, the analyst is able to utilise a common method, e.g. an appeal to history and tradition, to suit his or her own particular purposes. This means that two different analysts sharing the same method of analysis can arrive at very different conclusions about the nature of 'freedom'.\(^{82}\) The reason for this is that they analyse the idea or language of freedom from a different angle depending on their own particular concerns and preoccupations. Since these vary with the analyst in question, no two analysts can agree on the meaning or the nature of freedom, even when they share the same method of analysis. We are thus faced by an endless and seemingly intractable dispute. Despite this, the search goes on for an account of freedom that can satisfy all.\(^{83}\) This thesis will show how such a search is mistaken and how it should be abandoned in favour of more fruitful lines of inquiry.

Many of the philosophical shortcomings associated with the aims, content, and methods of analytical accounts of freedom can be attributed to the failure of analysts to explicate and examine their moral and metaphysical assumptions. Indeed, one of the aims of this thesis is to identify those 'widespread assumptions which are so ingrained in the age that no one dares to attack or feels it necessary to defend them.'\(^{84}\) We will find that it is these assumptions above all others, that undermine the force and rigour of analytical accounts. Thus, we will find that many fail to explicate and examine their moral assumptions about what is of value to human beings. For example, Berlin, Hayek, and Benn and Weinstein assume that individual choice is of supreme value, Arendt assumes that it is being an active part of a wider political community, Charles Taylor assumes that it is living a self-disciplined life, and Flathman assumes that it is satisfying desire and interests, whatever these may be. However, unless such assumptions are

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\(^{80}\) Flathman, _PPF_, p.8.

\(^{81}\) The word 'philosopher' is being used here in a rather loose sense to denote anyone who presents themselves as a philosopher. This includes all those of the twentieth century who spent their time analysing and clarifying 'concepts' - an activity widely regarded at this time, as distinctively philosophical. It signifies a notable departure from traditional usage whereby a philosopher is someone who thinks about the most basic and general questions of human existence; questions that cannot be subjected to empirical or scientific analysis.

\(^{82}\) Compare Hayek and Arendt (See II.iii).

\(^{83}\) Swanton's is the most recent and most ambitious attempt to resolve this ongoing dispute.

\(^{84}\) p.167, C. S. Lewis, _Surprised by Joy_.

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rigorously defended it is difficult to see why they should be accepted, or still more, why we should accept the accounts of freedom that rest on them.85

Unexamined assumptions are also apparent at the metaphysical level. Thus, analytical political philosophers often fail to explain or defend their assumptions about the ontological status of ‘freedom’. Thus some, such as Berlin, Swanton and Pettit, assume they are clarifying a political ideal, whilst others, such as Hayek, Flathman and Skinner, assume they are clarifying a political value or principle.86 Some have a less obviously political focus. For example, Oppenheim, MacCallum and Steiner, assume they are clarifying a physical or logical relation, whilst others, such as Benn and Weinstein and Charles Taylor, assume they are clarifying a normative claim. Arendt even conceives ‘freedom’ as a metaphysical experience. Rarely are these assumptions made explicit, yet clearly they will have an important impact on how the political idea of freedom is defined or described. This lack of explicitness about the ontological status of freedom, i.e. whether it is an ideal, a value, a principle, a physical or logical relationship, a normative claim, or a metaphysical condition, is a serious source of weakness, for unless the analyst is clear about the kind of subject he or she is analysing, no end of confusion can arise.

At this metaphysical level, philosophers of freedom also fail to examine their assumption that a single, definitive account of ‘freedom’ can be established. Thus, as already indicated, many - for example, MacCallum, Steiner, Benn and Weinstein, Taylor and Flathman - present their accounts as if they have clarified the meaning, the nature or the concept of freedom. However, the assumption that a single, unified account of the political idea of freedom can be established - one which covers all uses of the language of freedom in political discourse - is mistaken. This is because it fails to recognise the multiplicity of ways the language of freedom can be used in this context. It also ignores the different ways of understanding the political. Demonstrating that the aims and contents of these accounts are informed by mistaken or misleading assumptions can help to clear the way for more fruitful discussion.

The ongoing search for a single, unified account of ‘freedom’ - one that attempts to describe the nature of freedom, as if ‘freedom’ is something “out there”, like a physical object, awaiting description - is rejected by this thesis. Instead it urges us to accept the utility of different accounts of ‘freedom’ for different purposes or concerns. However, most analysts have searched for a single, unified theory or account of ‘freedom’ and have generally rejected the notion of there being different kinds of freedom. In other words, they have assumed that there is only one concept of ‘freedom’ which is central to understanding political relations. This, as we have seen, ignores the multiplicity of ways these relations can be analysed and understood. Indeed, the unexamined assumption that there is something common to all uses of the word

85 Berlin, Hayek and Arendt are more ‘philosophical’ than their successors, but they are still lacking in explanatory ‘depth’. Indeed, whilst they tie their arguments to a wider metaphysical framework, they cease to address the traditional problems of political philosophy, such as the problem of ruling and being ruled. (See 1.i)
86 NB there is considerable overlap between these, i.e. an ideal is often articulated as a value or principle and vice versa, so the distinction merely points to a difference of emphasis rather than a different ontological status.
'freedom' has produced much unnecessary confusion and dispute. As we shall see, little is to be gained by conflating different concepts of freedom, or by searching for a 'core' definition.

In sum, in failing to make their assumptions explicit, philosophers of freedom fail to maintain a sufficient degree of argumentative rigour and detachment. Indeed, they often smuggle into their accounts their own ideological and value preferences. This means that the reasoning process underpinning these accounts can often rest on extra-philosophical commitments. These analyses lack then, the degree of philosophical detachment to which they aspire and as a result, they are not as neutral as they purport to be. This claim is important because the intellectual authority of a particular account often depends on its supposed neutrality. If the acclaimed neutrality is absent, then it is difficult to see why one account should be regarded as superior to another. Of course, once we recognise that a single, definitive account of ‘freedom’ is unobtainable, the need for such neutrality evaporates. Instead, we accept that different accounts can throw light on different concerns and problems.

We have now completed our survey of the generic shortcomings illuminated by our standard of philosophical adequacy. This standard will be appealed to throughout the thesis, to show how analytical accounts of freedom are lacking in philosophical clarity, precision, rigour and explicitness. They are therefore of dubious philosophical value and interest. One of the reasons for these shortcomings is the wholesale reliance of post-war political philosophers on analytical techniques. This has meant that they have shied away from developing their claims in terms of explicit moral and metaphysical assumptions. Indeed, they have assumed that our understanding of political concepts can be procured by analysis alone. This ignores the peculiar character of political concepts which can be used in a descriptive, appraisive, evaluative or explanatory way. In the next sub-section, we will consider problems with a purely analytical approach; problems which can only be revealed by examining accounts from a more historical perspective.

(iii) The historical perspective: problems with the ‘analytical’ approach

Whilst our standard of philosophical adequacy enables us to assess critically the argumentative rigour and detachment of specific accounts, it does not allow us to step back and assess the underlying assumptions of the debate itself. In particular, it does not allow us to question the analytical assumption that a political understanding of freedom can be established independently of a wider political theory. Assessing this assumption is important for it is arguably this that has prevented analysts from clarifying a distinctively political kind of freedom. The aim of this subsection is to examine this assumption by contrasting the ‘analytical’ approach to political philosophy of the twentieth century, with the ‘synoptic’ approach of the Western philosophical tradition. This historical perspective will underline the narrow conception of philosophy and

87 CF Wittgenstein’s lesson on ‘games’ and the difficulty of finding a core definition that incorporates all that we mean by a particular game.

88 This distinction has been drawn from Morton White’s, The Age of Analysis, p.17.
politics informing analytical accounts of freedom. It is these conceptions which have prevented analysts from identifying and addressing the fundamental (explanatory) problems of political philosophy. This means that they have had no reason to develop or conceptualise a distinctively political kind of freedom. The result is a range of accounts which arise out of very narrow concerns and preoccupations and which are of very limited philosophical interest.

We will begin by identifying the narrow conception of philosophy implicit in analytical accounts of freedom. Philosophy then, has been conceived in broadly two distinct ways: as analytic or synoptic. Analytical philosophy clarifies and examines the concepts and assumptions that inform and underpin every area of thought and inquiry. It is therefore limited by what we currently think and believe. By contrast, synoptic philosophy seeks a comprehensive mental view of the universe and our place in it. This means that all of its concepts and assumptions are bound together in one coherent view, where there is a place and an explanation for everything. In the past, political philosophy was conceived as an integral part of this broader philosophical project. Thus, Aristotle used his teleological view of nature to inform his conception of politics, Hobbes used his mechanistic view of nature to explain the origins and form of the civil state, whilst Locke used his divine view of nature to this same end. This wider synoptic view gave these political theories explanatory depth. That is to say, it enabled these philosophers to explain why political relations should take one form rather than another.

The synoptic view of philosophy was largely discredited in the early parts of the twentieth century and as a result, the last century was dominated by the analytic view. This had far reaching implications for every field of philosophy, including political philosophy. Indeed, it was principally because of this fundamental shift in the outlook of the wider discipline, that political philosophy began to lose its bearings, wrenched as it was from any wider metaphysical or explanatory framework. Thus, politics was conceived as just another activity that human beings engaged in, in their efforts for survival. More specifically, it was no longer conceived as having its own distinct philosophical problems. These were dismissed as ‘metaphysical’ or as arising out of a confused use of language. Added to this was the concurrent tendency to believe that these larger views were only ideology, with no philosophical point or character. Thus, instead of addressing philosophical problems traditionally associated with the political, analytical political philosophers sought to analyse and clarify political concepts. Analyses of ‘freedom’ were part of this new ‘philosophical’ project. Other concepts subject to a similar sort of analysis included, ‘power’, ‘justice’, ‘sovereignty’, ‘authority’, ‘equality’ and ‘rights’. No

89 Thus, analysts conceive philosophy as primarily concerned with the problems of clarification and description rather than the problems of explanation and justification, and they conceive politics as an arena of competing interests rather than an expression of a common enterprise - see below for a more detailed discussion of these differences.

90 See Li for a account of the philosophical problem that this concept addresses.

explanation was given for why these concepts were central to political thinking. Despite this, they became an unquestioned starting point for 'philosophical' analysis and inquiry.92

The main problem with this narrow philosophical enterprise of analysis and clarification was that it ignored or obscured the different ways in which the political could be understood.93 More specifically, it substituted a philosophical understanding of political phenomena with a scientific understanding, an ideological understanding, or a normative understanding. These different ways of understanding the political help to explain the endless disputes that these conceptual inquiries produced. Thus, analysts could not agree about the nature of freedom, justice, or power, etc. because their accounts were informed by different concerns and preoccupations. These concerns were 'practical' rather than 'philosophical' and involved 'clarifying' the terms of discourse, rather than 'explaining' a puzzling aspect of our existence. Indeed, analysts assumed that by making what we already think and know clearer and more coherent, they could advance our understanding of political relations and values. Confidence in this enterprise was so widespread that it led analytical political philosophers to abandon the traditional philosophical project of establishing some moral or political truth.94

By advancing the project of analysis and clarification at the expense of explanation and justification, these analysts ignored or obscured the fundamental problems of political philosophy. Indeed, their analytical conception of political philosophy encouraged them to analyse 'freedom' independently of other political values, as well as independently of a wider political theory and philosophy generally. This meant that these analyses were always informed by the wider concerns and preoccupations of the analyst, rather than by the explanatory concerns of political philosophy. These non-explanatory concerns meant that analysts had no need to conceptualise a distinctively political kind of freedom. As we have seen, this conception of freedom arises out of trying to explain the relationship between rulers and ruled; citizens and government. When such problems or concerns are lost sight of, so too is the conception of freedom that helps to explain, justify and articulate this relationship.

In focusing on clarification rather than explanation, analytical political philosophers confused and conflated civil or political freedom with other kinds of freedom such as physical freedom and freedom of choice. This in itself is a serious shortcoming. However, these analysts also fail to explain why their clarificatory aims are of philosophical interest and concern. Thus, it is not clear why it is of philosophical interest to improve descriptive precision or why it is philosophically important to clarify the criterion or norm of freedom shared by a particular community. Of course, such inquiries may be of some practical interest for political scientists and political communities respectively, but they are of little, if any, philosophical interest. This suggests that these 'philosophers' are applying the techniques of philosophy rather than

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92 These analyses/inquiries are not genuinely philosophical since they do not reflect on explanatory problems, rather they apply the techniques of philosophy to their field of inquiry.
93 See Li.
94 Arendt explicitly puts truth 'in abeyance' (Between Past and Future, p. 14) Rawls also puts this project to one side and Swanton follows him in this (FCT, p.).
engaging in political philosophy. For this reason, they are generally referred to in this thesis as ‘analysts’ rather than philosophers.

A century on, philosophers are beginning to recognise the limitations of a purely analytical approach to philosophy. For example, in the area of political philosophy, certain thinkers are increasingly turning to history as means of obtaining some critical distance from our current assumptions and value preferences. This of course, does not entail embracing the synoptic view of philosophy, but it certainly suggests a discontent with the purely analytic view. Or at least an analytic view that is ahistorical, for such a view prevents us from stepping outside of our current ways of conceptualising the world. In other words, it ties us inextricably to our existing conceptions and these, especially in the field of politics, may turn out to reflect very narrow concerns and preoccupations.

Evidence of these narrow concerns and preoccupations are illustrated by analytical accounts of freedom. Thus, since the Second World War, the ‘negative’ conception of freedom, understood generically as ‘the absence of impediments’ has come to dominate the philosophical literature on freedom to such an extent, that ‘positive’ conceptions are rarely considered. There are a whole complex of reasons why this has happened, from the relatively trivial, such as fear of the ‘Totalitarian Menace’, to the highly significant, i.e. certain moral and metaphysical assumptions being made about human values and ends that are neither explicated nor defended. One of the aims of this thesis is to highlight this tendency and its implications for the way we conceive and think about the political.

In addition to a narrow conception of philosophy, analytical accounts of freedom are informed by a narrow conception of politics. Once again, we can illustrate this by examining this conception from an historical perspective. In the past then, philosophical reflection on the political focused on the nature and purpose of the civil state. This led political philosophers to postulate a common purpose or enterprise. This common purpose - whether it was justice, the good, security, peace, protection, virtue, happiness or self-perfection - created certain philosophical problems or puzzles. In particular, it was not clear how this purpose was to be realised in a way that respected the free status of human agents. In other words, it was not clear how it was to be realised in a morally legitimate way. To address this problem, political philosophers outlined and conceptualised a distinctively political kind of freedom; this freedom described the “correct” moral relation between citizens and government.

This distinctively political kind of freedom was conceptualised in a variety of ways. Thus, for Aristotle and Machiavelli, agents were free in a political sense, when they were ruled in their own interests rather than in the interests of the ruler. This meant that they were politically unfree when they were subject or enslaved to the private or arbitrary will of another. Such experiences constituted political tyranny rather than civil or political rule. Later, theorists such as Hobbes,

95 e.g. John Dunn, Quentin Skinner, Philip Pettit.
96 The phrase is C. Taylor’s, WWNL, p.178.
97 See I.i for a discussion of this problem.
98 Politics; Discourses.
Locke and Rousseau, insisted that for this rule to be legitimate and non-arbitrary, it must originate in the will or consent of subjects. This led them to specify in more precise terms, what political rulers could and could not do, for there are only certain rules that a free agent would consent to. Thus, they postulated respectively, a law of nature, a divine moral law, and a general will, to articulate these common rules. These concepts were used, in turn, to distinguish legitimate and arbitrary rule; free and unfree relations. According to these earlier thinkers then, political life involved activities or experiences not possible otherwise. Political or civil freedom was one of these experiences and involved not being ruled arbitrarily or against one’s (political) will. In discussing civil or political freedom these thinkers were reflecting on the fundamental bases of civil life.

Whilst political philosophers of the past recognised the common concerns expressed by the civil state - and the distinct problems that arose from these political arrangements - philosophers of freedom tend to focus on the rights and interests of the individual. They thus conceive politics in terms of competing interests and individuals interacting rather than in terms of some common enterprise. For them, the importance and priority of the individual is central. This leads them to conceive the political idea of freedom in a very specific way. Thus, rather than arising out of an attempt to understand the relations between rulers and ruled, government and citizens, the idea of freedom is connected to the moral and political experiences of the individual. More specifically, freedom is conceived in terms of freedom of (individual) action rather than as articulating a relation between government and citizens. Since the analytical focus on freedom of action is central to the freedom debate, we need to pause and briefly reflect on this focus.

There is then, widespread acceptance of the connection between freedom and individual action in recent moral and political thought. This connection is presupposed by, amongst others, Berlin, Hayek, Arendt, Oppenheim, MacCallum, Benn and Weinstein, Steiner, J. P. Day, Feinberg, Taylor, Flathman and Swanton. Despite this, the connection has not always been central to this form of thought. Thus, in the moral and political thought of the past, the language of freedom was either used to describe an agent’s social and political status or to articulate a moral or legal relation between the individual and the state. In fact, freedom was only very occasionally conceived as simply a descriptive term of a physical or empirical state of affairs and therefore equivalent to freedom of action. Understanding freedom solely as a predicate of actions is then peculiar to the twentieth century and stems from the general tendency to focus on the freedom of individuals.

Despite a general consensus, that the underlying subject of the freedom debate was ‘freedom of action’, analysts disagreed about its necessary and sufficient conditions. This was because this

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99 The totalitarian experience, was no doubt the single most important reason for this emphasis/bias.
100 See essays on freedom in J. P Day’s, Freedom and Justice, and Feinberg’s, Rights, Justice and the Bounds of Liberty.
101 Even Hobbes - who is often appealed to by those who favour this connection - links freedom to movement rather than action. Leviathan, Ch. XXI, p.261.
102 Cf Hobbes and Bentham who sought to create a political science by using purely descriptive terms. NB Hobbes also deployed a distinctively political understanding of freedom (See 1.1).
phrase could be variously understood. For example, it is possible to speak of freedom of action in a physical sense, a legal sense, a metaphysical sense or a psychological sense and each sense has different necessary and sufficient conditions. Thus, the necessary and sufficient conditions of freedom of action in a physical sense, is the absence of external impediments or constraints; the necessary and sufficient conditions of freedom of action in a legal sense, is the absence of legal impediments or constraints, and the necessary and sufficient conditions of freedom of action in a psychological sense, is the absence of internal impediments or constraints. How 'freedom of action' was defined or described depended on the wider concerns and preoccupations of the analyst. These, as we have seen, might be empirical, ideological, or normative.

It is this analytical focus on freedom of (individual) action that has prevented analytical political philosophers from clarifying a distinctively political kind of freedom. Indeed, freedom of action is first and foremost a physical experience rather than a political experience, it therefore does not necessarily imply a wider moral or political context. This means that it can just as easily be a feature of an anarchic state or an oppressive state as of the civil or political state. In contrast, civil or political freedom is that freedom that is distinctive of the civil or political state and is not found in an anarchic or oppressive state. The concept of freedom of action then, is insufficiently sensitive to the notion of freedom that is peculiar to political relations, philosophically understood. In other words, it focuses on the freedom of the individual to act, rather than on freedom in relation to political institutions.

The non-political content of post-war accounts of freedom means that political philosophers are explicating a concept of freedom that is of limited, if any, political/philosophical interest. Thus, their accounts do not advance our philosophical understanding of political relations, nor do they help to explain or make sense of political life. Instead, analysts take politics as it is and construct a conception of freedom that fits into our current ways of conceptualising the political world. As already indicated, today, politics is usually conceived as an arena of conflicting and competing interests, rather than as a forum that expresses some common concern or purpose. This has led a recent dictionary of political thought to claim that 'the idea of politics as involving the recognition and conciliation of opposing interests is now widely accepted'. However, a philosophical understanding of the political cannot be satisfied with this description of politics, for it fails to explain what binds the community together and it fails to justify the means of reconciling differences. In other words, it is not enough to simply recognise and reconcile opposing interests in a piecemeal and pragmatic manner, for this fails to do justice to the

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103 NB whilst this is for example, Steiner’s view, Flathman believes its scope is defined by the norms and rules of the community. In other words, such freedom is always 'situated' in a wider moral and political context. (See relevant subsections below).

104 Here I am using ‘political’ to denote any civil arrangement that recognises a common moral authority.

105 It is not found in the anarchic state because there is no civil state/authority as such and it is not found in the oppressive state because it is being overridden.

106 R. Scruton, A Dictionary of Political Thought, entry: ‘politics’.
principles that should govern a political community; principles connected with a synoptic view of the universe and our place in it.

The failure of philosophers of freedom to acknowledge any common goals as more important than the goals of any specific individual has led them to miss one of the most distinguishing features of the political. Thus, throughout the history of political thought, philosophers have stressed common concerns - no matter how minimal - at the basis of the civil state. Unless one makes this assumption it is difficult to explain its existence and endurance. Despite this, philosophers of freedom assume that politics is an arena for securing strictly individual rather than common interests. As a result, they do not illuminate relations between citizens and government, but relations between individuals and impediments. The philosophical significance of these relations are rarely explained; analysts simply assume that it is sufficient to clarify them.

Before we conclude this sub-section, we need to briefly indicate the ‘logic’ of a distinctively political understanding of freedom. One of the main contentions of this thesis then, is that a distinctively political kind of freedom cannot be clarified independently of a wider political theory. This is because such a freedom can only be conceptualised in the course of reflecting philosophically on the political. Thus, one of the reasons why political philosophers of the past offer greater insights into a distinctively political kind of freedom than their twentieth century counterparts, is because they discuss freedom in the context of a wider political theory. As we have seen, these theories seek to explain and justify distinctively political relations. This means that the idea of freedom is conceived in such a way as to facilitate this goal.

Because of this wider linguistic context, the political idea of freedom is partly informed by an understanding of other political concepts and values, such as justice and order, and partly by a substantive conception of the aims and purposes of the civil state. Since the idea of freedom has to cohere with these other political concepts and values, if a coherent political theory is to be advanced, and since it must help to explain the aims and purposes of the civil state, certain logical constraints are placed on its meaning. In particular, it cannot simply mean the ‘absence of (physical or mental) constraints’. Indeed, its meaning is far more complex and multi-faceted than this.

Unlike political philosophers of the past, analytical political philosophers, as we have seen, attempt to clarify the political idea of freedom independently of other political concepts and

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107 This is as true of the ‘classics’ as of recent political theories, such as Rawls’s, *A Theory of Justice* and Nozick’s, *Anarchy, State and Utopia*.
108 Hayek and Arendt are notable exceptions. However, their concerns are normative or ideological rather than philosophical.
109 i.e. relations of ruling and being ruled.
110 Not all political philosophers utilise the idea of freedom. For example, Plato avoids the language of freedom, partly, perhaps, because he associates it with the democracies of which he disapproves. However, most political philosophers find the language of freedom indispensable in their efforts to explain and justify distinctively political relations.
111 This constitutes the distinct ‘logic’ of this ‘explanatory’ concept.
112 Cf different accounts of what constitutes an ‘arbitrary’ restraint in the political thought of Locke and Rousseau (I.i).
values,\textsuperscript{113} and independently of any underlying explanatory concern or theory. This means that their accounts arise out of very specific (practical) concerns and preoccupations, rather than out of a philosophical attempt to explain and justify political institutions and practices. Their accounts are consequently limited to throwing light on these practical concerns and preoccupations rather than on illuminating the unique and distinct character of the civil state. Thus, they advance an empirical, ideological or normative understanding of freedom rather than a philosophical understanding. Furthermore, this ‘analytical’ approach tends to sharply distinguish political concepts rather than explore their interrelatedness.\textsuperscript{114} This means that no ‘logical’ constraints are placed on the meaning of ‘freedom’, and as a result, the analyst is able to define ‘freedom’ in whichever way best suits his or her purpose.

One final point, whilst it may appear that a distinctively political focus is far removed from the content of many, post-war, analytical accounts of freedom, it is nevertheless implicit in the common assumption that discussants are all analysing and describing that freedom which is central to understanding political relations. One of the aims of this thesis is to show how analytical political philosophers have failed to recognise the distinct ‘logic’ of this political focus, philosophically understood. In particular, they have failed to see that a distinctively political kind of freedom can only be fully explicated in the context of a wider political theory. This is the lesson to be learnt from accounts of political freedom found in the history of political thought. Indeed, these accounts provide a model of how political freedom should be analysed and discussed, if it is to be sharply distinguished from other kinds of freedom. Those who reject this more synoptic approach to political philosophy in favour of the analysis of specific political concepts, consequently compromise the philosophical standing of their inquiry.

Analytical political philosophers then, can learn many lessons from past practices in the discipline. Furthermore, an acquaintance with the history of the subject is necessary to clarify some of the shortcomings of the analytical approach. In particular, it can help us to identify the fundamental problems of political philosophy, as well as the ‘synoptic’ methods that have been used to address them. Thus, as we have seen, past accounts of freedom, drawn from the history of political thought, are inextricably tied to a synoptic view of philosophy and a substantive conception of politics. It is because analytical political philosophers are ignorant of, or at least insensitive to, the history of their subject, that they fail to recognise these broader concerns and problems. Instead, they have been preoccupied with actual political experiences, or with the freedom debate itself. This narrowing of philosophical concerns was most obvious when, in the 1960s, the freedom debate began to take on a momentum of its own. At this time, contributors began to respond to be what they perceived to be the shortcomings of previous accounts. As a result, they generally lost sight of the philosophical problems that political life

\textsuperscript{113} NB Whilst most analysts do explore related concepts, what they regard as related is shaped by their wider concerns and preoccupations rather than by a philosophical concern to explain and justify the political.

\textsuperscript{114} NB theorists of freedom are less guilty of this charge, but they focused their analyses on a very narrow range of concepts which arose out of their individualistic assumptions. (See Chapter V).
gives rise to. They focused, instead on problems of their own making - problems that arose out of misunderstanding the accounts of their predecessors.

In this sub-section we have considered past conceptions of philosophy and politics as a way of illuminating the generic shortcomings of analytical accounts of freedom. This historical perspective will provide a backdrop to the thesis and is necessary to underline the limited achievements of these accounts. In particular, it shows how they ignore or obscure the fundamental problems of political philosophy and how they focus on the necessary conditions of freedom of action rather than political or civil freedom. Together, these factors prevent them from clarifying a distinctively political kind of freedom. This concept, as we have seen, can only be explicated in the context of a wider political theory. The absence of such theorising in contemporary thought, helps to explain many of its shortcomings. Indeed, the narrow conception of philosophy and politics informing analytical accounts of freedom means that analysts lose sight of the relation between citizen and government. They thus lose sight of a relation that is distinctively political; a relation which involves connecting the agent with government and not simply impediments of any sort.

(iv) The content and structure of the thesis: a summary overview

Having outlined the aims and assumptions of our critical history and having established the dual perspective from which analytical accounts of freedom are to be assessed, we are now in a position to outline the main thesis. This consists of three principal claims. Firstly, analytical political philosophers fail to satisfy the standard of philosophical adequacy to which they aspire, secondly, they fail to address the fundamental problems of political philosophy, and thirdly, they fail to clarify a distinctively political kind of freedom. The last of these shortcomings is intimately connected to the first two. Indeed, had analysts applied their analytical techniques more carefully and had they engaged with the fundamental problems of the inquiry, they may have succeeded in identifying and clarifying that freedom which is fundamental to, and distinctive of the civil state. Taken together, these shortcomings mean that post-war analyses of freedom are of very limited philosophical interest. To see how these conclusions are reached, we need to clarify the general layout and argument of the thesis. This will entail summarising its basic structure and content. Once this has been done we will be in a position to establish the general importance or significance of the proposed critique.

As indicated earlier, the critical history presented in this thesis will be divided into five main chronological periods. Each period is characterised by a distinct set of concerns and a distinct method of analysis. These dictate the content and structure of the thesis. Thus, a summary overview of the thesis requires a summary overview of these concerns and methods. The

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115 i.e. one that is explanatory in a deep metaphysical sense, i.e. connected to explicit assumptions about 'nature'.

116 It is not enough to simply criticise these accounts for failing to clarify a distinctively political kind of freedom, for this might not have been their aim - indeed, in many cases it is clearly not. For this reason the critique has been expanded so they can be rejected on general grounds, i.e. for failing to satisfy a standard of philosophical adequacy and for failing to address fundamental problems.
ideological concerns of the 1950s and 1960s then, largely arose in response to the threat of totalitarianism. Thus, political philosophers in this period sought to show how a clear understanding of freedom was necessary if various forms of totalitarianism were to be avoided or at least challenged. The most important contributions arising from these concerns, were Isaiah Berlin’s ‘Two Concepts of Liberty’, F. A. Hayek’s, *The Constitution of Liberty* and Hannah Arendt’s ‘Freedom and Politics’. Each of these thinkers sought to clarify freedom as a means of protecting this highly valued Western ideal from various perceived threats. Each conceived these threats differently, but all assumed that if we knew what freedom was, we would be better equipped to identify and remove these threats. All three accounts were defended by an appeal to history and tradition and were connected to a broader political/philosophical view.

These attempts to illuminate an ‘ideological’ threat from a political and philosophical perspective were succeeded in the 1960s by the more modest and narrowly defined goal of conceptual analysis.\(^\text{117}\) The aim of this new type of inquiry was to ‘analyse concepts’ rather than ‘illuminate problems’. The implicit reasoning behind this shift - which was absorbed from mainstream philosophy - was that ‘philosophical problems’ would “dissolve” once concepts were clearly analysed and understood. This belief was based on the mistaken assumption that philosophical problems arose out of conceptual confusion rather than out of genuine and deep-seated concerns associated with human existence.\(^\text{118}\) One of the main implications of this shift was that it was widely believed that the political philosopher lacked the resources to make statements or judgements about political right and wrong. Instead the political philosopher was to concentrate on making ideologically neutral, conceptual claims. This gave the impression that political philosophy could be no more than a handmaiden to political science. In other words, it ceased to be conceived as an explanatory enterprise with its own distinct aims and methods.

It is this background that helps to explain the shift, in the 1960s and 1970s towards clarifying ‘freedom’ for a variety of descriptive reasons. In particular, the aim was to define freedom in a precise and value-free way. The motive behind this drive depended on the specific concerns of the analyst. Thus, in *Dimensions of Freedom*, Oppenheim sought to define freedom in a way that would aid the inquiries and analyses of political scientists. In ‘Negative and Positive Freedom’, MacCallum sought to reduce all statements about the freedom of agents to a single, logical form. This he believed was necessary to understand disputes about the absence or presence of freedom. Finally, Steiner, in his essay ‘Individual Liberty’, simply focused on the incoherence of existing accounts and argued that a coherent analysis of freedom could only be achieved by conceiving it in purely negative terms. All accounts in this period were supported by an appeal to ordinary language usage.

This narrowly ‘descriptive’ view of political philosophy was fairly short-lived and with the publication of John Rawls’s *A Theory of Justice* in 1971, political philosophers became more

\(^\text{117}\) Whilst Berlin, Hayek and Arendt are engaging in conceptual analysis, this is a means to an end, rather than perceived as an end in itself.

\(^\text{118}\) See in particular, T. D. Weldon’s influential work, *The Vocabulary of Politics*. 

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optimistic about what political philosophers could achieve. It is against this background that the accounts of the 1970s and 1980s, should be understood. In this period, philosophers of freedom began to question the search for a value-free, descriptive definition of freedom. In particular, these thinkers believed such accounts failed to accommodate the normative assumptions and practices that inform and underpin the political idea of freedom. Thus, for them, freedom in the civil state expresses a shared norm or standard rather than a purely physical state of affairs. Benn and Weinstein initiated this shift away from a purely descriptive account of freedom in ‘Being Free to Act and Being a Free Man’. In this paper, they began explicating what they termed the ‘normative’ dimension of freedom. These more normative concerns were considered further by Charles Taylor in, ‘What’s Wrong with Negative Liberty’ and in Tom Baldwin’s paper, ‘MacCallum and the Two Concepts of Freedom’. Both Taylor and Baldwin are keen to point out the shortcomings of a purely negative conception of freedom. All of these accounts were defended by an appeal to the language of freedom in practical discourse.

In the late 1980s political philosophers began to break away from the stranglehold of their predecessors by rejecting, or at least modifying, the linguistic approach. Consequently, the late 1980s and early 1990s witnessed more ambitious and more innovative approaches to analysing and clarifying ‘freedom’. In particular, analysts began to speak of theories of freedom rather than definitions, and thus released themselves from over reliance on linguistic usage. This attempt to break away from existing approaches and develop new ones is best exemplified by the ‘theories’ of Flathman, Benn, and Swanton. All three developed their theories out of very different concerns. Thus, in The Philosophy and Politics of Freedom, Flathman was concerned to show how freedom is a ‘situated’ concept. In, A Theory of Freedom, Benn was concerned to explore how our understanding of freedom is semantically tied to concepts such as action, agency and autonomy. And in Freedom: A Coherence Theory, Swanton was concerned to show how it was possible to resolve a seemingly intractable philosophical dispute about the nature of ‘political and social freedom’. These theories will be shown to be inherently ideological. This is because they are clarifying the idea of freedom central to liberal political thought.

The theories of freedom presented by Flathman, Benn and Swanton are arrived at by a variety of methods, all of which appeal to the logical principles of consistency and coherence. Furthermore, all three seek to reconcile competing conceptions of freedom into a coherent whole. The main problem with these theories is that they assume, mistakenly, that ‘freedom’ is something “out there” which can be analysed and described in a single, definitive way. In other words, they obscure the fact that ‘freedom’ can articulate a variety of experiences, that can be moral, political, legal, physical, etc.. These ‘theories’ also lose sight - like their analytical predecessors - of the philosophical problems that the political language of freedom has been used to articulate and address, such as the problem of state coercion. As a result, they make

119 ‘Modify’ because conceptual inquiries inevitably focus on how we use language.
120 See T.i.
claims that are of very limited political/philosophical interest. Indeed, an account or ‘theory’ of freedom arises which can only illuminate the problems that concern the ‘theorist’. Since these problems arise from within the freedom debate itself,\(^{121}\) these accounts or theories fail to illuminate philosophical problems associated with the political.

In the concluding chapter of the thesis we will briefly assess the ‘republican’ accounts of the 1990s. These seek to challenge the predominance of the ‘liberal’ understanding of freedom as ‘the absence of impediments or constraint’. Thus, Quentin Skinner, in *Liberty before Liberalism*, as well as in earlier essays,\(^{122}\) draws on the republican tradition of freedom as self-government, as a means of elucidating the shortcomings of liberal practices and conceptions. Meanwhile, in *Republicanism: A Theory of Freedom and Government*, Philip Pettit utilises the republican idea of freedom as non-domination to assess critically existing socio-political relations and institutions. Both appeal to the ‘republican’ political thought of the past, to inform and underpin their accounts of freedom. That is to say, they draw on past conceptions of freedom to illuminate the shortcomings of post-war ‘liberal’ ones. In the process, they reduce the freedom debate to an ideological debate and thus strip it of any of its remaining philosophical credentials.

Having clarified the common concerns that unify and distinguish each chapter, we now need to clarify the distinguishing features of the debate itself; features that can only be illuminated by a critical history. As should be clear then, the proposed accounts will be discussed in a roughly chronological order.\(^{123}\) This also constitutes their logical order. Thus, new accounts are, more often than not, responding to the shortcomings of existing accounts. These accounts then create a new set of problems of their own, thus perpetuating the multiplication of accounts. In this way the debate takes on a momentum of its own and contributors begin to lose sight of the basic purpose of their inquiry.\(^{124}\) That is to say, they become so preoccupied with addressing the shortcomings of their predecessors that they lose sight, not only of the problems that informed these earlier accounts, but of the narrower concerns that inform their own accounts. This means that philosophers of freedom fail to recognise the conceptual limitations of existing accounts as well as the conceptual limitations of their own.\(^{125}\)

One of the underlying aims of the thesis is to show how this process has resulted in a pseudo-debate that hinges on a pseudo problem. It is a pseudo-debate because, as we have seen, contributors are clarifying different *kinds* of freedom. For example, some are clarifying the conditions of physical freedom, some are clarifying the conditions of freedom of choice, and

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\(^{121}\) i.e. these theories are mainly responding to the shortcomings of their ‘analytical’ predecessors, thus narrowing the debate to a very high degree. NB this is less true of Benn (V.iii).

\(^{122}\) e.g. ‘The Idea of Negative Liberty: Philosophical and Historical Perspectives’ and ‘The Paradoxes of Political Liberty’.

\(^{123}\) Only ‘roughly’ since some accounts, such as Steiner’s, are considered earlier or later than their chronology suggest, simply because their concerns are closer to a different ‘period’. Furthermore, the division is only rough-and-ready for their is considerable overlap between some of the periods.

\(^{124}\) One of the underlying claims of this thesis is that there can be different reasons for clarifying ‘freedom’ and until we can agree on why we are trying to clarify it, we cannot arrive at an agreed account.

\(^{125}\) This will become clearer when the accounts are qualified with the appropriate adjective, e.g. ‘moral’ freedom, ‘physical’ freedom, ‘interpersonal’ freedom, ‘individual’ freedom, etc.
some are clarifying the conditions of interpersonal freedom. This means that they are not
discussing and debating the same subject-matter. As a result, they are more often than not,
talking at cross purposes. One of the reasons why analysts have created and perpetuated this
pseudo-dispute is because they have often insisted on the adoption of a particular
understanding of freedom, at the exclusion of all others. Furthermore, they have failed to
recognise the different concerns and preoccupations of their predecessors. This has led them to
criticise and challenge existing accounts on inappropriate grounds.

As well as lacking a common subject-matter, the post-war freedom debate hinges on a pseudo-
problem. This is because contributors assume, mistakenly, that it is possible to arrive at a
single, definitive account of ‘freedom’ that is relevant to all political concerns and purposes.
However, as we shall see, different accounts of freedom are adequate for different types of
concern. Failure to recognise this can only lead to an endless and futile dispute about which
account is more adequate or superior, when what is really needed is an acknowledgement that
different accounts throw light on different kinds of problems. We have already seen how these
problems or concerns can be ideological, descriptive, normative, theoretical or ‘republican’.

Unless the kind of problem being addressed is made clear, the claims and implications of the
account remain ambiguous.

There are then, a number of problems with the freedom debate as it stands, and these can only
be resolved by a better understanding of the accounts that characterise it. Once we understand
the content and limitations of these accounts, the temptation to add to them further may be
assuaged and instead political philosophers can turn their attention to the more fundamental
problems of political philosophy, such as the problem of constructing a coherent and well-
grounded political theory. Such a theory would explain its conception of the political as well as
provide a standard for distinguishing between political right and political wrong.

(v) Conclusion: the importance of the proposed critique

In this concluding section we need to indicate briefly the general significance or importance of
the proposed critique. This will depend on the degree of illumination that a critical history can
provide, by examining analytical accounts of freedom from a philosophical and an historical
perspective. As we have seen, a dual perspective of this sort, is necessary to identify the
generic shortcomings of these accounts. It also indicates ways in which these shortcomings
might be overcome. More specifically, it suggests that analytical accounts of freedom fail to
satisfy the standard of philosophical adequacy to which they aspire, they fail to address the
fundamental problems of political philosophy, and they fail to clarify that freedom which is
fundamental to, and distinctive of, the civil state. These shortcomings are interconnected. Thus,
alysts fail to clarify a distinctively political kind of freedom because they fail to sharply

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126 These different kinds of problems will be one of the main themes informing the principal chapters of the
thesis.
127 Such a distinction will rest on a wider set of moral and metaphysical assumptions about human ends,
values, and purposes.
distinguish different kinds of freedom. Furthermore, in failing to address the fundamental
problems of political philosophy, they lose sight of that freedom which is conceptualised in the
course of reflecting philosophically on the political.

Identifying and addressing these basic shortcomings is important because the idea of freedom is
central to the way we look at politics. It is therefore a serious handicap if we have an inadequate
or partial conception of it. This is amply illustrated by modern theories of justice in which
‘freedom’ is conceived as a good or value to be distributed, rather than as a fundamental feature
of civil relations.128 This ‘distributive’ conception of freedom is partly based on an uncritical
acceptance of the ‘negative’ analysis of freedom as the ‘absence of interference’. However,
one freedom is conceived as a relation between citizen and government, rather than as a good
to be distributed, a much broader conception of political philosophy is implied. This is because
a conception such as this, arises out of explanatory rather than distributive concerns. These
types of concern are singularly missing from contemporary political theories, and as a result,
there is no discussion of the origins and nature of civil government. Instead, government is
simply conceived as an instrument for managing conflicting interests. This means that
distinctively political relations are conflated with economic relations and a distinct and genuine
field for philosophical inquiry is obscured from view. In particular, there is no attempt to
explain the unique and distinguishing features of the civil state; the relations of ruling and being
ruled.

A critical history of analytical accounts is important then, for drawing attention to a conception
of freedom, which is obscured in the post-war debate, but which is nevertheless central to
understanding Western political thought and practice. Indeed, it is a conception that can help to
push modern political thought into a more philosophical direction. More generally, a critical
history is necessary if we are to grasp the limited achievements of analytical accounts of
freedom. In particular, it shows how these accounts can only illuminate the very narrow
concerns and preoccupations of the analyst. These, as we have seen, are scientific, ideological
or normative rather than philosophical. Despite these important limitations, these accounts have
attracted, and continue to attract, a great deal of philosophical attention. A critical history can
help us to question this attention and pursue more philosophical lines of inquiry.

The limits of these accounts underlines the importance of stepping back from a debate to
question its aims and achievements before contributing to it. In the absence of such critical
reflection there is a danger of becoming embroiled in a pseudo-debate that hinges on a pseudo-
problem. A critical history then, is necessary if we are to be self-conscious about our
intellectual achievements and failings. Such histories are particularly important in the modern
academic environment, where there is a tendency for academics to contribute to current debates
without examining or questioning their underlying aims and assumptions.129 Since these aims
and assumptions can turn out to be mistaken or misleading, a whole generation can expend their

128 See in particular, Rawls’s, *A Theory of Justice* and Steiner’s, *An Essay on Rights.*
129 In other words, they do not construct their own approach to understanding the world; they accept uncritically
existing approaches.
energies on a fruitless or limited enterprise. This we will find is partly true of the freedom debate.\textsuperscript{130}

Another advantage of a critical history of the post-war freedom debate, is that it allows us to identify and remove the source of this ongoing dispute. In particular, it enables us to see that different accounts of ‘freedom’ throw light on different problems or concerns. This means that the problem of clarification ‘dissolves’.\textsuperscript{131} Of course, clarification of terms is still necessary to communicate one’s meaning in a clear and precise way, but the search for a single, definitive account of ‘freedom’ is shown to be mistaken. Our inquiry also suggests that there is no reason to assume that different kinds of freedom are related. Indeed, different uses emerge through analogy and can lead to inconsistent uses. Thus, an agent can be free in a legal sense to establish his own business but unfree in a psychological sense because he is too cautious to take risks, or he can be free in a physical sense to ignore a paternal duty, but unfree in a moral sense. It is therefore impossible to present a single unified account, or ‘theory’ of freedom.

The failure of analysts to step back and question the conceptual focus of their inquiries, means that the concerns informing the freedom debate have narrowed, the more it has evolved. Thus, whilst it begins by addressing genuine political and philosophical concerns, it became a debate increasingly shaped by its own concerns and preoccupations. In particular, discussants try - mistakenly - to clarify the meaning or the nature of ‘freedom’ rather than address a genuine philosophical problem associated with the political. These conceptual disputes arise because concepts are extracted from their original context. In the process, they become distorted and analysts lose sight of their conceptual limitations. It is because contributors tend to focus their attention on post-war accounts, that they narrow the debate to a very high degree. Indeed, they duplicate the failings of their predecessors and become further and further removed from addressing genuine philosophical problems. At the same time, a distinctively political kind of freedom is increasingly obscured from view. All of these characteristics of the debate are revealed by a critical history of the sort being proposed.

One of the reasons why this history promises to provide a more illuminating way of understanding the political idea of freedom than existing (analytical) approaches, is because it allows us to identify and avoid the shortcomings of these accounts. In particular, it creates the critical distance necessary to see where analysts have gone wrong and why they have achieved so little in the way of clarification. For example, it helps us to see that a philosophical understanding of the political is lost sight of by a purely analytical view because this approach can only clarify and describe our political relationships, it cannot explain or justify them. Furthermore, philosophers of freedom lack a clear conception of the political which is a necessary prerequisite of explicating a distinctively political kind of freedom. A critical history also helps us to see how a more satisfactory account of this freedom might be obtained. This is important even if it is beyond the scope of this thesis to develop such an account. A critical

\textsuperscript{130} Thus, it is fruitless in so far as the analytical approach cannot describe and defend an account of freedom that is acceptable to all. However, it is fruitful in the negative sense of underlining the limitations of this approach. \textsuperscript{131} Here I have been influenced by Wittgenstein’s reasoning in \textit{Philosophical Investigations}. 

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history is more illuminating than existing approaches because it shows us how to recognise our achievements as well as how to address our failings or shortcomings.

As well as identifying the shortcomings of analytical accounts of freedom, a critical history can help us to grasp the shortcomings of a purely analytical approach to political philosophy. This is because it forces us to reflect on the distinct aims and purposes of this inquiry. In particular, it helps us to see that the traditional explanatory concerns of Western political philosophy have been displaced by the empirical concerns of the political scientist, the ideological concerns of the political protagonist, and the normative concerns of the political sociologist. This means that the fundamental problems of explaining and justifying the nature of the civil state remain to be addressed. Instead of addressing these problems, analytical political philosophers have rested content with analysing and clarifying our existing conceptions; conceptions which are a response to practical, rather than explanatory concerns. We may even find that our critique has implications for the ‘analytical’ approach in general. In particular, it suggests that an analysis of ‘problems’ should replace the analysis of ‘concepts’.132

In sum, our critical history is important for at least three reasons. Firstly, it helps us to assess critically conceptual analyses and accounts by examining the assumptions that inform and underpin them. This alerts us to the conceptual limitations of these accounts. Secondly, it helps us to discover new insights about the subject-matter under investigation. This is because it can improve our understanding of what it is that is being analysed and discussed.133 Thirdly, it allows us to step back from our inquiries or debates and view them from a much broader historical perspective. Such distance is often crucial to identifying the fundamental problems with existing analyses and approaches. Indeed, a critical history allows us to see how current ways of understanding and conceptualising the political idea of freedom are both limited and misleading.

We have now come to the end of our introductory chapter. This has provided the necessary background for undertaking a critical history of some analytical accounts of freedom. In it, we have outlined the aims, the assumptions, the method, the content, the structure, and the significance of the thesis. More specifically, we have set out a number of theses which the main body of the thesis seeks to prove. As already indicated, these theses will be advanced by examining analytical accounts of freedom in a roughly chronological order. These will be organised according to their different concerns and methods. By adopting this critical/historical approach, this thesis will illuminate one of the most important philosophical debates of the twentieth century. At the same time it will pave the way for developing a new, more rigorous account of civil or political freedom.

132 See VI.iv.
133 Thus, by identifying the shortcomings of existing accounts, we might discover a more appropriate form of analysis. This is what this thesis hopes to achieve.
Chapter II - The Ideological Concerns of the 1950s and 1960s

(i) Introduction: the ‘totalitarian’ threat of the early post-war era

In this chapter we will consider the origins of, and background to, the post-war, philosophical debate about the political idea of freedom. Clarifying these origins is important if we are to understand the content and the direction of the subsequent debate. Indeed, many of the problems that characterise this debate can be traced back to these earlier accounts. These accounts, as we shall see, are largely shaped by the totalitarian experiences of the period. In particular, the ideological forces of fascism, communism, socialism, and mass society, were all considered to be a genuine threat to the idea of freedom, central to Western civilisation. The aim of the analysts to be considered in this period, was to counter this ‘totalitarian’ threat by explicating the political idea of freedom. These wider ‘ideological’ concerns prevented them from clarifying a distinctively political kind of freedom. Instead, they clarified - and sometimes confused - an ‘ideological’, a ‘normative’ or a ‘metaphysical’ understanding of freedom.

The most important and influential accounts of ‘political freedom’ presented in this period can be found in the political/philosophical writings of Berlin, Hayek and Arendt. All three were concerned to explain and/or counter the ‘ideological’ forces of totalitarianism. For this reason, these accounts cannot be understood independently of the ‘ideological’ concerns that informed them. Whilst these thinkers shared similar concerns - namely, a fear of total state control and/or oppression - each concentrated on a different source of this fear. Thus, Berlin focused on the political dangers that could arise from the ideological divide of the Cold War era, Hayek attacked the socialist ideal of central state planning, and Arendt considered how totalitarianism and mass society threatened individual initiative and spontaneity. Each developed an account of freedom designed to challenge these perceived threats to what they believed to be a distinctively Western ideal. Each defended his or her account by appealing to history and tradition. None questioned whether this was a reliable guide to understanding and conceptualising the political idea of freedom; all assumed that it was.

Before we clarify the common shortcomings of these accounts, we need to consider the importance or significance of each. This will help to justify their place in our critique. Berlin’s contribution then, is important because there are very few analytical accounts of ‘political’ freedom, that do not draw in some way, on his negative-positive distinction, or on philosophical responses to that distinction. This means that unless we understand the strengths

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1 Everyone was taking their bearing from this experience in the 1940s and 1950s. See in particular, J. L. Talmon’s, *The Origins of Totalitarian Democracy* (1952) and *Totalitarianism* (1953) ed. C. J. Friedrich.
2 Thus, Berlin refers to the ‘death of civilisation’ (*TC*, p.14), whilst Hayek (*CL*, p.7) and Arendt (*FP*, p.78) refer to its ‘decline’, if freedom, as they understand it, is not secured and upheld.
3 We will find that Arendt’s account is only partially informed by these ideological concerns (See II.iv).
4 Arendt was also concerned to find a conception of freedom that was compatible with scientific determinism. (See II.iv).
5 ‘political’ because none are describing a distinctively political kind of freedom (See I.i above). NB philosophers will not be able to reach agreement about the nature of ‘freedom’ until they agree on what kind of freedom they are trying to clarify.
6 For example, MacCallum, Steiner, Taylor and Skinner have all drawn on this distinction.
7 For example, Benn and Weinstein’s and Baldwin’s critique of MacCallum’s account.
and weaknesses of this original distinction, we have no way of assessing its use, or rejection, in later accounts. Berlin’s distinction, as we shall see, is of dubious philosophical value because it conflates importantly distinct concepts of freedom. Furthermore, it only serves to illuminate his own particular concerns and preoccupations. These are far more limited than his critics and supporters suppose. Thus, Berlin only seeks to clarify two political values or ideals of freedom; ‘concepts’ that he believes explain how two competing systems of government in the modern world, can both claim to uphold freedom, yet display very different principles of state interference.\(^8\) The failure of his successors to keep sight of these limited aims, leads them to respond or develop his distinction in inappropriate ways.\(^9\) In particular, they perpetuate a pseudo-problem and a pseudo-dispute about the meaning or the nature of ‘freedom’.

Whilst the influence of Berlin’s account on the freedom debate is unparalleled, it would be a mistake to ignore other important analyses of this early post-war period. Indeed, a fuller understanding of the shortcomings of Berlin’s account is more easily grasped by assessing his account in conjunction with other accounts; accounts which share similar concerns and display similar methodological problems. For this reason, this chapter will include a critique of the accounts of freedom presented by Hayek and Arendt in their writings of the early 1960s. These accounts have not been as influential as Berlin’s since few draw directly on them.\(^10\) Nevertheless, they are important in underlining the variety of ways in which the political idea of freedom can be analysed and conceptualised. This needs to be briefly illustrated before summarising the common shortcomings of these early, post-war accounts.

To begin then, Hayek’s analysis is significant because it is arguably the last philosophical attempt to define freedom in terms of other political values such as order and stability. This more traditional approach to clarifying the political idea of freedom, places certain logical constraints on how this kind of freedom can be understood if consistency is to be maintained.\(^11\) However, as our critique will show, Hayek’s account arises out of a very specific concern which is far removed from the traditional concerns of political philosophy.\(^12\) It is also riddled with a number of ambiguities and inconsistencies. Together, these undermine the philosophical rigour and standing of his account. By contrast to Hayek’s more ‘traditional’ approach, Arendt uses a form of historical retrieval to clarify the political idea of freedom. Thus, in ‘Freedom and Politics’, she uses the conceptions of freedom and politics found in early antiquity to criticise certain dominant conceptions found in Western political and philosophical thought. This account is important because it suggests an alternative way of thinking about freedom and indeed a way of escaping the dominant conceptions of modern, liberal thought. Despite this, it

\(^8\) Berlin admits that he was ‘deeply influenced by the monstrous misuse of the word liberty in totalitarian countries.’ (Jahanbegloo, Conversations with Isaiah Berlin, p.147).

\(^9\) see for example, MacCallum, Steiner, Taylor, Flathman.

\(^10\) In ‘Freedom as Politics’, Crick took up Arendt’s ideas, and Taylor’s account seems to be partly worked out in opposition to Hayek.

\(^11\) Hayek’s account is less ‘analytical’ than other post-war accounts in that it does not isolate the concept of freedom and discuss it independently of other political concepts/values. Hayek’s work is nevertheless placed in the analytical tradition because of the importance it attaches to conceptual analysis. (See II.iii).

\(^12\) i.e. the command economy.
is seriously flawed. In particular, Arendt fails to specify what kind of freedom she is analysing and discussing, and in the process, obscures from view a distinctively political kind of freedom.

To understand the common shortcomings of these ‘ideological’ accounts of freedom, we first need to recognise that Berlin, Hayek, and Arendt were writing at a time when the aims of political philosophy were very unsettled and unclear. Indeed, its traditional aim of explaining and justifying the nature of the civil state had largely been rejected on the grounds that such accounts simply reflected the value-preferences and ideological biases of the thinker.

Widespread scepticism regarding this kind of inquiry was especially encouraged by T. D. Weldon’s book, *The Vocabulary of Politics* (1953). Here it was argued that there was no such subject as political philosophy in the traditional sense and that political philosophers should limit their attention to conceptual analysis. Another influential view was expressed by Peter Laslett who declared in 1956 that the tradition of Western ‘political philosophy is dead’. In this uncertain and sceptical atmosphere of the early post-war era, political thinkers were generally free to conceive political philosophy in any way they saw fit. This led Berlin, Hayek and Arendt to develop very different conceptions of political philosophy. These conceptions depart from the tradition of Western political philosophy and help to explain their very different accounts of freedom.

These different conceptions of political philosophy can be easily illustrated. Thus, Berlin believed the task of political philosophy was to ‘examine ends’, Hayek presented it as an exercise in ‘rational persuasion’, and Arendt rejected the Western tradition of political philosophy, opting instead to reflect on ‘how to think’ about the political. These different conceptions of political philosophy influenced how they analysed and conceptualised ‘freedom’. Thus, Berlin conceptualised it in terms of two competing ideals or ends, Hayek conceptualised it as a principle that informs and underpins Western civilisation, and Arendt conceptualised it as a ‘mode of being’. More specifically, and in terms of the distinctions outlined earlier, Berlin presents an ideological understanding of freedom, Hayek explicates a normative understanding, and Arendt outlines a metaphysical understanding. Neither of them clarifies a distinctively political understanding of freedom - although Hayek comes very close. Thus, he explores the ‘correct’ relation between citizen and government. However, his inquiry is informed by ideological rather than explanatory concerns. Consequently it is of very limited philosophical interest.

Despite their limited conceptions of political philosophy - conceptions which provides no full-scale treatment of political values and which therefore cannot explicate a distinctively political kind of freedom - all three take seriously the philosophical enterprise. Thus, all three analyse and conceptualise the political idea of freedom within the broader context of reflecting on what

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13 ‘ideological’ because arising out of the ideological concerns of the period.
15 See main subsections of this chapter for a fuller discussion of these different and competing conceptions.
16 i.e. they re not explanatory in the synoptic sense discussed above (I.iii).
is uniquely and distinctively human. These general reflections mean that they retain a wider philosophical view. Berlin articulates this with his view of value pluralism and tragic choice, Hayek examines 'the factors which determine the growth all civilisations', and Arendt reflects on the problem of human meaning and immortality. Underlying these different philosophical views was the common assumption 'that freedom is the principal characteristic that distinguishes man from all that is non-human'. This leads them to present an account of freedom which is central to a distinct political vision as well as a distinct view of humanity.

Whilst these distinct conceptions of political philosophy - and these broader philosophical views - help to explain the form of 'ideological' accounts of freedom, their content cannot be understood independently of the political concerns that inspired them. In particular, the common fear of modern forms of totalitarianism led these thinkers to develop a conception of freedom that protected and secured the interests of the individual against the dominating influence of the state. It was partly because these threats were so immediate, that the political problems of the early post-war period tended to be conceived - at least initially - in practical rather than philosophical terms. That is to say, political theorists were driven by the practical need to counter undesirable political forces rather than by a 'detached' philosophical desire to explain why one state of affairs is morally more acceptable or legitimate than another. This helps to explain why these accounts are based on unexamined moral and metaphysical assumptions about human agents and their goals.

Each of the analysts discussed in this subsection then, is articulating a general point of view that is political engaged. This means that their accounts have an ambiguous philosophical status. Thus, they are trying to be philosophical and politically relevant. However, the two are not happy bed-fellows for there is a fundamental tension between the general, abstract and explanatory concerns of the philosopher, and the particular, historical and practical concerns of the political world. Indeed, in failing to transcend the concerns of the twentieth century, these analysts fail to address the fundamental problems of political philosophy. The upshot of these relatively narrow conceptions of political philosophy is that the accounts of freedom derived from them are selective and rest on the analysts own value-preferences. That is to say, these accounts do not arise out of a detached inquiry into the nature of the civil state. Instead, they are informed by the analysts practical concerns and preoccupations.

In addition to arising out of a narrow conception of political philosophy, and the practical political concerns of the era, these accounts are beset by some serious methodological problems. This is because all three fail to think sufficiently carefully about the nature of their subject-matter. As a result, they clarify - and often confound - different concepts of freedom. Thus, Berlin conflates a multiplicity of different concepts under his headings of 'negative' and 'positive' freedom, Hayek confuses civil freedom with physical freedom, and Arendt confuses political freedom with metaphysical freedom. Despite the narrow and sometimes confused conceptual range of each of these accounts, all are presented as if they are saying something

17 'From Hope and Fear Set Free', Concepts and Categories, p.190.
about the idea of freedom that sits at the heart of Western political thought and practice. In reality though, each is saying something about a particular concept - or a range of concepts in Berlin’s case - of freedom that may have political significance but which do not reflect a philosophical understanding of the political.

Another problem with these accounts is that, despite appealing to the same historical tradition, each presents a very distinct account of freedom. This suggests that this method of analysis is problematic - it can be used selectively by the analyst to produce a favoured account. For example, Berlin appeals to the history of political thought to support his dichotomous account of freedom, Hayek appeals to the principle of freedom which he believes informs and underpins Western civilisation, and Arendt appeals to conceptions of freedom and politics found in antiquity. These appeals to the past are supported by very little direct evidence. Furthermore, accounts of freedom are extracted from their original context and often distorted in the process. This is because these analysts are engaged in political and philosophical polemic rather than detached analysis. Thus, each appeals to the history of political thought or ‘the Western tradition’ in a selective way to support rather than arrive at his or her conclusions. It is therefore not surprising that they present different and often conflicting accounts of ‘freedom’.

We will conclude this introductory section by clarifying some of the unexamined assumptions that inform and underpin these analytical accounts of freedom. Firstly then, all three possess a very narrow conception of politics. Thus, unlike political philosophers of the past, these thinkers give centre stage to the individual and lose sight of the common enterprise that a civil state necessarily expresses. This individualistic outlook was partly adopted for practical, and partly for metaphysical reasons. Thus, it was the individual, or groups, who were seen as the main victims of the totalitarian practices of the era and who needed protecting from the state. This sharp distinction between the interests of the individual in opposition to the state reflected a distinct conception of politics as an instrumental rather than an ethical enterprise;¹⁸ there to serve individual (material) ends rather than advance some common (moral) goal. This was reinforced by assumptions at the metaphysical level. Here, it was assumed that the state could not express a will of its own, rather it was the sum of many separate wills. Despite little argument supporting these assumptions, the individual has remained at the heart of post-war political theorising and as a result, the idea of common concerns which distinguishes the political from other forms of social organisation, e.g. anarchy, has been lost from view.

This general rejection of some underlying moral purpose that can place legitimate moral limits on individual action¹⁹ means that the political is conceived as an arena for managing competing and conflicting interests, rather than as an expression of some common interest or some common good.²⁰ More specifically, Berlin conceives it as the arena in which competing ends are pursued, Hayek conceives it as providing a legal framework for pursuing individual projects and goals, and Arendt conceives it as a ‘space’ for human initiative and spontaneity.

¹⁸ This distinction is similar to Oakeshott’s distinction between enterprise and civil associations.
¹⁹ This is basically J. S. Mill’s legacy: only the individual knows his own good.
²⁰ Arendt, as we shall conceives it in neither way (II.iv).
Corresponding to these narrow conceptions of the political, these thinkers either implicitly or explicitly reject the idea of a political theory that can explicate a coherent and comprehensive set of political values and principles. For them, some values always have to be chosen at the expense of others. Consequently, they obscure from view the fundamental (explanatory) concerns of political philosophy and its attempt to explicate a coherent set of political values. At the same time this narrow conception of politics and political philosophy, prevents these analysts from clarifying a distinctively political kind of freedom.

Having summarised the common concerns and shortcomings displayed by these ‘ideological’ accounts of freedom, we now need to assess how far each satisfies the standard of philosophical adequacy outlined above. We shall begin by examining Isaiah Berlin’s seminal essay, ‘Two Concepts of Liberty’. This will be followed by a critique of the accounts offered by Hayek and Arendt. Since all three accounts arise from a similar set of concerns and deploy a similar method of analysis, it is not surprising that they share the same sort of shortcomings. Chief of these is their failure to strip their accounts of their own value-preferences. As a result, they confuse a detached form of philosophical analysis with political advocacy. We will conclude, by restating the limited interest and utility of these accounts, as well as their lack of clarity and rigour.

(ii) Countering totalitarianism with value-pluralism: Berlin

As the title ‘Two Concepts of Liberty’ (1958) implies, Berlin is presenting - at least nominally - a dichotomous account of freedom.\(^{21}\) The aim of this account is to illuminate the ideological divide of the Cold War era by clarifying two ‘central political senses of the word ‘freedom’ or ‘liberty’.\(^{22}\) In labelling these two ‘concepts’ of freedom, ‘negative’ and ‘positive’, Berlin utilises a distinction that has been variously used in Western political and philosophical thought.\(^{23}\) However, as we shall see, his use of this distinction is not as helpful or rigorous as is often supposed. In particular, it is drawn in a way that suits his wider polemical purpose, which is to counter the political experience of totalitarianism with the political ideal of value-pluralism. Partly as a result of this agenda and partly through a lack of analytical rigour, Berlin conflates importantly distinct concepts of freedom. He also fails to clarify a distinctively political kind of freedom. This lack of a uniquely political focus is important because it becomes a characteristic and arguably inevitable feature, of the post-war, philosophical debate.\(^{24}\)

This sub-section will assess critically the content and the grounds of Berlin’s analysis by examining its aims and underlying assumptions. Such a critique is important if we are to understand the poor footing upon which much of the post-war freedom debate rests. Indeed, insofar as theorists take their bearings from this dichotomous account, their analyses can be

\(^{21}\) Only nominally, for as we will see, this dichotomy conflates a multiplicity of different concepts.

\(^{22}\) TC, p.6.

\(^{23}\) Pettit dates its origins to Linn in 1776 (REP, p.17). This distinction is being used in different ways by different theorists. Thus, they use the same terminology to draw different distinctions depending on the demands of their theory or concerns, e.g. contrast Kant, Bradley and Green (See, Baldwin, MTC).

\(^{24}\) Inevitable, in so far as contributors accept uncritically the content of Berlin’s negative-positive distinction and the tendency to discuss freedom independently of a wider political theory.
shown to rest on very shaky foundations. To demonstrate this, we need to begin by clarifying Berlin’s wider concerns and preoccupations. These arise out of a particular historical context and a particular conception of political philosophy/philosophy. Together, these determine the practical and formal limitations of his account. Indeed, stripped of this context and this conception, Berlin’s negative-positive distinction ceases to make any sense and is subject to serious distortion and misinterpretation.

Our next task will be to explain the general and widespread appeal of Berlin’s account. Once this has been considered, we will examine and assess, in some detail, his negative-positive distinction. This distinction has had an enormous influence on the shape and content of the post-war freedom debate yet it is beset by some serious methodological problems. In particular, it is not always clear what kind of freedom Berlin is clarifying and this is because he conflates different concepts of freedom. Thus, despite asserting an explicitly political focus, his account of negative freedom conflates the concepts of physical freedom, legal freedom, and freedom of choice, whilst his account of positive freedom conflates the concepts of moral freedom, psychological freedom, and metaphysical freedom. The upshot of this is that neither of Berlin’s ‘concepts’ refers to a distinctively political kind of freedom. This means that his analysis provides an inappropriate and misleading starting point for further conceptual analysis and inquiry into the political idea of freedom.

Berlin’s tendency to conflate different concepts of freedom suggests that it is more revealing to treat his negative-positive terminology as a general classifying device rather than as an attempt to establish a sharp conceptual distinction between two different kinds of freedom. Whilst this device serves his wider polemical purpose, the distinction it draws is difficult to defend on more independent grounds. Berlin, as we shall see, attempts to defend this distinction by appealing to accounts of freedom found in the history of political thought. However, in the process he distorts rather than clarifies these accounts. This distortion is significant because it obscures the distinctively political kind of freedom that these political philosophers of the past discuss; an idea of freedom that is revealed in the course of reflecting philosophically upon the political. Berlin fails to see this because he is only interested in political ideas or ‘theory’ in so far as they illuminate (contemporary) political practice. As a result, he fails to grasp or share the traditional puzzles and problems of political philosophy. This means that his account of freedom is of very limited philosophical interest.

We will conclude our critique of Berlin’s analysis by examining the underlying assumptions that inform and underpin his account. This part of the critique is important because these assumptions have often been absorbed, without question, into the subsequent debate. This

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25 Berlin’s conception of political philosophy is partly informed by his conception of politics and partly by his conception of philosophy, see below, p. .
26 These two classes of freedom concepts are determined by two central questions of politics - see below for a discussion of this.
27 See Li and Liui.
28 This is ironic given the importance he attaches to seeing philosophical problems from the “inside” by entering ‘imaginatively into the mental world of the philosophers’ being discussed. (Jahanbegloo, Conversations with Isaiah Berlin, p.24)
means that if these assumptions are mistaken or poorly grounded, then the debate itself is brought into question. The most significant of Berlin’s assumptions for our purposes is his metaphysical assumptions about the nature of reality. These commit him to conceiving political philosophy in a narrow way. Berlin also assumes a direct link between political philosophy and political practice and this leads him to misunderstand and obscure the goals of classical political philosophy. Indeed, by conflating political and philosophical concerns; practical and theoretical ones, Berlin contracts the true dimensions of this field of inquiry. This contraction has never been effectively challenged, yet it is arguably the source of many of the shortcomings of analytical political philosophy.

Having set out the order in which we will examine Berlin’s account we are now ready to present our critique of it. To aid us in this task we will draw, where necessary, on his recent ‘conversations’ with Jahanbegloo (1993). In this more informal setting, Berlin’s underlying aims and assumptions are often more explicit than in his own writings. These conversations are particularly helpful in explicating Berlin’s conception of philosophy as well as his conception of political philosophy. They also provide an important insight into his metaphysical assumptions about the nature of reality, and his moral assumptions about what is of value. All of these aspects of Berlin’s thought are central to his analysis and account of freedom. Indeed, to consider his account independently of these wider aims and assumptions can only produce confusion and misunderstanding.

We will begin, as indicated, with Berlin’s wider concerns and preoccupations. As stated, these are partly dictated by the historical context in which he was writing and partly by his narrow conception of political philosophy/philosophy. Together, these factors inform and underpin his dichotomous account of freedom. Historically then, Berlin was writing at a time when the world was deeply divided on ideological grounds. His initial aim or concern was therefore to understand the open war that [was] being fought between two civilizations and two systems of ideas which return different and conflicting answers to what has long been the central question of politics - the question of obedience and coercion. This ‘war’ between the liberal principles of the West and the totalitarian regimes of the East was important for it dictated both the form and the content of his dichotomous account of freedom. Thus, in seeking to illuminate this dispute, Berlin was led to postulate two different ‘senses’ of freedom: the ‘negative’ sense favoured by the West and the ‘positive’ sense favoured by the East. When this distinction is stripped of this historical or political context, it loses much of its significance and rationale.

In addition to being a considered response to the Cold War, Berlin’s analysis arises out of a distinct conception of political philosophy. This conception is grounded in certain metaphysical assumptions about the nature of reality. Thus, Berlin openly admits to being ‘[e]mpirically-

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29 i.e. the attempt to explain and justify the nature of the civil state.
30 Berlin, of course, did not contract the scope of this inquiry single-handedly, but he was important and influential in redirecting the concerns of political philosophy in the post-war era.
31 Jahanbegloo, Conversations with Isaiah Berlin.
32 Cf Berlin’s own reference to this division, e.g. TC, p.6 and p.16.
33 TC, p.6.
minded’ which means that, according to him, ‘all there is in the world is persons and things and ideas in people’s heads - goals, emotions, hopes, fears, choices, imaginative visions and all other forms of human experience.’ This makes him sceptical about the existence of ‘eternal, immutable, absolute values, true for all men everywhere at all times’. Indeed, Berlin insists that ‘ultimate values’ conflict and that the search for a ‘harmonious pattern’ of values is mistaken. Unsurprisingly, these assumptions colour his conception of political philosophy. Thus, for him, the ‘fundamental problems of politics’ hinge on disagreements about ‘the ends of life’ and ‘conflicts about ultimate purpose’. Given this, he believes the principal task of political philosophy is to examine these ends or purposes. Thus, one of his aims in “Two Concepts”, is to examine the ideals of negative and positive liberty and show how they represent ‘two profoundly divergent and irreconcilable attitudes to the ends of life.’

Although for Berlin, the task of examining ends is specific to political philosophy, he also believes that politics should be a subject of interest for philosophers in general. Thus, he argues that since ‘professional philosophers ... have been trained to think critically about ideas’, they should use these skills in the area of politics. It is particularly important in this area because ‘fanatically held social and political doctrines’ can have ‘devastating effects’ unless they are properly attended to. He goes on, ‘[t]o neglect the field of political thought ... is merely to allow oneself to remain at the mercy of primitive and uncriticized political beliefs.’ In taking this stand, Berlin seems to imply that this kind of critical reflection can somehow affect practice. He is not explicit about how this happens but he certainly believes that where ‘ideas are neglected by those who ought to attend to them ... they sometimes acquire an unchecked momentum and an irresistible power over multitudes of men that may grow too violent to be affected by rational criticism.’ The implication is that this momentum can be ‘checked’ by critical analysis and that philosophers have the necessary skills for this task.

So far we have seen how Berlin is concerned to illuminate an ideological dispute, examine competing ends, and assess critically political ideas or doctrines. However, to separate these

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34 Jahanbegloo, *Conversations*, p.32.
35 Jahanbegloo, *Conversations*, p.32.
36 Jahanbegloo, *Conversations*, p.32. This scepticism about the existence of such values is tempered by his acceptance that he ‘cannot claim omniscience’ and that whilst ‘the magic eye of the true thinker’ may be able to perceive ‘a world of eternal truths, values’, he has never been ‘admitted’ to this ‘elite’. Jahanbegloo, *Conversations*, p.32.
37 TC, Section VIII.
38 TC, p.3.
39 TC, p.3. Berlin does not say this explicitly, but then, much of what he says is implicit rather than explicit. This is because of his peculiar writing style which involves frequent digression. As a result, the thread of his argument or position is often implied rather than explicitly stated.
40 Jahanbegloo, *Conversations*, p.46: ‘Political philosophy is an examination of the ends of life, human purposes, social and collective.’
41 TC, p.52.
42 TC, p.3-4.
43 TC, p.4.
44 TC, p.4.
45 TC, p.4.
46 Problems with the underlying assumptions of Berlin’s analysis will be discussed towards the end of this subsection. For now, it is important not to lose sight of the wider concerns and preoccupations that these assumptions inform and underpin.
concerns in this way is a little misleading for they are all part of the same underlying polemic. The aim of this polemic - which is only fully revealed in the concluding section of Berlin’s paper - is to counter the political experience of totalitarianism with the political ideal of value-pluralism. This polemic has two main aspects to it: an ideological aspect and a philosophical aspect. Taking its ideological aspect first, this is most clearly expressed in Berlin’s attempt to show how the ‘positive’ sense of freedom favoured by the East, lends itself more easily to totalitarian abuse than the negative sense favoured by the West.47 This ideological preference for negative liberty is further revealed by his claim that it is ‘a truer and more human ideal’ than positive liberty because it does not attempt to impose on society a specific vision of the good.48 Such a vision, Berlin believes rests on mistaken assumptions about human ends or values. This belief leads him to connect his ideological polemic to a pluralist philosophical position.

At the philosophical level then, Berlin, as we have seen, rejects the traditional, philosophical search for a coherent and comprehensive hierarchy of values. According to him, ‘the belief that some single formula can in principle be found whereby all the diverse ends of men can be harmoniously realized is demonstrably false.’49 This is because ‘[t]he world that we encounter in ordinary experience is one in which we are faced with choices between ends equally ultimate, the realization of some of which must inevitably involve the sacrifice of others.’50 This ‘incommensurability thesis’ leads Berlin to uphold the ideal of value-pluralism; a vision of the political in which ‘men choose between ultimate values’51 rather than pursue ‘a final solution’.52 He believes that only with this ideal, can the threat of totalitarianism be both addressed and averted. Berlin’s philosophical position then, supports his ideological position. This means that the philosophical and ideological aspects of his polemic are deeply intertwined.

Clarifying and understanding Berlin’s wider concerns and preoccupations is important because they dictate the practical and formal limitations of his dichotomous account of freedom. Thus, it should be clear from the above, that his account is limited in a practical sense to illuminating the ideological dispute that characterised the post-war era. In particular, it is limited to explaining why one side of this dispute is morally and philosophically superior to the other. Stripped of this context, the rationale behind the way Berlin draws a distinction between negative and positive concepts, breaks down. Berlin’s account is also limited in a formal sense. In particular, he is not clarifying different ‘concepts’ of freedom, as is often assumed, but rather the competing ends that different societies pursue. These ‘ends’ are presented as answers to two

47 e.g. TC, p.37. NB It is because Berlin believes that the concept of positive freedom has ‘been distorted more disastrously than negative liberty’ (Jahanbegloo, Conversations, p.147), that he directs his main criticisms in “Two Concepts”, at accounts of the former rather than the latter. This suggests that he favours negative liberty over and above positive liberty. However, it is clear from his later writings that he believes both ideals are of value and that a suitable compromise between the two offers the best possible solution to the potential conflict between them. (cf. Introduction to Four Essays on Liberty, p.xlvii, and Conversations, p.41). In other words, these two concepts or ideals of liberty are irreconcilable in their extreme forms and a choice or compromise must be made between them. On the need to find a compromise, see also TC, p.52.

48 TC, p.56.
49 TC, p.54.
50 TC, p.53.
51 TC, p.57.
52 TC, p.52.
distinct questions. The first is, ‘[w]hat is the area within which the subject - a person or group of persons - is or should be left to do or be what he wants to do or be, without interference by other persons?’ The second is, ‘[w]hat, or who, is the source of control or interference, that can determine someone to do or be, one thing rather than another?’ According to Berlin the former question is answered with a ‘concept’ of negative liberty, whilst the latter question is answered with a ‘concept’ of positive liberty.

It is important not to lose sight of these two questions, for as Berlin himself insists, ‘The answer to the question ‘Who governs me?’ is logically distinct from the question ‘How far does government interfere with me?’ Furthermore, it is in this difference that the great contrast between the two concepts of negative and positive liberty, in the end, consists.’ These questions then, are central to understanding the content and form of Berlin’s distinction. However, it is also important to recognise that the language of ‘concept’ is being used here, in a very loose and imprecise way. Indeed, Berlin assumes mistakenly, that just because these two questions are ‘logically distinct’, the answers to them will correspond to a ‘conceptual’ distinction. This though, obscures the fact that these questions attract a range of answers; answers which do not express a single, unified concept of freedom, but a multiplicity of distinct concepts.

Another point worth making in this context is that most political theorists in the history of political thought seek to answer both questions in the course of their reflections. This is one of the reasons why it is so misleading for Berlin to try and place political philosophers into ‘negative’ and ‘positive’ camps. Indeed, the fact that Locke appears in both camps underlines the difficulty of dividing the history of political thought up in this way. Furthermore, it obscures from view a distinctively political kind of freedom; a freedom the basic relation between citizens and government. Berlin’s negative-positive terminology then, should be regarded as a classifying device for illuminating a specific dispute and for supporting his underlying polemic, rather than as a device for denoting a sharp conceptual distinction.

One of the reasons why subsequent analysts have misunderstood or misinterpreted Berlin’s negative-positive distinction is because they have lost sight of these basic questions and have assumed instead that Berlin has identified an important conceptual distinction. They have thus used Berlin’s analysis as a starting point for philosophical reflection about the political meaning, the political nature, or the political concept of freedom, rather than as a starting point for philosophical reflection about the ‘central’ questions of politics which inform and underpin

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53 TC, p.7. In Conversations, Berlin simplifies these question to “How many doors are open to me?” and “Who is in charge here? Who is in control?” (Jahanbegloo, p.40)
54 The implicit thesis seems to be that whilst the West focuses its attention on the former question, the East tends to focus on the latter. However, at no point does Berlin explicitly claim this. Indeed, for him ‘[b]oth are genuine questions; both are inescapable. And the answers to them determine the nature of a given society - whether it is liberal or authoritarian, democratic or despotic, individualistic or communitarian, and so on.’ Jahanbegloo, Conversations, p.41.
55 TC, p.15.
56 TC, p.14-5.
57 TC, p. 9 and p. 32.
58 NB at no point does Berlin explain why he has chosen this negative-positive terminology.
his distinction.59 This has arguably led to a distortion and misleading development of Berlin’s original account.60 Indeed, by stripping it of its wider polemical context, subsequent theorists have ignored its ‘conceptual’ limitations and have thus helped to perpetuate a pseudo-dispute about the meaning or the nature of freedom.

Having clarified the underlying aims and assumptions that inform and underpin Berlin’s account, as well as some philosophical responses to it, it is now time to turn to the account itself. In particular, we need to explain why it has been so influential and why it provides an inappropriate springboard for further inquiry into the political idea of freedom. One of the reasons then, why the negative-positive dichotomy has been so influential is because it taps into the way we ordinarily think and speak about freedom. Thus, we often speak in terms of freedom from and freedom to and Berlin utilises this to explain the clash of ideologies of the Cold War era.61 However, there are also other less defensible reasons why this distinction has been so influential and this is that it is easier to develop or respond to existing categories than create and develop new ones. This is particularly true when existing categories are sufficiently vague to answer a range of needs, as is the case of Berlin’s negative-positive distinction. Indeed, subsequent analysts have developed - and often distorted - this distinction to suit their own wider purposes and this has been possible because it was originally drawn in a vague and imprecise way.62

This vagueness underlines why Berlin’s dichotomy is such an inappropriate starting point for further analysis and inquiry into the political idea of freedom.63 Indeed, closer inspection suggests that it is never very clear what kind of freedom he is discussing. Thus, he claims to be clarifying two central ‘political senses of freedom’,64 but this proposed focus is ambiguous. For example, it could refer to what we mean by a distinctively political kind of freedom or it could refer to uses of the language of freedom that have political implications.65 Berlin in fact shifts between these two different senses throughout his analysis and implies a third when he introduces his negative-positive distinction. In this context, he presents his two ‘political senses of freedom’ as answers or responses to two questions that are central to political life.66 This lack of clarity surrounding the subject of Berlin’s analysis is important because it becomes one of the most distinguishing and persistent features of the post-war freedom debate. It persists because many of Berlin’s successors are responding to or developing his ‘analysis’, with its vague focus. One of the main side-effects of this failure to specify the subject of analysis in a

59 Berlin considers ‘the central question of politics [to be] - the question of obedience and coercion’ (TC, p.6). The questions that inform his distinction break this central question down into its component parts.

60 See MacCallum’s and Taylor’s analysis respectively.

61 See especially, TC, top p.16.

62 See in particular, Steiner’s development of the ‘negative’ concept (III.iv), and Taylor’s refinement of both (IV.iii).

63 A more extended critique of the negative-positive dichotomy and how it has been variously used and drawn would help to strengthen the thesis that it is of limited utility when extracted from a specific task.

64 TC, p.6.

65 Thus, he presents his analysis of ‘negative’ freedom as an account of ‘political liberty’ (TC, p.7) and focuses his attention on the ‘political implications’ (TC, p.24) of ‘positive’ freedom.

66 TC, p.7. To put this another way, Berlin fails to distinguish the different ways in which the political idea of freedom can be understood, i.e. scientifically, ideologically, normatively, and philosophically. (See I.i).
clear and precise way is that analysts frequently talk at cross-purposes, because they are discussing different kinds of freedom.

This lack of a sharp focus leads Berlin himself to conflate many different kinds of freedom. For example, under the heading of ‘negative’ freedom - where he explicitly claims to be clarifying ‘political liberty’ - he is actually clarifying the conditions of physical freedom, legal freedom, and freedom of choice. To illustrate, initially he presents ‘negative’ freedom as a physical relation between agents, later he defines it as an ‘area within which a man can do what he wants’, and later still, as a condition in which individual choices can be made. These different conditions of physical, legal and individual freedom frequently overlap and interconnect; they also share a common feature in that they all provide an answer to the question, ‘How far does government interfere with me?’ However, they are not equivalent concepts and confusion rather than clarity is the result unless they are clearly distinguished. The subject of Berlin’s analysis of negative liberty is further obscured by his shift of terminology. Thus, he begins by specifying his subject with the phrase ‘political liberty’ and shifts in the course of his analysis, to the phrases ‘personal liberty’ and ‘individual liberty’. It is not clear whether Berlin regards these qualifying terms as equivalent, or whether he believes they refer to real conceptual distinctions. Silence here suggests that he has not thought carefully enough about his subject matter.

A lack of clarity and precision also characterises Berlin’s analysis of ‘positive’ freedom. Here, no reference is made to ‘political liberty’ or indeed, ‘personal’ or ‘individual liberty’. Instead, Berlin discusses the idea of ‘freedom’ in an unqualified way. As a result, he conflates what we earlier distinguished as, psychological, metaphysical, social, and moral freedom. Thus, he begins by claiming that ‘[t]he ‘positive’ sense of the word ‘liberty’ derives from the wish on the part of the individual to be his own master.’ To be one’s own master, one needs to ‘feel’ in control of one’s desires, one’s environment, and one’s actions; one neither wants to be ‘acted upon by external nature or by other men’. This ideal of ‘perfect freedom’, of being unimpeded by anything or anybody, is one that arises when philosophers conceive freedom as

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67 TC, p.7.
68 See Appendix.
69 ‘you lack political liberty or freedom only if you are prevented from attaining your goal by human beings’ TC, p.7.
70 This is presumably a legal area, although Berlin is not explicit on this point. NB He later refers to ‘the area of free action [that] must be limited by law’ (TC, p.9). In explicating this area, Berlin does allude to a distinctively political kind of freedom, i.e. an area of legitimate restraint (e.g. TC, p.11), but this is not clearly distinguished from other concepts of freedom.
71 TC, p.12 and p.16.
72 TC, p.7-8.
74 TC, p.11-14.
75 This is partly due to the way these philosophers conceive freedom. Indeed, they are not advocating one kind of freedom at the expense of any other, rather, all obstacles are seen as equally relevant to an agent’s freedom and therefore in need of attention. For this reason, there is no need for these philosophers to postulate different kinds of freedom; they are reflecting on what it means to be free per se.
76 In all it forms, i.e. legal, physical, and normative constraints.
77 Li and appendix.
78 TC, p.16.
79 TC, p.16.
one value, in a harmonious pattern of values.\textsuperscript{80} Freedom is not conceived as an ‘area’ of possible action, but as a general condition of ‘being’.\textsuperscript{81} A distinctively political kind of freedom is an integral part of this condition and involves participating in decisions that regulate one’s life.\textsuperscript{82} However, this distinctively political aspect of the ‘positive’ notion is obscured by Berlin’s analysis, because he focuses on the general condition of freedom that these philosophers explicate.

Whilst this conflation of different concepts of freedom is not detrimental to Berlin’s own project,\textsuperscript{83} it does mean that his analysis provides an unsuitable starting point for analysing and conceptualising the political idea of freedom. Indeed, his ‘two concepts’ approach, derived as it is from two distinct political questions, means that ‘freedom’ is conceived as a political ‘end’ or ‘ideal’ valued by particular communities, rather than as a concept that describes a fixed feature of civil relations. This end or ideal can be described in a variety of ways depending on the context in which it is debated or discussed, hence the multiplicity of ways in which Berlin characterises the competing ideals of negative and positive freedom. This points to a further ambiguity at the heart of Berlin’s analysis. Thus, it is never very clear whether he is analysing and clarifying the ordinary ideas of the political arena or the complex ideas of political philosophers.\textsuperscript{84} Indeed, he frequently shifts between the two.\textsuperscript{85} One of the reasons for this is that the questions that inform and structure his distinction can be answered in a practical or a philosophical way. Berlin does not explicitly acknowledge this and as a result he conflates popular political ideals with coherent political concepts.\textsuperscript{86} This conflation is significant because it becomes a characteristic feature of the post-war freedom debate and thus prevents analysts from identifying and clarifying a distinctively political kind of freedom.\textsuperscript{87}

Having identified certain problems with the content and the form of Berlin’s negative-positive distinction, it is now time to consider how he defends it. Berlin then, supports his ‘two-concepts’ thesis by drawing on the resources of intellectual history and in particular, the history of political thought. Thus, to support his account of ‘negative’ freedom, he appeals to ‘classical English political philosophers’ such as Hobbes and Bentham,\textsuperscript{88} as well as the liberal tradition of Locke, Mill, Constant and Tocqueville,\textsuperscript{89} and to support his account of ‘positive’ freedom, he

\textsuperscript{80} Berlin is right to make this link, for it is only by assuming a harmonious pattern of values, that \textit{perfect} freedom is possible.

\textsuperscript{81} Because of the nature of my inquiry I do not conceive freedom as a general condition of being but as a linguistic tool; only with this conception can the shortcomings of analytical accounts be fully elucidated. However, it is likely that a coherent philosophical understanding of human freedom would have to be worked out as a condition of being, otherwise the idea of freedom always has to be compromised in some way, i.e. it can never be conceived as a ‘perfect’ state.

\textsuperscript{82} Cf. Rousseau’s, \textit{The Social Contract}.

\textsuperscript{83} i.e. illuminating an ideological dispute to support his underlying polemic.

\textsuperscript{84} The concepts used in political theory are far more complex than the concepts used in political practice. The meanings of the former are intimately tied to a wider theory and when they are extracted from this context, their meanings can never be fully grasped.

\textsuperscript{85} This is particularly true of his discussion of negative liberty.

\textsuperscript{86} I.e. he fails to distinguish an ideological understanding of the political from a philosophical understanding (I.I).

\textsuperscript{87} This is because subsequent analysts similarly appeal to whatever use supports their claims.

\textsuperscript{88} \textit{TC}, p.8.

\textsuperscript{89} \textit{TC}, p.9.
appeals to the thought of philosophers such as Rousseau, Kant, Hegel and T. H. Green. There is though, a problem with this appeal and this is that Berlin draws on this material in a very selective way. In particular, he does not examine these accounts of freedom directly, rather he classifies them in a way that supports his negative-positive distinction. This means that he presents a very distorted picture of these accounts.

We do not need to go very far to find evidence of this distortion. Thus, very few political philosophers discuss a single kind of freedom in the course of their theorising, despite the way Berlin presents their accounts. Indeed, there are a number of political philosophers who, in the course of their reflections, advance a three-fold distinction between natural, moral, and civil liberty or some variation of this. For example, Hobbes and Locke discuss natural and civil liberty, Rousseau discusses all three, and T.H. Green discusses civil and moral liberty. This suggests that to put any of these thinkers into a ‘negative’ or ‘positive’ camp is to oversimplify the content of their accounts. It also means that accounts of freedom found in the history of political thought do not support or justify Berlin’s negative-positive distinction. This confirms our earlier claim that it is limited to illuminating a specific dispute and cannot establish a sharp conceptual distinction between different kinds of freedom.

Berlin’s distortion of accounts of freedom found in the history of political thought is important because it has obscured the distinctively political kind of freedom that these political philosophers discuss. Indeed, those who accept Berlin’s distinction as a starting point for further analysis and inquiry, are prevented from identifying and clarifying this freedom. This is because this freedom can only be revealed by reflecting philosophically upon the political. It can therefore only be clarified in the context of a wider political theory. When it is stripped from this context - as in Berlin’s analysis - it reflects the particular and usually practical concerns of the analyst. For this reason, it ceases to describe a distinctively political kind of freedom. This means that it is an inappropriate starting place for thinking about this type of freedom.

So far we have assessed Berlin’s negative-positive distinction as well as the means by which he supports it. We can now turn finally to the underlying assumptions that inform and underpin his account. These were alluded to above, when we discussed his wider concerns and preoccupations, however, we now need to examine them more carefully. We will assess then, his ‘empirical’ assumptions about the nature of human values, his assumptions about the relationship between political philosophy and political practice, and his assumptions about the nature of political philosophy. Together, these assumptions allow him to smuggle into his account of freedom his own value-preferences. We will find that whilst Berlin’s underlying assumptions are more explicit and wide-ranging than the assumptions of his successors, they still create certain problems for his analysis. In particular, they compromise both its rigour and its scope. This is significant because many of these assumptions have been absorbed, without

90 TC, e.g. p.17; p.22-3.
91 See I.i.
92 See I.i.
question, into the subsequent debate. As a result, this debate has been artificially limited by assumptions that have not been carefully examined.

We shall begin then, with Berlin’s ‘empiricism’. This, as we have seen, leads him to reject the traditional philosophical search for a ‘single, all-embracing’ system of values. Indeed, he believes that ‘if we are not armed with an *a priori* guarantee of the proposition that a total harmony of true values is somewhere to be found ... we must fall back on the ordinary resources of empirical observation and ordinary human knowledge’. These assumptions are important because they inform and underpin his ‘incommensurability’ thesis; a thesis that shapes both his conception of political philosophy and his dichotomous account of freedom. However, despite the centrality of this thesis to his account, it is not rigorously defended here or in his other writings. Indeed, he assumes that just because our values clash in practice, it is a mistake to attempt to reconcile them in theory. This though, as we shall see, is to misunderstand the distinct nature and task of political *philosophy*.

The most important aspect of Berlin’s incommensurability thesis for our purposes is that it prevents him from understanding and addressing the fundamental problems of political philosophy. In particular, he fails to see that in postulating ‘monism’ or ‘a single criterion’, political philosophers are trying to make *coherent* sense of the world and our place in it. Furthermore, they are not inventing new concepts and categories for the sake of it. Rather these are necessary to advance their search for moral certainty. Explicating a distinctively political kind of freedom is an integral part of this search for it entails showing how human agents can remain free whilst subject to the rules of a civil authority. Such freedom is necessary to legitimise the actions of the civil state and thus provide us with the certainty that it is both right and good. Whilst Berlin acknowledges this ‘deep and incurable metaphysical need’ for moral certainty, he does not attempt to address it. Instead he insists on a tragic rather than an ordered view of morality and human values. Thus, according to him, there are, and always will be, no-win situations and costly choices in life.

There are at least three problems with Berlin’s alternative view of morality and human values. Firstly, and as we have seen, it springs from an account of how things are rather than how things should be. It therefore fails to engage with the fundamental problems of political philosophy. In particular, it does not attempt to explain and justify political or civil relations. Secondly, and relatedly, it is a deeply unsatisfying account for those who seek knowledge of the right and the good. Thus, Berlin’s theory does not explain why we value some ends over

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93 TC, p.56.
94 TC, p.53.
95 This betrays empiricist assumptions, that political experience is our only guide to what is and what should be.
96 TC, p.56. (I.iii).
97 They cease to be this, if we are physically forced, against our will, to obey these rules. (I.i).
98 TC, p.57.
99 TC, p.53.
100 This account of how things should be is based on how things are at a deeper metaphysical level; a level that is side-lined by Berlin’s empiricism and which prevents him from reflecting on these deeper issues.
others, nor how we are to make an informed choice between ends. Thirdly, the motivation behind this view seems to be that theory has a detrimental affect on practice. This though, is to misunderstand the relationship between political philosophy and political practice. Indeed, once we understand this relationship correctly, the rationale behind Berlin’s incommensurability thesis begins to break down. We will therefore examine this relationship and Berlin’s assumptions about it, before we turn our attention to the narrow conception of political philosophy that it implies.

The relationship between political philosophy and political practice is one that is rarely explored by political philosophers and Berlin is no exception to this general rule. Thus, he assumes, without question, that there is a link between the ideas worked out in the philosopher’s study and the ideas that affect and shape practice. Indeed, one of the motives behind “Two Concepts” is to curb the perceived political threat of totalitarianism implicit in a ‘positive’ philosophical understanding of freedom. These assumptions about how philosophy affects practice are important because they help to explain Berlin’s rejection of the search for a ‘final solution’ to our moral and political problems. Thus, he argues that belief in such a solution, is more responsible than any other belief, ‘for the slaughter of individuals on the altars of the great historical ideals - justice or progress, or the happiness of future generations’. It is this that helps to convince him that belief in ‘a total harmony of true values’, is politically dangerous as well as philosophically untenable.

Whilst Berlin’s polemic is understandable, given the period in which he was writing, it misunderstands the relationship between political philosophy and political practice. Indeed, to assume that ideas and practice are related, or should be related, in this direct way, is to compromise and misunderstand both. Of course, philosophical ideas can and do affect political practice, but these ideas should be the subject of discussion and debate rather than the source of state coercion. Similarly, political practice does affect philosophical ideas, but the philosopher must try to detach him or herself from its ideological content, if he or she is to establish some distinctively philosophical insight. Once this indirect relationship between political philosophy and political practice is accepted, there is no need to dismiss certain ideas as ‘dangerous’. Instead ideas can be assessed according to their merits, and according to how far they increase our understanding of the phenomena under discussion. Where this acceptance is absent belief in some philosophical truth can always result in coercive practices that are against the will of the public. This in turn, can encourage analysts to endorse a conception of political philosophy that ignores the fundamental problems of politics.

101 See above.
102 TC, p.52.
103 TC, p.53.
104 The most obvious examples are the Founding Fathers of America and their appeal to the ideas of Locke during the American Revolution, Robespierre’s appeal to Rousseau’s ideas during the French Revolution, and in this century, Lenin’s appeal to the ideas of Marx during the Russian Revolution.
105 Otherwise coercion cannot be morally justified.
106 The aim of political philosophy is to understand rather than shape or change political practice.
107 So as to avoid the political dangers involved in seeking a ‘final solution’.
Berlin’s assumptions about human values and his assumptions about the relationship between philosophy and practice are important because they combine to produce a very narrow, analytical conception of political philosophy. As we have seen, he believes the chief task of political philosophy is to examine the ends of life. However, this task is ambiguously stated. Thus, it is not clear whether he believes the aim of political philosophy is to examine the fundamental, or the practical ends of life. This ambiguity is significant because if he means the former, then his analytical approach contains a serious logical problem. This is because it assumes that fundamental ends can be identified and assessed independently of a wider moral or metaphysical framework. This though is implausible for it is clear that the philosophical arguments that are needed to support such ends, rest on a particular set of moral and metaphysical assumptions. Consequently, it is these more basic assumptions that need to be examined, before the ends that they inform and underpin, can be assessed. If, on the other hand, Berlin means to examine the practical ends of life - which is more likely, given his ‘empiricist’ assumptions - then it is difficult to see why his analysis should be of any political or philosophical interest. Indeed, such ends reflect the pragmatic concerns of political communities, rather than the explanatory concerns of political philosophy.

Given that Berlin conceives and examines freedom as an ‘end’ - an end which competes for political space with other ends - it is more revealing to characterise his inquiry as an exercise in applied or practical philosophy rather than as an exercise in political philosophy. Thus, by examining the competing political values or ideals that are represented by the ‘porous’ term of ‘freedom’, he believes he is clarifying the political choices that lie before us. In presenting his analysis in this way, Berlin assumes that the political idea of freedom can be analysed and clarified independently of a wider political theory. He also assumes that his analysis can somehow have a positive effect on practice. These assumptions are important because they are accepted without question by his successors, all of whom seek to clarify ‘freedom’ for various practical reasons. Like Berlin, these analysts abandon the search for a coherent and well-grounded account of the civil state and instead focus their attention on clarifying political concepts. However, as we shall see, this project is beset by some serious methodological problems, many of which originate with Berlin’s analysis and account.

One final point, Berlin’s underlying assumptions allow him to smuggle into his account of freedom his own value-preferences. In particular, he insists that the ultimate moral value of human agents is individual choice, irrespective of what choices are made. This claim is derived from his metaphysical assumption that values are incommensurable. Thus, it is because there is no ‘final solution’ to our moral and political problems, that we must choose what we value rather than have values imposed on us by some external authority. Berlin also believes that the decline of ‘the ideal to live as one wishes’, ‘would mark the death of a civilization, of

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108 TC, p.6.
109 These are not always politically motivated, e.g. in the next chapter, we will see how analysts are concerned to address the ‘practical’ problem of establishing descriptive precision.
110 TC, p.53 and p.54.
111 TC, p.57.
an entire moral outlook.'\textsuperscript{112} Indeed, he argues that the ‘desire not to be impinged upon, to be left to oneself, has been a mark of high civilization’.\textsuperscript{113} However, unless the ‘one’ to which Berlin refers, is a fully reflective, moral and autonomous individual it is difficult to describe this ideal as ‘civilised’ for it allows individuals to pursue ends that are contrary to their own and to society’s interest. Despite this, these assumptions about the value of individual choice are accepted without question by his successors. This leads to a ‘negative’ bias in the freedom debate.

This brings us to the end of our critique of Berlin's account. We have found that his dichotomous account of freedom is logically predetermined by his wider concerns and preoccupations as well as by his underlying assumptions. This places certain practical and formal constraints on his claims. It also means that he does not arrive at his negative-positive distinction through philosophical reflection upon the political. Instead, he uses various arguments - practical and philosophical - to support his account and his underlying polemic. The result is an analysis and an account of freedom that is lacking in philosophical rigour; it is also lacking in clarity and precision. These shortcomings mean that Berlin fails, in a number of ways, to satisfy our standard of philosophical adequacy. Demonstrating this is important because Berlin’s account is fundamental to the post-war debate about the political idea of freedom. Indeed, his analysis has helped set the terms of this debate. Thus, many have proceeded from his account and devoted themselves, in particular, to explicating and advancing the negative conception at the expense of the positive one. Clearly such a focus is mistaken, if the dichotomy that it rests on is limited in a practical and a formal sense.

(iii) Countering central state planning with a free market: Hayek

Whilst Berlin turns his attention outwards to the deep ideological dispute of the Cold War era, Hayek in \textit{The Constitution of Liberty} (1960), turns his attention inwards to the ideal form of the civil state. In focusing on this subject, he comes closer than any other post-war thinker, to constructing a political theory in the traditional sense discussed above.\textsuperscript{114} Thus, like political philosophers of the past, he seeks to explain and justify a particular vision of the civil state.\textsuperscript{115} Hayek’s analysis and account of freedom is an integral part of this wider theory, and as a result, he is able to avoid one of the major shortcomings of analytical accounts. Namely, their tendency to analyse and discuss ‘freedom’ in isolation of other political values. As already

\textsuperscript{112} TC, p.14.

\textsuperscript{113} TC, p.14.

\textsuperscript{114} See I.iii above. Hayek’s theory is closer than more recent theories such as Rawls, because his argument rests on certain metaphysical assumptions about nature and our place in it, e.g. his notion of a ‘spontaneous order’ in society (CL, p.160); an order that emerges without design. Rawls avoids such ‘metaphysical’ commitments and instead rests his theory on a rational choice situation. Since this situation is hypothetical, rather than an account of how things are, it fails to explain the source and maintenance of the civil state, in the way that traditional theories do. However, whereas the arguments of traditional political theories tend to be moral, Hayek’s tend to be pragmatic. See below for a discussion of these arguments.

\textsuperscript{115} According to Hayek, the civil state should be characterised by a free market rather than a command economy. This is because ‘no human mind can comprehend all the knowledge which guides the actions of society’. Instead, we need ‘an impersonal mechanism, not dependent on individual human judgements, which will co-ordinate the individual efforts’ (CL, p.4). Hayek then, believes a ‘spontaneous order’ is more beneficial and desirable for social existence than any product of human design.
argued, this prevents them from clarifying a distinctively political kind of freedom.\textsuperscript{116} Whilst Hayek goes some way towards explicating this freedom, his account is nevertheless flawed. The aim of this subsection is to consider these shortcomings. In the process, a firmer grip will be had on how to clarify, in a clear and rigorous manner, a political understanding of freedom.

We will begin our critique of Hayek’s account by clarifying his aims and wider concerns. Like Berlin’s, these arise out of a particular historical context and a particular conception of political philosophy.\textsuperscript{117} Together, these dictate the content and the form of his account. Next, we will examine Hayek’s method of analysis as well as the clarity and precision of his account. We will find that whilst he begins his analysis carefully, by specifying what he means by ‘freedom’ and by contrasting this with other meanings of ‘freedom’, his account ends up conflating importantly distinct concepts of freedom. Thus, whilst he comes closer than any of his contemporaries to clarifying a distinctively political kind of freedom, he still fails to do this in a sufficiently rigorous manner. Indeed, he openly incorporates into this account, his own value-preferences. We will conclude our critique of Hayek’s account by identifying its general significance or importance. We will find that, despite its merits, it is of very limited philosophical interest and this is because Hayek fails to address the underlying concerns of traditional political philosophy.

To begin then, Hayek’s account of freedom, like Berlin’s, is principally a response to the mass ideological movements that dominated political outlooks in the early post-war period.\textsuperscript{118} These, as we have seen, were feared for their totalitarian potential. However, unlike Berlin, Hayek’s target is quite specific. Indeed, rather than attack the idea of a totalitarian regime in general, his aim is to reject the idea of a centrally planned, welfare state. He believes a state of this sort has ‘totalitarian’ potential because it depends on state control of the economy.\textsuperscript{119} Such control increases the discretionary powers of the state,\textsuperscript{120} which in turn, undermines the principle of freedom that, according to Hayek, has underpinned and inspired Western civilisation.\textsuperscript{121} It is this principle of freedom that provides the focus of Hayek’s analysis. Thus, his aim is to explain its significance, explicate its content, and explore its implications for political practice.\textsuperscript{122} These aims, correspond to the three main divisions of his book.\textsuperscript{123}

Most of this critique will focus on Hayek’s explication of the content of this principle. However, understanding the significance he attributes to it and the implications he envisages for it, will also need to be considered if we are to grasp his wider concerns. The significance of this principle then, hinges on Hayek’s belief that Western civilisation will decline unless the

\textsuperscript{116} I.iii.
\textsuperscript{117} Indeed, his analysis and account of freedom cannot be understood and assessed independently of this context and this conception.
\textsuperscript{118} Cf his reference to the ‘great struggle of ideas’ between East and West (CL, p.2).
\textsuperscript{119} CL, e.g. p.257.
\textsuperscript{120} CL, e.g. p.232.
\textsuperscript{121} CL, Introduction.
\textsuperscript{122} The content of this principle will be clarified and discussed below.
\textsuperscript{123} In his own words his aim is ‘to picture an ideal, to show how it can be achieved, and to explain what its realization would mean in practice’ (CL, preface, vii).
principle of freedom, which protects and stimulates individual liberty, is both understood and respected.\textsuperscript{124} According to Hayek, this principle - which is manifested in 'the rule of law'\textsuperscript{125} - encourages the individual to act, 'according to his own decisions and plans',\textsuperscript{126} rather than according to the direction of another. Hayek believes this freedom is under threat from the 'command economy'\textsuperscript{127} because its proponents seek to direct and control every aspect of economic life. He is opposed to this form of 'discretionary coercion'\textsuperscript{128} because he believes it undermines the 'spirit of individual initiative' and creativity\textsuperscript{129} that is central to intellectual and material progress.\textsuperscript{130}

Hayek's concern with the detrimental effects of a centralised form of social organisation on individual freedom - and therefore civilisation - were first expressed in his earlier work, \textit{The Road to Serfdom} (1944).\textsuperscript{131} Here he focused his attention on the ideology of socialism and in particular, its attempts to defend 'government ownership of the means of production'.\textsuperscript{132} In \textit{The Constitution of Liberty}, Hayek's criticisms of the command economy are stated in a more systematic and less obviously polemical way. Thus, his target is no longer specifically socialism,\textsuperscript{133} but rather the general and widespread presumption that government should be responsible for controlling and eradicating all social problems by whatever means necessary and without recourse to any 'distinctive principles'.\textsuperscript{134} Hayek's proposed remedy for this 'un-principled' state of affairs is the free market based on a principle of freedom.\textsuperscript{135} He believes the 'impersonal mechanism'\textsuperscript{136} of the free market and the principle of freedom is to be preferred to the 'un-principled' command economy because it prevents government gaining 'arbitrary',\textsuperscript{137} 'exclusive'\textsuperscript{138} or 'discretionary'\textsuperscript{139} powers. Furthermore, he believes the free market and the principle of freedom are a more effective means of addressing social problems because they encourage individual initiative and creativity.

The implications of this principle for political practice are, according to Hayek, considerable. In particular, it precludes the civil state from pursuing specific ends such as distributive justice or the redistribution of wealth. This is because such ends demand that all resources be allocated by a central authority, which in turn, allows the state to deploy arbitrary and discretionary powers

\textsuperscript{124} \textit{CL}, p.7.
\textsuperscript{125} See especially, \textit{CL}, Chapter 14 and below.
\textsuperscript{126} \textit{CL}, p.12.
\textsuperscript{127} The 'command economy' is Hayek's preferred way of referring to his target. \textit{CL}, e.g. p.232.
\textsuperscript{128} \textit{CL}, p.290.
\textsuperscript{129} \textit{CL}, p.3. This 'spirit' depends on 'a regime of freedom' rather than on 'a system of regimentation'. (\textit{CL}, p.3)
\textsuperscript{130} See in particular, \textit{CL}, chapters 2 and 3.
\textsuperscript{131} \textit{CL}, Chapter 1.
\textsuperscript{132} This is how Hayek characterises this ideology in \textit{CL}, p.318.
\textsuperscript{133} According to Hayek socialism as an ideology had ceased to constitute a serious threat in Western societies for it had 'collapsed, been 'discredited' and 'generally abandoned' \textit{CL}, p.254. See also \textit{CL}, Chapter 17.
\textsuperscript{134} \textit{CL}, p.256.
\textsuperscript{135} \textit{CL}, p.256.
\textsuperscript{136} \textit{CL}, p.4.
\textsuperscript{137} \textit{CL}, p.305.
\textsuperscript{138} \textit{CL}, p.289.
\textsuperscript{139} \textit{CL}, p.232; p.303.
by treating particular individuals in a specific way.\textsuperscript{140} Whilst Hayek is not opposed to state intervention, when no other from of provision is available,\textsuperscript{141} he insists that the state should not have a monopoly over providing welfare services.\textsuperscript{142} Indeed, he believes the aims of the welfare state ‘can be realized without detriment to individual liberty’, only if the principle of freedom is observed.\textsuperscript{143} This means that private agencies must be encouraged to compete with government on equal terms to provide these services. Throughout, Hayek insists that he is more concerned with the methods than the aims of government.\textsuperscript{144} Hence his attempt, in Part III of his book, to contrast the methods of a free society, in the provision of services such as health, education and housing, with the methods of arbitrary government.

As well as responding to a specific historical experience, Hayek’s account of freedom is a product of his own distinct conception of political philosophy. This is not conceived as an explanatory or descriptive enterprise, but as an ‘ideological’ or ‘normative’ one.\textsuperscript{145} Thus, according to Hayek, the task of the political philosopher is to construct ‘some coherent image of the kind of world in which the people want to live’.\textsuperscript{146} This involves ‘deciding between conflicting values [for] ... [u]nless the political philosopher is prepared to defend values which seem right to him, he will never achieve that comprehensive outline which must then be judged as a whole.’\textsuperscript{147} Whilst this conception of political philosophy helps to explain the priority Hayek gives to freedom - and thus the form of his account - it is far removed from the ideal of philosophical detachment, characteristic of mainstream analytical philosophy. Indeed, rather than a detached analysis of what we think and believe, it involves defending a particular ideological or normative commitment; one which expresses the philosopher’s own or his own society’s biases and value-preferences.

Although Hayek conceives political philosophy as an exercise in ‘rational persuasion’, rather than as an explanatory or conceptual inquiry, he does not seem to regard this as a philosophical compromise.\textsuperscript{148} Thus, early on in \textit{The Constitution of Liberty}, he claims that his book ‘is not chiefly concerned with the problems of any particular country or of a particular moment of time but, at least in its earlier parts, with principles which claim universal validity.’\textsuperscript{149} This suggests that he is not merely advancing his own or his own society’s value-preferences, but a value that can be \textit{universally} held. Despite this, the arguments that are used to defend this value are

\textsuperscript{140} CL, p.232. NB it is not clear that these ends do require the wholesale control that Hayek suggests, cf. Rawls’s “Two Principles” in \textit{A Theory of Justice}.

\textsuperscript{141} CL, e.g. p.231.

\textsuperscript{142} See in particular, CL, p. 224 and also p. 231, p.258.

\textsuperscript{143} CL, p.259.

\textsuperscript{144} CL, p.258. This is his explicit claim, but clearly there are certain aims that he opposes, such as distributive justice or the redistribution of wealth.

\textsuperscript{145} These are difficult to separate for it is questionable whether norms can be identified in a non-ideological way, i.e. we select and advocate norms or principles according to our own value-preferences and a different set of preferences would point to a different set of norms (see above II.i).

\textsuperscript{146} CL, p.114.

\textsuperscript{147} CL, p.115.

\textsuperscript{148} CL, p.6. NB whilst this ‘exercise’ contains some explanatory and conceptual analysis, these are secondary rather than central to the enterprise.

\textsuperscript{149} CL, p.4.
pragmatic rather than philosophical.\textsuperscript{150} For example, in Chapters 2 and 3, Hayek discusses, respectively, the creative powers of a free civilization and the principle of freedom that is behind intellectual and material progress. These claims about the value of freedom - as he understands it - are based on empirical generalisations rather than on philosophical argument. This means that a different set of generalisations, drawn from the annals of history, could be used to justify a very different principle of political organisation. Once again then, Hayek is advancing his own ideological or normative preferences, rather than presenting a detached, philosophical inquiry into the nature of the civil state.

One of the side-effects of conceiving political philosophy in this narrow, ‘ideological’ or ‘normative’ way, is that it encourages the conflation of practical and philosophical concerns. Indeed, like Berlin, Hayek misunderstands the correct relationship between political philosophy and political practice. In particular, he assumes that the point of political philosophy is to influence and inform practice. Accordingly, he outlines a theory that is supposed to perform this function. Thus, one of Hayek’s declared aims is ‘to state the criteria by which particular measures must be judged if they are to fit into a regime of freedom.’\textsuperscript{151} Although Hayek misunderstands the purpose of political philosophy, he is still more explicit than Berlin about how the abstract ideas of a philosopher feed into the culture and practices of a society.\textsuperscript{152} Thus, according to him, these ideas ‘change their character’ when they become absorbed into political practice.\textsuperscript{153} This means that political philosophy cannot have an immediate or direct impact on political practice. Rather, all it can achieve is a coherent vision which can then become part of the language of political discussion and debate.

Although Hayek offers a more explicit and therefore a more satisfactory account of the relationship between political philosophy and political practice, than Berlin, it is still deeply flawed. This is because political philosophy, properly understood, seeks to explain not shape or change political practice. Indeed, reflections cease to be philosophical, when they reflect on the practical and the particular. Thus, Hayek’s claim that his ‘book is meant to help understanding’, refers to understanding in a practical rather than in a philosophical sense.\textsuperscript{154} In particular, he clarifies our understanding of the political choices that lie before us, rather than our understanding of morally correct political relations.\textsuperscript{155} Despite this practical focus, Hayek still claims to ‘deal mainly with basic issues of political philosophy’.\textsuperscript{156} It is his lack of explicitness about the content of these basic issues which suggests that he has a very limited

\textsuperscript{150} i.e. they reflect practical rather than philosophical concerns. NB Hayek claims that his discussion of ‘the factors which determine the growth of all civilizations’ is ‘mainly theoretical and philosophical - if the latter is the right word to describe the field where political theory, ethics, and anthropology meet.’ (\textit{CL}, p.5) This uncertainty about the nature of philosophy, helps to explain his narrow conception of political philosophy.
\textsuperscript{151} \textit{CL}, p.5.
\textsuperscript{152} \textit{CL}, p.112-3.
\textsuperscript{153} \textit{CL}, p.113.
\textsuperscript{154} \textit{CL}, p.6.
\textsuperscript{155} i.e. the search for some truth has been abandoned.
\textsuperscript{156} \textit{CL}, p.5.
understanding of them. This is not surprising given that his academic background is in economics rather than in political philosophy.\footnote{CL, p.3, where Hayek is explicit about his background in economics.}

Hayek’s background in economics is important because it helps to explain his narrow conception of politics as well as his narrow conception of the philosophical problems associated with it. For example, he possesses a very limited vision of the civil state. This is conceived as a legal framework for encouraging and protecting free economic and intellectual activity. He thus focuses on the ‘practical’ problems that arise from this framework, rather than the philosophical problems that arise from ‘ruling and being ruled’. Had he acquired a closer acquaintance with the history of political thought - and the problems associated with it - Hayek might have achieved a greater degree of philosophical insight. Instead, he approaches the problems of politics from a very specific ideological and intellectual perspective. As a result, he fails to engage with the fundamental problems of political philosophy and in particular, he fails to address the philosophical puzzle of political freedom which is how to remain free whilst coerced.\footnote{See I.i.}

The narrow conception of politics and political philosophy that informs and underpins Hayek’s account of freedom is important because it helps to explain the inappropriate focus of his analysis in terms of advancing a distinctively political understanding of freedom. As should be clear, Hayek is clarifying the norm or principle of freedom that sits at the heart of Western civilisation, rather than the idea of freedom that characterises morally correct political relations. This means that he is clarifying an ideological or normative understanding of freedom, rather than a distinctively political understanding. Whilst this ideological or normative understanding of freedom comes very close - by accident, rather than by design - to the political understanding of freedom found in the history of political thought, it is of limited philosophical interest.\footnote{This suggests that the political idea of freedom found in the history of political thought has somehow informed practice, i.e. certain principles are observed which have been explicated in the course of reflecting philosophically upon the political. The rule of law has evolved and become an integral part of Western civilisation; protects individuals from the arbitrary interference or restraint of the state.}

This is because it arises out of the ideological concerns and threats of the period, rather than out of the explanatory concerns of political philosophy. As we have seen, it is only when the goals of an inquiry are explanatory, in a philosophical sense,\footnote{i.e. connected to some deeper moral purpose or framework. (I.iii).} that the analyst can avoid the ideological biases and preferences of his time.

So far we have shown how Hayek’s aims and his distinct conception of political philosophy produces an ideological or normative understanding of freedom. This must not be lost sight of, if we are to grasp the conceptual limitations of his account. It is now time to consider his method of analysis, as well as the clarity and precision of his account. These, as we shall see, are intimately interconnected. Thus, Hayek’s method sometimes illuminates and sometimes obscures his ideological or normative understanding of freedom. For this reason, we need to assess his method and his account in conjunction with each other. Hayek then, deploys three
main techniques to identify and clarify his concept of freedom. His first is to stipulate what he means by the words ‘freedom’ or ‘liberty’, his second is to contrast his favoured concept of freedom with rival concepts, and his third is to give ‘a more exact meaning to certain closely related ideas’ such as coercion, ‘arbitrariness and general rules or laws’. We need to clarify and assess each of these methods or techniques in turn before considering the general merits and significance of Hayek’s account.

The reason why Hayek begins his inquiry by stipulating what he means by the words ‘freedom’ or ‘liberty’ is because he does not believe it is ‘very profitable’ to begin by analysing what we ‘really mean’, by these words. Thus, unlike many of his successors, he does not try to suggest that there is only one correct way of conceiving the political idea of freedom. Instead, he recognises that the political language of freedom can be used in a multiplicity of ways and that clarity demands that we specify the sense in which we intend to use it. Despite this, Hayek attempts to give his stipulative definition of freedom added weight and authority by claiming that it ‘seems to be the original meaning of the word’. This appeal to history and tradition is made four more times in the course of the next few pages, yet it is based on a contentious claim. Indeed, as we shall see in the next sub-section, Arendt attributes a very different understanding to the original meaning of freedom in the Western world.

One of the reasons why Hayek and Arendt draw such different conclusions from this common tradition is because of their very different concerns and preoccupations. Thus, Arendt is concerned to address ‘the problem of freedom’ that characterises Western philosophical and political thought. This leads her to focus on the political tradition of early antiquity. In contrast, Hayek is concerned to illuminate the shortcomings of central state planning. He thus focuses on the principle of freedom which he believes informs and underpins Western civilisation. In focusing on this principle, Hayek is more successful than most, in being clear and precise about his subject-matter, i.e. what concept of freedom he is clarifying and discussing. However, his ‘stipulative’ approach is nevertheless flawed because of the confused and ambiguous way in which he initially defines ‘freedom’.

The ambiguity and confusion surrounding Hayek’s account is apparent in the opening pages of Chapter I. Thus, he begins his analysis by claiming that the state of liberty or freedom with which he is concerned is ‘that condition of men in which coercion of some by others is reduced as much as is possible in society’. In the next paragraph he defines it more precisely as ‘[t]he state in which a man is not subject to coercion by the arbitrary will of another or others’. So far, his meaning seems fairly clear, albeit dependent on an explication of what constitutes an ‘arbitrary will’. However, in his next paragraph, he claims that he has described ‘a state which man living among his fellow may hope to approach closely but can hardly expect to realize

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161 CL, p.20.  
162 CL, p.11.  
163 CL, p.12.  
165 CL, p.11.
perfectly.'\textsuperscript{166} This though, does not follow, for there is no logical reason why the state of freedom which he had previously described cannot be perfectly realised.\textsuperscript{167}

The reason why this initial attempt to stipulate the meaning of ‘freedom’ is so confused is because Hayek oscillates between defining ‘freedom’ as “independence of the arbitrary will of another”,\textsuperscript{168} and conceiving it as ‘the absence of coercion’.\textsuperscript{169} This definition and conception are presented as interchangeable, yet clearly they are not.\textsuperscript{170} Indeed, it is quite conceivable that an agent can be coerced and yet still be independent of the arbitrary will of another. Take for example, the taxation laws of a constitutional state. These coerce the unwilling agent into making a financial contribution to the upkeep of the state but do not rest on the arbitrary will of another. Indeed, such laws are regarded as legitimate and known. Since Hayek later acknowledges this distinction between legitimate and arbitrary laws,\textsuperscript{171} it is carelessness rather than confusion that leads him - in the opening pages of his book - to make contradictory statements about the ‘state’ of liberty. We will find that this carelessness can mainly be attributed to Hayek’s failure to sharply distinguish the physical conditions of ‘individual liberty’, i.e. ‘the absence of coercion’, from the normative conditions of the principle of freedom, i.e. ‘independence of the arbitrary will of another’. This failure pervades the whole of his analysis and helps to explain the ambiguity which surrounds it.

There is one final problem with Hayek’s initial attempt to stipulate what he means by ‘freedom’ and this is his decision to label his subject, “‘individual” or “personal” freedom’.\textsuperscript{172} These labels are misleading because they suggest that he is clarifying the (physical) freedom of individuals to act, rather than the (normative) principle of freedom that informs and underpins Western civilisation.\textsuperscript{173} This not only obscures the subject of his analysis, it opens him up to the charge that he has presented a very lop-sided and inadequate account of individual liberty. For example, he can be criticised for focusing on the ‘external’ (political) conditions of choice and for ignoring the individual’s underlying psychology in decisions to act.\textsuperscript{174} These difficulties suggest that a more appropriate label for Hayek’s subject would have been ‘civil liberty’ or ‘political liberty’. Indeed, this phrase would have underlined his principal concern with the

\textsuperscript{166} CL, p.11-12.
\textsuperscript{167} i.e. there is no reason why coercion cannot be ‘reduced as much as possible’. Furthermore, there is no reason why it should ever be the product of an ‘arbitrary will’.\textsuperscript{168} CL, p.12.
\textsuperscript{169} Although Hayek claims in Part II of \textit{CL}, that 'Earlier in our discussion we provisionally defined freedom as the absence of coercion.' (CL, p.133), at no earlier point does he define it in this unqualified way. Instead he speaks of 'not subject to coercion by the arbitrary will of another or others' (CL, p.11). However, he does variously claim that 'the only infringement on [freedom] is coercion by men.' (CL, p.12). His ‘absence of coercion’ definition is also implicit in his claim that a ‘perfect’ state of liberty is impossible. This claim is based on his assumption that all civil states require the use of some coercion (See CL, Chapter 9).
\textsuperscript{170} CL, pp.11-12.
\textsuperscript{171} See below and CL, Part II.
\textsuperscript{172} CL, p.11, though for the most part he uses the former phrase.
\textsuperscript{173} Thus, early on he claims that in the past freedom ‘meant always the possibility of a person’s acting according to his own decisions and plans’, (CL, p.12) i.e. within the remit of the law. However, Hayek omits this qualification from his initial attempt to define freedom, he thus conflates freedom of action with freedom under the law - see below for a discussion of this conflation.
\textsuperscript{174} See in particular, Taylor’s implicit critique of Hayek’s account in ‘What’s Wrong with Negative Liberty’. 
individual’s freedom *in relation to* the civil state.\textsuperscript{175} Hayek’s reasons for not using this phrase are unconvincing and quite ironic given the degree of confusion, created by his chosen phrase.\textsuperscript{176} Thus, had he made it clearer from the outset that he was clarifying a *principle* of freedom, rather than the necessary conditions of ‘individual liberty’ much confusion and misinterpretation of his account may have been avoided.\textsuperscript{177}

One of the reasons why Hayek’s initial attempt to clarify ‘freedom’ is so confused is because he tries to present an account of it in advance of analysing and clarifying the nature of the civil state.\textsuperscript{178} This leads him to conceptualise it in a way that reflects his own wider concerns and preoccupations, rather than in a way that is consistent with the idea of political order. To illustrate, by conceiving freedom as ‘the absence of coercion’, he makes the command economy - which depends on state coercion - incompatible with it. However, this conceptual device is limited. Thus, he is forced to qualify this initial understanding of freedom to establish a coherent political theory. This is because some form of state coercion is necessary if political order is to maintained.\textsuperscript{179} We will find that this qualifying process creates a number of problems for Hayek. In particular, it undermines the overall clarity of his account.\textsuperscript{180} It also suggests that a clearer and more satisfactory account of freedom emerges out of philosophical reflection on the political rather than as a starting point to such reflection.

It is now time to consider the second technique that Hayek uses to delineate his concept of freedom. Early on in his analysis then, he contrasts his concept of ‘individual liberty’ with other concepts of freedom such as, ‘political liberty’, ‘inner liberty’, and ‘liberty in the sense of power’.\textsuperscript{181} For him, ‘these various “freedoms” are not different species of the same genus but entirely different conditions, often in conflict with one another’.\textsuperscript{182} Indeed, he goes further and argues that we want these various freedoms ‘largely for different reasons, and their presence or absence has different effects’. We therefore need ‘to choose between them ... by deciding which of these different states we value more highly.’\textsuperscript{183} Like Berlin then, Hayek recognises that there are different and incommensurable ideals of freedom, between which we must choose. However, unlike Berlin, he does not believe a political compromise between them is possible.\textsuperscript{184} Instead, his aim is to defend *one* of these conceptions.

Like his stipulative method, this second technique allows Hayek to specify the idea or concept of freedom that is to provide the focus of his analysis. However, unlike the first, this second approach underlines the lack of philosophical detachment that characterises his inquiry. Indeed,

\begin{itemize}
\item \textsuperscript{175} He shows a passing concern with freedom in relation to other individuals, but only to explain the need for a coercive state, e.g. *CL*, Chapter 9, section 5.
\item \textsuperscript{176} *CL*, p.11 ‘it is too liable to be confused with what is called “political liberty”’.
\item \textsuperscript{177} e.g. Miller, Introduction to *Liberty*, p.14.
\item \textsuperscript{178} i.e. he begins his work, as we have seen, by defining what he means by ‘freedom’ (*CL*, Chapter I). See I.i on how in the past the political idea of freedom emerged from philosophical reflection on the political.
\item \textsuperscript{179} Some level of political order is necessary for individual liberty to thrive - thus unless the individual’s life and property is secure he is unfree to pursue his own ends.
\item \textsuperscript{180} Cf. his discussion of coercion in *CL*, Chapter 7, and my discussion of this below.
\item \textsuperscript{181} *CL*, p.13-8.
\item \textsuperscript{182} *CL*, p.12.
\item \textsuperscript{183} *CL*, p.19.
\item \textsuperscript{184} *TC*, p. 52.
\end{itemize}
rather than arrive at his account of freedom through philosophical reflection on the political, Hayek identifies an understanding of freedom that he values above rival understandings. The understanding he chooses is informed by his assumptions about the forces behind Western civilisation, rather than by a philosophical inquiry into the nature and grounds of the civil state. This is not surprising given his 'ideological' or 'normative' conception of political philosophy. It does though raise, once again, questions about the philosophical rigour of Hayek's inquiry. In particular, he assumes that philosophers can '[decide] between conflicting values' but does not explain how this choice is to be made in a detached and rigorous way.

The third and final technique that Hayek uses to clarify his concept of 'individual liberty', is more detached and illuminating. As already indicated, this technique involves analysing and clarifying the related concepts of coercion, arbitrariness and general rules or laws. It is because this part of his analysis is not as clear and precise as it could be, that he conflates importantly distinct concepts of freedom. In particular, he fails, once again, to distinguish 'individual liberty', or freedom of (individual) action, from the principle of freedom, or freedom under the law. He thus conflates a physical kind of freedom with a distinctly political kind of freedom. This part of his analysis also leads him to draw conceptual distinctions that are difficult to sustain in theory and in practice. This shortcoming is significant for one of Hayek's explicit aims is to clarify the criteria of freedom that can be applied to practice. Since Hayek's analysis fails in this, it falls short of one of its own objectives.

To assess this part of Hayek's account, we will consider his analysis of each of these related ideas in turn, starting with his analysis of 'coercion'. According to Hayek, this concept is central to his account of freedom. Thus, in the concluding remarks of Chapter I he claims that his 'definition of liberty depends upon the meaning of the concept of coercion'. However, as we shall see, his 'absence of coercion' definition of freedom introduces unnecessary complications into his analysis; complications that 'disappear' once he shifts his attention to the concepts of 'arbitrariness and general rules or laws'. Indeed, his preoccupation with the concept of coercion leads him to obscure the subject of his analysis. In particular, it obscures the fact that 'the chief concern of [his] book' is '[t]he conception of freedom under the law', rather than the freedom of individual action. One of the reasons why this confusion occurs is because Hayek uses the language of coercion in two distinct senses. That is to say, he uses it in a descriptive and an evaluative sense. The former specifies what he means by 'coercion' and the latter expresses his preference for a particular kind of coercion in the civil state.

According to Hayek, '[c]oercion occurs when one man's actions are made to serve another man's will, not for his own but for the other's purpose.' In order to make this a workable definition for theorising about the civil state - a state in which some forms of coercion are

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185 See above and Part III of CL.
186 This can be found in CL, Chapter 9.
187 CL, p.20.
188 CL, p.153.
189 CL, p.133.
necessary. Hayek tries to draw a distinction between the ‘threat of coercion’ and ‘actual and unavoidable coercion’. For Hayek, the threat of coercion is necessary in the civil state to prevent individuals from coercing each other and is less ‘harmful’ and ‘evil’ than actual coercion because we can usually choose to avoid it. However, this evaluative distinction between ‘necessary coercion’ and coercion that is ‘harmful and evil’ is difficult to sustain, for as Hayek himself admits, there are certain forms of coercion that are legitimate, yet actual and unavoidable in civil society, such as taxation and serving in the armed forces. He tries to claim that such coercion is predictable and that ‘this deprives them largely of the evil nature of coercion’, but this fails to prevent Hayek’s account descending into inconsistency. Thus, once he admits that some laws are necessary and coercive, he effectively makes a state of liberty unobtainable in the civil state.

Hayek seems to be aware of this kind of inconsistency for he warns that ‘[l]iberty can be so defined as to make it impossible of attainment. Similarly coercion can be so defined as to make it an all-pervasive and unavoidable phenomenon.’ He is guilty on both counts. Thus, in defining freedom as ‘the absence of coercion’ and in describing certain necessary laws as coercive, Hayek is forced to admit that ‘[t]he task of a policy of freedom must ... be to minimize coercion or its harmful effects, even if it cannot eliminate it completely.’ Freedom then, cannot be perfectly realised when it is conceived as the ‘absence of coercion’ because some forms of coercion are necessary and unavoidable in the civil state. This uncertainty regarding whether coercion does or does not undermine freedom in civil society pervades the whole of Hayek’s analysis. Thus, he constantly shifts between claiming it interferes with individual liberty, and claiming that it is a necessary condition of this liberty.

Greater clarity and certainty is achieved in this area by Hayek’s analysis of ‘arbitrariness and general rules or laws’. These two concepts are intimately interrelated and are arguably more central to understanding Hayek’s concept of freedom than the concept of coercion. Indeed, these concepts allow him to articulate the principle of freedom at the heart of Western civilisation; a principle manifested in ‘the rule of law’. According to Hayek then, ‘when we obey laws, in the sense of general abstract rules laid down irrespective of their application to us, we are not subject to another man’s will and are therefore free.’ This distinctively political understanding of freedom is very different from the empirical or physicalist

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190 Thus, a ‘civil’ state presupposes some common rules that need to be enforced. These rules reflect the ‘will’ of the rulers, whose purpose is not necessarily the same the purpose of specific individuals. In the morally ‘correct’ state these rules advance the common interest rather than an individual or group interest.
191 CL, p.142.
192 CL, p.142.
193 CL, p.143.
194 CL, p.143.
195 i.e. unobtainable when it is defined as the ‘absence of coercion’.
196 CL, p.139.
197 Necessary in the sense of being basic to peace and order.
198 CL, p.12.
199 CL, p.12.
201 Because it describes a unique relationship between citizen and government.
understanding of freedom that is implicit in Hayek’s earlier discussion of freedom as ‘the absence of coercion’. Here, ‘freedom’ referred ‘solely to a relation of men to other men’ and law was seen as an instrument of coercion.\textsuperscript{202} Once Hayek’s discussion shifts to freedom under the law, the coercive character of law is left to one side, and a clearer analysis of what he means by ‘freedom’ emerges.

According to Hayek, general laws are a necessary and unavoidable framework for forming and carrying out one’s own plans. Indeed, he believes that if the individual ‘is subject only to the same laws as all his fellow citizens, if he is immune from arbitrary confinement and free to choose his work, and if he is able to own and acquire property, no other men or group of men can coerce him to do their bidding.’\textsuperscript{203} These conditions characterise the individual’s private sphere which the state can legitimately use coercion to protect.\textsuperscript{204} Hayek’s primary concern then, is that we are not subject to the arbitrary will of another person, i.e. someone who can continuously command us to do one thing or another, in every aspect of our lives. He believes civil laws that are general, knowable, and equally applicable to all, avoid this and provide the necessary conditions of individual freedom. Like natural laws, they allow us to plan our own lives within fixed and knowable limits.\textsuperscript{205} For Hayek it is essential that these general laws do not point to specific moral ends or goals, such as distributive justice or the redistribution of wealth, for this would involve coercion of a harmful kind. That is to say, it would depend on the judgements of individuals acting as agents of the state, applying the law to specific individuals in a particular way.\textsuperscript{206}

Whilst this notion of general rules, or more technically, ‘the rule of law’, is helpful in clarifying Hayek’s distinction between the ‘threat of coercion’ and ‘actual and unavoidable coercion’, it expresses a very narrow conception of what constitutes the arbitrary will of another.\textsuperscript{207} In particular, Hayek fails to see that a general rule can itself be arbitrary. For example, general rules can express the value-preferences of the rulers or powerful groups, such as property owners or religious believers. Thus, a rule that all citizens must attend church on a weekly basis is as general and abstract as the rule that all citizens must contribute a percentage of their wages to the treasury. Yet, it is a rule that many would regard as an infringement of individual liberty. Similarly, Hayek rejects J. S. Mill’s claim that tradition and norms are a threat to an individual’s liberty, on the grounds that we can choose to ignore them.\textsuperscript{208} Once again, many would deny this. These examples raise doubts about the utility of Hayek’s conception of liberty, as a guide to political practice. Indeed, unless we believe that this conception expresses

\textsuperscript{202} CL, p.12.
\textsuperscript{203} CL, p.7 and p.20.
\textsuperscript{204} CL, p.143.
\textsuperscript{205} CL, p.142.
\textsuperscript{206} Rawls’s A Theory of Justice was an attempt to show how these ends could be legitimately pursued.
\textsuperscript{207} Contrast to, e.g. Rousseau’s General Will: what is good for community as a whole. NB Hayek denies that such knowledge is possible.
\textsuperscript{208} CL, p.147. This underlines Hayek’s oversimplistic view of choice, i.e. he ignores the underlying psychology of freedom.
the value of liberty that we all share, then it lacks the authority to inform democratic practice. Since this is one of Hayek’s aim, his analysis of freedom falls short of his own objectives.

Having clarified Hayek’s aims, his conception of political philosophy, his method of analysis and the clarity and precision of his account, it only remains to assess briefly the significance or importance of his inquiry. Perhaps the single most important achievement of Hayek’s analysis then, is the way in which it illuminates one of the most pervasive threats of the modern bureaucratic state; a threat which arises out of the civil state’s unprecedented power to control and regulate the lives and fortunes of its individual citizens. However, Hayek’s attempts to address this threat are more problematic. In particular, he fails to draw a sharp enough distinction between free and unfree activities\(^{209}\) and he fails to justify this distinction on rigorous grounds.\(^{210}\) Indeed, the distinction seems to rest on his own preference for a particular kind of society; one which is characterised by a free market rather than by a command economy. As we have seen, this reflects a very narrow conception of the political and ignores the fundamental problems of political philosophy. Consequently, he clarifies an ideological or normative understanding of civil freedom rather than a philosophical understanding. This means that his account of freedom is of very limited philosophical interest.

\(\text{\textit{(iv) Countering ‘automatic processes’ with human initiative: Arendt}}\)

So far we have seen how Berlin’s concern with the ideological dispute between East and West helped him to articulate a pluralist view of values and how Hayek’s concern with the ‘socialist’ threat of a centrally planned welfare state encouraged him to articulate an alternative vision of the civil state. Both, in effect, are responding to contemporary political events or threats and using these as a springboard for more general reflections about the nature of human values and/or human civilisation. Central to articulating these political and philosophical concerns is an account of freedom that illuminates the specific problem being addressed by the theorist. As urged above, these accounts of freedom cannot be adequately understood and assessed independently of the problems they are designed to address.\(^{211}\) Indeed, when subsequent theorists have attempted to understand and assess these accounts in isolation of the wider concerns that inform them, they have created a pseudo-problem and engaged in a pseudo-dispute.\(^{212}\)

Before we turn our attention to the instigators and perpetuators of this dispute, we need to consider one further account of freedom that arises - at least in part - out of the ‘ideological’ concerns of the early post-war period. Namely, the account of freedom found and developed in

\(^{209}\) As we have seen the ‘rule of law’ is not as helpful in drawing this distinction as Hayek assumes.

\(^{210}\) Thus, Hayek fails to explain why the rule of law is authoritative - upon what is it grounded? For Hayek it is enough that it has evolved and become part of the Western tradition, and that it is central to civilisation. Unless he can adequately ground or justify this account, then he is providing no more than an ideological as opposed to a philosophical argument for a particular state of affairs. An ideological unlike a philosophical argument, is based on assumptions which are not rigorously defended and as a result, can only persuade those who share the ideological preferences of the writer.

\(^{211}\) In other words, the merits of different accounts are lost sight of, unless these wider concerns are recognised.

\(^{212}\) e.g. MacCallum’s implicit interpretation of Berlin, and Taylor’s implicit interpretation of Hayek, see also I.iv above.
the writings of Hannah Arendt. Whilst her analysis of freedom is less obviously a response to contemporary political events, an underlying concern with the ideological forces of the period, such as totalitarianism and mass society, is central to her work. Her most important publication for our purposes is ‘Freedom and Politics’ (1960). This paper, along with a later revised version of it, articulates a view of freedom which departs radically from traditional conceptions of freedom found in the history of political thought. Indeed, Arendt rejects the claims of this tradition on the grounds that it draws on a non-political conception of freedom; a conception that has been developed by philosophers who rejected the active life of politics, in favour of the contemplative life of thought. She believes this has resulted in a “distortion” rather than a “clarification” of ‘the very idea of freedom such as it is given in human experience’.

In order to illuminate and address the shortcomings of this ‘philosophical’ conception of freedom, Arendt explores ‘the relation of freedom to politics’, a relation which she believes has either been ignored or misunderstood by philosophers in the West. For Arendt, this ignorance or misunderstanding has come about because philosophers, throughout history, have been preoccupied with freedom of the will rather than freedom ‘experienced in acting and associating with others’. This preoccupation she argues has led philosophers to equate freedom with sovereignty; an equation that politically, has certain ‘pernicious and dangerous’ consequences. In particular, it either leads to the denial of human freedom, or to the assumption that freedom can only be obtained by denying others freedom. To challenge this view of freedom and its unpalatable consequences, Arendt presents what she believes to be the correct relation between freedom and politics; one which confirms the reality of human freedom and at the same time avoids the incoherence of the philosophical view. She does this by drawing on conceptions of freedom and politics found in early antiquity. These conceptions are pre-philosophical and are therefore presented as more authentic and coherent than conceptions of freedom arising from the non-political experience of the intellect.

In this subsection, we need to examine Arendt’s claim that the ‘political and pre-philosophical traditions of antiquity’, offer a more authentic and more coherent conception of freedom than

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213 In addition to ‘Freedom and Politics’ (1960), see in particular, The Human Condition (1958) and also her collection of essays, Between Past and Future (1968). Origins of Totalitarianism (1951), and On Revolution (1963) are also important in developing and/or articulating her distinct view of freedom.

214 Although political events, such as the growth of mass society and the totalitarian experience, provide a backdrop to her analysis, they are not the direct target in the same way that totalitarianism and socialism are the direct targets of Berlin’s and Hayek’s analysis.

215 See, in particular, The Origins of Totalitarianism (1951), and her focus on mass society and mediocrity in The Human Condition (1958).

216 Whilst this paper will provide the main focus of our critique, her other works will be drawn on when it helps to illuminate its claims.

217 i.e. ‘What is Freedom?’ This essay is a more refined and extended version of the original lecture. Indeed, in places, it provides a more precise rendition of what Arendt’s actually says in the earlier lecture. For this reason we will draw on both in developing our critique of Arendt’s account.

218 ‘What is Freedom?’, p.145.

219 FP, p.58.

220 FP, p.72.

221 FP, p.72.

222 FP, p.72. Hence the widely held view ‘that “perfect liberty is incompatible with the existence of society.”’.

223 See below for a discussion of this.

224 p.73
the conceptions of freedom found in the Western philosophical tradition. However, before we do this, we need to clarify Arendt’s subject-matter as well as her principal concern or preoccupation. Clarifying her subject-matter is important because whilst it is often assumed that she is discussing a distinctively political kind of freedom,225 closer inspection suggests that she is more interested in clarifying the necessary conditions of metaphysical freedom;226 a freedom which she believes is threatened by the ideological forces of mass society and totalitarianism.227 Arendt herself does not make the ‘metaphysical’ focus of her analysis very clear.228 Thus, early on in her paper, when she considers ‘modern’ conceptions of freedom and politics,229 she refers to her subject as ‘political liberty’ or ‘political freedom’ rather than ‘metaphysical’ freedom.230 Indeed, it is not until the concluding pages of her paper that she refers to her subject as ‘human freedom’, thus implying a more general, metaphysical focus.231 The rest of the time she uses the word ‘freedom’ in an unqualified way.

This lack of clarity surrounding the subject of Arendt’s analysis is important for it obscures the merits of her account. These merits, as we shall see, lie in illuminating the conceptual problems of abstract thought rather than the distinct nature of political relations. Indeed, like her ‘ideological’ predecessors, Arendt does little to advance a distinctively political understanding of freedom. This is not surprising given her principal concern or preoccupation which is to address ‘the problem of freedom’ specific to philosophical and political thought.232 As we have seen, Arendt believes this problem hinges on the philosophical conception of freedom that dominates Western philosophical thought, including Western political thought.233 Since this conceptions dominates both forms of thought, she believes the philosophical problem of freedom and the political problem of freedom are intimately interrelated. Thus, she refers to ‘a philosophical problem of the first order’ which ‘has become a political problem’.234 More specifically, she argues that the ‘equation of freedom with the human capacity to will’ has had ‘fatal consequences for political theory’.235 It is these wider concerns that help to explain the content and the form of her analysis.

Although Arendt is not very clear about the nature of ‘the philosophical problem’ that informs her initial paper on freedom, in her later revised version of it, she claims that ‘the difficulty may be summed up as the contradiction between our consciousness and conscience, telling us that we are free and hence responsible, and our everyday experience in the outer world, in which

225 Hence its inclusion in D. Miller’s Liberty’; an anthology that focuses on what we mean by freedom in a distinctively political sense, (Liberty, Introduction, p.1-2).
226 See Appendix.
227 See FP, Section 5.
228 This focus is much clearer in her later revised paper, ‘What is Freedom?’
229 FP, p.62-3.
230 FP, p.61-2.
231 FP, p.76; p.78-9. In these pages she declares that ‘[h]uman freedom is not merely a matter of metaphysics but a matter of fact’, (FP, p.78).
232 This is the standard way in which she refers to her subject in FP, e.g. p.58, p.68, p.72, p.73.
233 i.e. the equation of freedom with free will (FP, p.68).
234 FP, p.72.
235 FP, p.71. Cf. Arendt’s discussion of Rousseau in ‘What is Freedom?’ and the need to renounce sovereignty if Rousseau’s paradox is to be avoided.
we orient ourselves according to the principle of causality.’\textsuperscript{236} Arendt believes that the source of this paradox lies in the philosophical conception of the will as a faculty that commands and instructs; a ‘will [that] is both powerful and impotent, free and unfree.’\textsuperscript{237} It is this paradoxical account of freedom that she seeks to resolve by appealing to the notion of freedom found in early antiquity. This appeal to history and tradition is based on her belief that the philosophical problem of freedom arises when freedom is “transposed” ‘from its original field, the realm of politics and human affairs in general, to an inward domain, the will, where it would be open to self-inspection.’\textsuperscript{238}

To address this problem or paradox, Arendt equates freedom with action. Thus, according to her, ‘[m]en are free ... as long as they act, neither before not after; for to be free and to act are the same.’\textsuperscript{239} Such an act must be ‘spontaneous’\textsuperscript{240} arising from a ‘principle’\textsuperscript{241} rather than simply guided by the intellect or dictated by the will. Indeed, in so far as an act is ‘under the guidance of the intellect or under the dictate of the will’ it is \textit{unfree} because it is still, in some sense, ‘controlled’\textsuperscript{242} Central to Arendt’s idea of a ‘spontaneous’ or ‘uncontrolled’ act is the notion of a ‘principle’. ‘Such principles are honour or glory, love of equality, ... and also fear or distrust or hatred.’\textsuperscript{243} Arendt likens the former set of principles to what ‘Montesquieu called virtue, or distinction or excellence’.\textsuperscript{244} These principles ‘do not operate from within the self as motives do ... but inspire, as it were, from without ... [This means that] the inspiring principle becomes fully manifest only in the performing act itself’.\textsuperscript{245} From this, Arendt concludes that ‘[f]reedom or its opposite\textsuperscript{246} appear in the world whenever such principles are actualized; the appearance of freedom, like the manifestation of principles, coincides with the performing act.’\textsuperscript{247}

This equation of freedom with action leads Arendt to connect freedom with politics.\textsuperscript{248} Indeed, she believes that ‘[w]ithout a politically guaranteed public realm, freedom lacks the worldly space to make its appearance’.\textsuperscript{249} This is very important for Arendt because she believes it makes her account of freedom conceptually superior to accounts that ‘equate freedom with free will’.\textsuperscript{250} Thus, she argues that since the latter is private, it ‘can hardly be called a demonstrable fact’.\textsuperscript{251} Arendt goes on, ‘[s]uch a space of appearances is not to be taken for granted wherever

\textsuperscript{236} ‘What is Freedom?’, p.143.
\textsuperscript{237} \textit{FP}, p.70.
\textsuperscript{238} ‘What is Freedom?’, p.145.
\textsuperscript{239} \textit{FP}, p.64.
\textsuperscript{240} \textit{FP}, p.74.
\textsuperscript{241} \textit{FP}, p.63-4.
\textsuperscript{242} \textit{FP}, p.63.
\textsuperscript{243} \textit{FP}, p.64.
\textsuperscript{244} \textit{FP}, p.64.
\textsuperscript{245} ‘What is Freedom?’ p. 152.
\textsuperscript{246} It is not clear why Arendt refers to ‘its opposite’ in this context for surely unfreedom, is a ‘negative’ experience, i.e. nothing happens, therefore it cannot ‘appear’ in the world.
\textsuperscript{247} \textit{FP}, p.64.
\textsuperscript{248} Arendt goes back to antiquity to defend this equation of freedom with action. (\textit{FP}, p.73)
\textsuperscript{249} \textit{FP}, p.60.
\textsuperscript{250} \textit{FP}, p.68.
\textsuperscript{251} \textit{FP}, p.60.
men live together in a community.'\textsuperscript{252} However, she believes ‘[t]he Greek polis once was precisely that ‘form of government’ which provided men with a space of appearances where they could act, with a kind of theatre where freedom could appear.'\textsuperscript{253} As we shall see, Arendt uses this model of how freedom and politics are related to challenge modern, liberal conceptions of freedom and politics. In particular, she argues for the acceptance of an interdependence of freedom and politics\textsuperscript{254} in preference to the dominant ‘liberal’ definition of political liberty as a potential freedom from politics.\textsuperscript{255} She acknowledges that the latter view has been reinforced by the experience of totalitarianism,\textsuperscript{256} but insists that it belittles or sidelines the very forum that is basic to freedom.

Whilst Arendt’s analysis of freedom helps to illuminate some of the shortcomings of the ‘philosophical’ conception - shortcomings that arise from the equation of freedom with free will - it is questionable whether she has presented a more authentic and coherent conception than that found in the Western philosophical tradition. Indeed, as we shall see, her account rests on mistaken assumptions about the nature and reality of ‘freedom’, and is lacking in coherence and rigour. The first of these shortcomings can be attributed to her assumption that ‘freedom’ as with other ‘traditional concepts’ such as justice and authority, has an ‘underlying phenomenal reality’.\textsuperscript{257} This leads her to make claims that are more ambitious than her analysis can sustain. Thus, even though she is careful to distinguish the idea of freedom with which she is concerned, from the idea of ‘free will’, ‘inner freedom’,\textsuperscript{258} and freedom of choice,\textsuperscript{259} she still suggests, misleadingly, that her analysis is the only correct and coherent way of conceiving the phenomenon of ‘freedom’. Indeed, in the later revised version of her paper, she claims that ‘the phenomenon of freedom does not appear in the realm of thought at all.’\textsuperscript{260} In other words, it cannot manifest itself in the will or some ‘inner’ realm.

The reason why these underlying assumptions are misleading and mistaken is because they ignore the fact that the language of freedom can conceptualise a variety of experiences, not all of which manifest themselves in action. Indeed, in assuming that pre-philosophical experience is more authentic and reliable than thought, Arendt cuts herself off from conceptions of freedom which help us to articulate a comprehensive view of our mental and physical experiences. In particular, she fails to recognise the distinct function and merits of rival concepts, such as free will and inner freedom.\textsuperscript{261} Furthermore, she assumes that since the philosopher’s interpretation or analysis of phenomena reflects his own contemplative interests and concerns, he produces a distorted account of phenomena. However, this is to ignore the distinct concerns of the

\textsuperscript{252} FP, p.65.
\textsuperscript{253} FP, p.65.
\textsuperscript{254} FP, p.67.
\textsuperscript{255} FP, p.61 (my emphasis).
\textsuperscript{256} Which she claims, ‘makes us doubt not only the coincidence of politics and freedom but their very compatibility.’ FP, p. 61.
\textsuperscript{257} Between Past and Future, Preface, p.15.
\textsuperscript{258} FP, p.58.
\textsuperscript{259} FP, p.63.
\textsuperscript{260} ‘What is Freedom?’ p.145.
\textsuperscript{261} See below for a discussion of this. Arendt’s failure to recognise these distinct functions and merits can be attributed to her assumption that the concept of free will is equalled with ‘freedom’.(FP, 73).
philosopher, which is to understand reality in a coherent and comprehensive way. This places certain logical constraint on how he can conceive it.

In addition to these mistaken assumptions about the ‘phenomenon’ of freedom, Arendt’s account of freedom is incoherent. In particular, her equation of freedom with a spontaneous act, fails to escape the paradox that she perceives in philosophical accounts of the will. Indeed, she assumes that since free or spontaneous acts arise from principles which “inspire from without”, they are not governed or controlled. However, what moves us to act is as much a part of our past experiences (i.e. necessity) as our will or desires. We are still being ‘controlled’ by something, no matter how we label it. This suggests that Arendt’s requirement of spontaneity as a condition of freedom is too demanding; nothing is spontaneous, everything has some origin or cause, most of all human action. This is no reason for despair for we are free in a metaphysical sense in so far as we believe we can reject a course of action, even one we undertake. If we can reject a course of action, we are free to choose and act; if we can only accept a course of action, we are determined by some motivating force, principle or law.

As well as being incoherent, Arendt’s analysis and account of freedom is lacking in rigour. In particular, she provides little, if any, evidence to substantiate her claims about how freedom was understood in early antiquity. This is a serious omission given the contentiousness of her claims. Thus, a reading of Herodotus suggests that the ancients understood ‘freedom’ to mean the absence of despotic rule rather than action in a public space. Even if her analysis is correct, she does not explain why this ‘ancient’ understanding of freedom is more authentic than rival understandings; understandings that are developed in response to very different and changing concerns and circumstances. Similarly, she asserts rather than demonstrates, that she is presenting and reflecting on no more than an ‘old truism’ when she claims that ‘[t]he raison d’être of politics is freedom, and its field of experience is action’. This claim implies that her account is far more established than it actually is. In fact, a less contentious claim would be that the raison-d’être of politics is the common good. This is because political life is distinguished and owes its existence to common concerns rather than to a desire - as Arendt suggests - to “perform” in a public space.

So far we have shown how Arendt’s analysis and account of freedom arises out of a very specific philosophical concern, i.e. the philosophical problem of paradox. This ‘problem’ is one step removed from the problems that have traditionally concerned philosophers and is

262 This is a basic, unquestioned tenet of Western thought.
263 Indeed, she is writing about a time in which written evidence is sparse - she thus infers ‘ancient’ conceptions of freedom and politics from practices rather than from what the ancients actually say about their experiences. This allows her to interpret these practices in a way that suits her wider agenda.
264 *The Histories*, e.g. p.231; p.240.
265 e.g. the Stoic, slave-philosopher Epictetus’s response to his condition, *FP*, fn 1 p.59.
266 *FP*, p. 62-3.
267 *FP*, p.58.
268 Cf. Collingwood, *The New Leviathan*, p. 325 (38.81) who implies, or comes close to this claim when he asserts that ‘the raison-d’être not only of bodies politic but of every community is that men should live, as Aristotle says, a good life’.
269 *FP*, p.60.
typical of the ‘analytical’ approach of the post-war period; an approach which reflects on the problems that arise in abstract or philosophical thought rather than on the problems that this thought seeks to address. In the process, the analyst loses sight of the problems that past philosophers and their thought originally tried to address. In Arendt’s case, she ignores or sidelines the problems or concerns addressed by the concept of ‘free will, ‘inner freedom’ and ‘freedom of choice’. For example, she ignores the genuine philosophical and Christian concern with the problem of virtue and the need to distinguish right reason from base desires. The idea of inner (moral) freedom was central to articulating this concern, and did not depend, as Arendt suggests, on the erosion of freedom in a public space.270

The irony of Arendt’s analysis is that she attributes the problems that she is addressing to abstract or philosophical thought, yet these ‘problems’ are themselves the product of her own engagement in this kind of thought. Indeed, Arendt presents an account of freedom that is further and further removed from addressing a genuine philosophical problem, i.e. a problem that arises out of general reflections on our experiences and our place in nature. Despite this, Arendt is less guilty than many of her contemporaries of ignoring these more fundamental problems. Thus, in the course of addressing ‘the problem of freedom’, she connects her account of freedom to a wider philosophical view about human meaning and immortality. This wider view is central to understanding her account of freedom. Our next task is therefore to explicate this view and show how she uses it to illuminate the ideological threats of the period.

Arendt’s concern with the philosophical problem of meaning and immortality is most clearly expressed in her work The Human Condition (1958).271 However, references to these wider concerns can also be found in her papers on freedom. For example, in the opening paragraph of ‘Freedom and Politics’, she claims that political life without freedom would be ‘meaningless’.272 Understanding what Arendt means by this claim requires some familiarity with her wider thought and can only be briefly summarised here. Thus, for Arendt, something can only be ‘meaningful’ if it is immortal. Anything that is transitory such as acts in a private space are by definition meaningless because they go by unwitnessed and unrecorded. These private acts are contrasted to acts in a public-political space which are ‘remembered and incorporated into the great storybook of human history.’273 According to Arendt, it is only in this public realm that we can make our mark on the world; ‘a world about which we have to decide how it is going to look and to sound and in what shape we want it to outlast us.’274

Arendt’s preoccupation with meaning and immortality is derived from a genuine philosophical concern to identify ‘the specifically human quality of man’ and thereby make sense of our place in nature.275 Thus, according to her, only those ‘who “prefer immortal fame to mortal things”’

270 FP, p.58-9. ‘The experiences of inner freedom are derivative in that they always presuppose a retreat from the world, where freedom was denied, into an inwardness to which no other has access.’
271 See in particular, FP, p.19, p.42, p.55, p.204.
272 FP, p.58.
273 FP, p.66.
274 FP, p.67.
275 Between Past and Future, p.35.
are really human; the others, content with whatever pleasures nature will yield them, live and
die like animals.' More significantly for our purposes, she believes that it is our freedom; our
distinct ability to act or begin and to ‘interrupt’ automatic processes that makes us unique
and our lives of value. This means that when life is reduced to ‘automatic processes’ such acts
disappear and with it the possibility of immortality. It is these beliefs that lead Arendt in the
concluding section of her paper, to argue that ‘the combined danger of totalitarianism and
mass society’ lies in its ability ‘to stifle initiative and spontaneity’. This, she believes, is
‘dangerous’ because it reduces all life to ‘automatic processes’ thereby undermining that
freedom which distinguishes human beings from the rest of the natural world.

It is important to note that whilst Arendt uses her analysis of freedom to illuminate the
totalitarian threats of the twentieth century, her reference to these ‘contemporary political
experiences’ seems to be an afterthought rather than a starting point to her inquiry. Thus,
unlike Berlin and Hayek, whose analyses of freedom are a direct response to such experiences,
Arendt simply uses them to underline the political relevance of her analysis. This suggestion of
an afterthought is confirmed by the fact that in her later revised version of ‘Freedom and
Politics’, she omits altogether, the last section of this paper and its reference to totalitarianism
and mass society. In its place she focuses on the genuinely philosophical concern of how to
find a place for human freedom in a world that we conceive deterministically. For her this
freedom can be found in action and spontaneity. Indeed, it is with this conception of freedom
that she challenges the prevalent idea of automatic historical and political processes by arguing
that they are ‘created and constantly interrupted by human initiative’. She thus refutes the
causalist picture presented by the early twentieth century human sciences.

Having briefly considered Arendt’s wider philosophical view and the way it illuminates the
ideological threats of the period, it only remains to explain why she fails to clarify a
distinctively political kind of freedom. This then, can partly be attributed to her ‘strange’
conception of politics and partly to the fact that she rejects rather than develops the tradition of
Western political thought in which this concept of freedom is explicated. The first of these
reasons is intimately connected to her wider philosophical view. Thus, as we have seen, Arendt
believes that it is chiefly in the political sphere that human meaning and immortality is to be

\[276 \text{ The Human Condition, p.19.}\]
\[277 \text{ ‘action and beginning are essentially the same’ (FP, p.76).}\]
\[278 \text{ FP, p.77.}\]
\[279 \text{ This argument is more explicit in her earlier work, The Human Condition, e.g. p. 19, p.55.}\]
\[280 \text{ i.e. FP, part 5.}\]
\[281 \text{ FP, p.77.}\]
\[282 \text{ FP, p.78.}\]
\[283 \text{ FP, p.77.}\]
\[284 \text{ FP, p.78.}\]
\[285 \text{ FP, p.76-9, see also, The Human Condition, p.22-3.}\]
\[286 \text{ FP, p.77.}\]
\[287 \text{ See ‘What is Freedom?’}\]
\[288 \text{ FP, p.77.}\]
\[289 \text{ FP, 66.}\]
found. This leads her to conceive politics in a very specific way. In particular, she rejects the dominant conception of politics as ‘the sum total of private interests’; the task of politics being to ‘check and balance ... conflicts’. For her, to conceive politics in this way - as chiefly concerned with the regulation and material welfare of its citizens - is to make politics ‘incompatible’ with freedom. This is because any space for spontaneity is removed. Instead all action serves ‘the security of the life process’ and ‘the role of government [becomes] similar to that of a paterfamilias’. To avoid this ‘mortal’ and ‘meaningless’ fate, Arendt conceives politics as ‘a space where freedom as virtuosity can appear’.

Arendt claims to have drawn this conception of politics - as a ‘space’ for free and spontaneous action - from antiquity. She defends this appeal to history and tradition by declaring that it is ‘difficult and even misleading to talk about politics and its innermost principles without drawing to some extent upon the experiences of Greek and Roman antiquity, and this for no other reason than that men have never, either before or after, thought so highly of political activity and bestowed so much dignity upon its realm.’ However, this reasoning does not protect her from the charge that she is using the word ‘political’ in an ‘arbitrary’ and ‘far-fetched’ way. This is because to use ‘the word ‘political’ in the sense of the Greek polis’ - assuming, of course, that she has correctly identified this sense - is to endorse a conception of politics that is irrelevant to the tradition of Western political thought and the problems peculiar to it. This is not surprising given that Arendt rejects this tradition - but in the process she fails to grasp what distinguishes political relations from non-political relations. Indeed, she confuses politics with rare political events or actions. That is to say, she confuses it with the ‘gap’ that occurs when political relations are unsettled and uncertain, such as periods of state formation and constitution building. For her, it is actions in this ‘space’ that constitute ‘freedom in its most exalted sense’.

This understanding of freedom as spontaneous action in a public space is far removed from the distinctively political understanding of freedom found in the history of political thought. In fact, Arendt is describing a metaphysical rather than a political kind of freedom. True, this freedom can only be fully realised in a ‘political’ space, but ultimately, Arendt’s analysis describes our place in nature, rather than our relations in the civil state. In other words, she identifies the

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290 This is because the community survives and endures beyond the life of the individual (FP, p.66). Arendt is not very clear on why action in a political space is to be valued more highly than intellectual or artistic achievement, for clearly the latter also provide scope for meaning and immortality.

291 FP, p.67.
292 FP, p.67.
293 FP, p.66.
294 FP, p.67.
295 FP, p.66.
296 FP, p.65.
297 Arendt acknowledges the possibility of this charge, FP, p.65.
298 FP, p.65.
299 Once again Arendt provides no evidence to substantiate her claims about how ‘politics’ was understood in antiquity.
300 i.e. ruling and being ruled.
301 Cf. her discussion of the founding of the American Republic in her On Revolution, p.232.
‘space’ of ‘undetermined (human) action’. This metaphysical focus is confirmed by her claim that freedom is ‘a mode of being’. Thus for her, it is not a political value or principle, but a state of human existence. Arendt seems to be aware of a distinction between ‘political freedom’ and the subject of her own analysis, towards the end of ‘Freedom and Politics’. Here, she speaks of totalitarianism ‘abolish[ing] political freedom and civil rights’, and contrasts this with the ‘even more dangerous threat’, that arises when totalitarianism and mass society ‘stifle initiative and spontaneity’. However, she makes no attempt to clarify these different kinds of freedom, in the rest of her paper.

One of the reasons why Arendt’s analysis has such an ‘unpolitical’ focus is because she is more concerned with the philosophical problem of meaning and immortality, than with the problems traditionally associated with political philosophy. Indeed, she appears to be interested in politics only insofar as it provides answers to these more general philosophical concerns. This helps to explain why she does not try to address the traditional problems of Western political philosophy. Another reason is that she rejects this philosophical form of thought. Indeed, she believes the problems of this tradition are due to the severance of thought from practice. This leads her reflect on ‘how to think’ about the political. Arendt then, is not engaging in political philosophy, traditionally understood, rather she is reflecting on how to reconceptualise political relations, so that the problems she has identified with this tradition, do not arise. Since she rejects philosophical reflection on the political - traditionally understood - it is not surprising that she fails to identify and conceptualise the distinctively political kind of freedom that manifests itself in this form of thought.

Arendt’s concern with ‘how to think’ about the political helps to explain her attempt to ‘rethink’ dominant conceptions of freedom and politics. She is particularly keen to use past ‘conceptions of freedom and politics and their mutual relation’, to challenge the modern liberal conception of freedom and politics that dominates Western political thought. Thus, she refers to ‘the current liberal misunderstanding’ of freedom ‘which holds that ‘perfect liberty is incompatible with the existence of society’’. However, in the course of challenging these conceptions, she conflates modern liberal views of freedom, with views of freedom expressed in the history of political thought. This leads her to misrepresent ‘the history of political theory’. For example, she refers to ‘political thinkers of the seventeenth and eighteenth centuries who more often than not simply identified political freedom with security.’ Arendt provides no direct evidence to support this claim, although she alludes to Hobbes, Spinoza and Montesquieu.

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303 FP, p.79.
304 FP, p.77. Presumably she means by ‘political freedom’ in this context, participation in the political process.
305 FP, p.77.
306 FP, p.78.
307 See Preface of Between Past and Future.
309 i.e. the problem of paradox.
310 FP, p.66.
311 FP, p.79. This concern is identified in section 1 and addressed in section 2 of the paper.
312 FP, p.61.
313 FP, p.61.
lack of evidence is significant for as we argued earlier, political philosophers of the past are careful to distinguish civil or political freedom, from other kinds of freedom.\textsuperscript{314} In failing to recognise this, Arendt helps to obscure from view, a distinctively political kind of freedom.

Although Arendt’s account of freedom is beset by some serious methodological shortcomings - in particular, it is informed by unexamined assumptions about the nature and reality of freedom, and is lacking in clarity, coherence and rigour - it does succeed in illuminating the conceptual problems of abstract thought. More specifically, she identifies the problem of paradox that arises when freedom is ‘equated’ with free will or sovereignty. However, in the process she loses sight of the genuine philosophical problems that the philosophers she is attacking are trying to address, such as the problem of moral responsibility and the problem of state coercion. She therefore arguably creates a pseudo-problem by extracting accounts from their original context. Despite these problems with her underlying agenda, Arendt does succeed in the course of her reflections, in illustrating the limitations of the liberal understanding of freedom as freedom \emph{from} politics. This allows her to illuminate post-war ‘ideological’ threats from a new perspective; a perspective that is obscured by rival (liberal) accounts. Arendt though, does not engage with the traditional problems of political philosophy and as a result, fails to clarify a distinctively political kind of freedom. Furthermore, she fails to distinguish political freedom from metaphysical freedom.

In sum, Arendt’s conceptual claims and findings are not as far-reaching as she supposes. In particular, her account does not displace rival (liberal) accounts of freedom, or “dissolve” the philosophical problem of freedom, which is what she implies. Indeed, at times, she gives the misleading impression that she is clarifying \emph{the} meaning or \emph{the} nature of freedom, rather than a conception that illuminates a particular set of problems and concerns. Despite these shortcomings, Arendt’s inquiry is arguably more detached and philosophical than Berlin’s or Hayek’s. Thus, unlike them, she does not conflate practical and philosophical concerns for she seeks conceptual understanding and coherence rather than political insight or change. As a result, she comes closer than any other contributor to the freedom debate, to being a philosopher in the traditional sense of the word. This is because, her account of freedom is informed by a synoptic view of philosophy; a view that tries to make sense of our place in nature by reflecting on the fundamental problems of meaning and immortality. However, in turning Western political philosophy on its head, she fails to engage with its distinctively political and philosophical concerns.

(v) \textit{Conclusion: conflicting and competing accounts of ‘freedom’}

We have now completed our critique of early post-war accounts of freedom. These provide the background to, and help to explain the origins of, the post-war philosophical debate about the political idea of freedom. We began by assessing Isaiah Berlin’s account, an account which has been particularly influential in shaping and informing the subsequent debate. We then

\textsuperscript{314} See I.i.
considered the accounts of Hayek and Arendt. Whilst these analyses are less central to the freedom debate, they help us to understand the distinct milieu in which Berlin was writing. They also underline the variety of ways in which the political idea of freedom can be understood and conceptualised. One of the main conclusions derived from this survey of early post-war accounts is that how the political idea of freedom is defined or understood depends on the particular concerns and preoccupations of the analyst. These, as we have seen, were largely ‘ideological’ in this period, though tempered by the wider philosophical concern to identify what is uniquely or distinctively human.

It is these wider political and philosophical concerns that help to distinguish these accounts of freedom from subsequent accounts. Thus, whilst Berlin, Hayek and Arendt used analytical techniques to illuminate genuine political and philosophical concerns, their successors developed accounts that, by comparison, reflect a very narrow range of concerns. Indeed, many of their successors are simply responding to the shortcomings of the accounts that precede them, thus contracting the scope of the debate to a very high degree. ‘Ideological’ accounts of the 1950s and 1960s help us to recognise this feature of the debate.

Although these accounts help to illuminate the totalitarian threat of the post-war era, they are beset by some serious methodological problems. In particular, Berlin, Hayek and Arendt fail to clarify the political idea of freedom in a detached and rigorous way, i.e. in a way that does not simply reflect the moral and metaphysical assumptions of modern liberal thought. As we shall see, these thinkers did their anti-totalitarian work so thoroughly that its basic assumptions came to be taken for granted by their successors. In particular, the philosophical search for a substantive conception of the good, or a coherent set of political values and principles was generally abandoned. In its place, analysts assumed as their starting point, individualism and the absence of any common moral end. This, as we shall see, prevented analysts from explicating a distinctively political kind of freedom.

Connected to these unexamined moral and metaphysical assumptions, was the tendency of these thinkers to obscure the true dimensions of political philosophy, by ignoring its explanatory concerns. Indeed, whilst they explain their own value-preferences - for ‘negative’ liberty, the rule of law, and action in a public space - they fail to ground these values in a philosophically rigorous way. As well as failing to justify their value-preferences, these analysts fail to sharply distinguish political activity from political thought. Thus, as we have seen, Arendt substitutes the former for the latter, whilst Berlin and Hayek assume that there is a direct link between theory and practice. However, explanatory and practical concerns need to be sharply distinguished, if we are to maintain the philosophical integrity of our inquiries. Ultimately, it is the narrow conceptions of political philosophy of these thinkers which prevent them from reflecting on its fundamental problems. As a result, they fail to clarify a distinctively political kind of freedom.

In addition to a narrow conception of political philosophy, these analysts present accounts of freedom that are lacking in clarity and rigour. In particular, it is often not clear what kind of
freedom is being analysed and discussed and this leads to a tendency to confuse and conflate different concepts of freedom. This lack of clarity is inherited by their successors. The shortcoming is particularly important with regards to Berlin’s analysis given its influence on the subsequent debate. Indeed, his account contains so many different concepts of freedom that it can be developed in a variety of different ways. This versatility has encouraged subsequent thinkers to accept uncritically the negative-positive distinction, instead of specifying what kind of freedom, they are clarifying. As a result, they have helped to perpetuate the freedom debate.

Despite the lack of clarity surrounding their accounts, none of these writers try to suggest or insist, that there is only one concept of freedom that is central to political thought and practice. Thus, Berlin recognises that whilst there are over two hundred different senses of the protean word ‘liberty’, he is simply clarifying two of the most important and influential.315 Hayek similarly identifies different concepts of freedom that provide alternatives to his own favoured conception.316 Finally, Arendt argues that ‘there is hardly a school of political thought in our history which is not centered around the idea of freedom, much as the concept of liberty may vary with different writers and in different political circumstances.’317 This recognition of conceptual pluralism is significant because much of the freedom dispute is perpetuated because analysts assume, mistakenly, that the concept of ‘freedom’ can be analysed and defined in a single, definitive way.

One final problem with these accounts is that despite sharing a common method of analysis, they all arrive at very different descriptions of freedom. This is because they draw on the resources of history and the Western tradition to support a predetermined position. Thus, Berlin uses it to support his dichotomous account of freedom and thereby illuminate the ideological dispute of the Cold War era, Hayek uses it to identify a principle of freedom which he believes challenges the practice of central state planning, and Arendt uses it to challenge the incoherence of philosophical and liberal conceptions of freedom. Since this tradition does not point to a single conception of freedom, it is of limited help in establishing an understanding of freedom that we can all accept. This suggests common difficulties with the historical approach and a conceptual need for an alternative approach; one which can distinguish a political understanding of freedom from other understandings and which can justify this understanding by explicating its underlying assumptions.

One of the main problems associated with these early post-war attempts to clarify the political idea of freedom, was this apparent impossibility of reaching any kind of consensus about its nature. In order to avoid this ‘shortcoming’,318 their successors focused on the descriptive function of the language of freedom. In this way, they believed a consensus about the meaning or nature of freedom was possible. It is to these accounts that we now turn.

315 TC, p. 6.
316 CL, p. 13-16.
317 ‘What is Authority?’ (p.97). She believes Hobbes is the main exception to this rule (p.98).
318 Of course, it is only a shortcoming, if one seeks such a consensus and it is not clear that these early post-war thinkers did.
Chapter III - The Descriptive Concerns of the 1960s and 1970s

(i) Introduction: the search for a shared understanding of freedom

The focus of this chapter will be on the descriptive concerns of the 1960s and 1970s. Analysts expressing these concerns seek to describe or define ‘freedom’ in value-free terms. Their aim is to avoid the ambiguities inherent in previous accounts and present one that is precise and uncontentious. More specifically, they seek to establish a shared understanding of freedom; one that will ensure clear and exact communication about the presence or absence of freedom.\textsuperscript{79} These analysts are particularly keen to prevent discussants talking at cross purposes, which is inevitable when discussants conceive freedom in different ways. This ‘descriptive’ concern marks a definite shift away from the political and philosophical concerns discussed in the previous chapter. Such concerns recede increasingly into the background as the ‘philosophical’ debate about freedom, begins to take on a momentum of its own. The descriptive accounts of this period were an important stimulus to this debate. Indeed, it was the contentious claims of these analysts which arguably led to the normative concerns of the subsequent period.

Just as the normative concerns of the 1970s and 1980s were a response to the shortcomings of these descriptive accounts, so descriptive accounts were in part a response to the supposed shortcomings of the ‘ideological’ accounts of the 1950s and 1960s. These earlier accounts were seen as unsatisfactory because they expressed the value preferences and ideological commitments of the analyst. This meant that clear and precise talk about the absence or presence of freedom was impossible. Indeed, by conceiving ‘freedom’ in different ways, analysts such as Berlin, Hayek and Arendt could not reach the same freedom judgements. Of course, this is to miss the specific point or purpose of these earlier analyses, which was to illuminate an ideological problem or concern, rather than to establish descriptive precision. Nevertheless, such analyses were clearly inappropriate for the more ‘descriptive’ concerns of this later period.

In order to address the different judgements about the absence or presence of freedom implicit in these earlier accounts, ‘descriptive’ analysts sought to establish an account of freedom that was acceptable to all, irrespective of particular value commitments.

Examples of analysts who share this ‘descriptive’ concern include Oppenheim, MacCallum and Steiner. Whilst it is their accounts of freedom which will be examined in this chapter, there are others, such as J. P. Day\textsuperscript{80} and W. A. Parent\textsuperscript{81} who display similarly descriptive concerns. We therefore need to begin by explaining our choice of accounts. Once this has been done, we will consider the common shortcomings of this ‘descriptive’ approach. To begin then, Oppenheim’s account has been chosen because he was one of the first theorists to insist on the need for a value-free, descriptive definition of freedom. Thus, prior to Oppenheim, ‘freedom’ was

\textsuperscript{79} In fact, precise claims about the presence or absence of freedom are impossible until one specifies the sense in which the language of freedom is being used. For example, an agent may be free in a political sense, but not in a legal sense. Or he may be free in a physical sense but not in a moral sense. This underlines the importance of using an appropriate adjective to specify one’s claim.

\textsuperscript{80} See his essays on liberty in \textit{Liberty and Justice}.

\textsuperscript{81} ‘Some Recent Work on the Concept of Liberty’.
primarily conceived as a political value or ideal; after him, it was increasingly conceived as a
physical relation between agents. In this chapter, we will show how this ‘relational’ account
of freedom arose out of a very narrow conception of political philosophy; a conception that fails
to do justice to the broader explanatory concerns of political philosophy. As a result, it fails to
clarify a distinctively political kind of freedom.

Although Oppenheim’s account is very limited, it did help to inspire and shape one of the most
influential accounts of the post-war period, namely, MacCallum’s triadic analysis of freedom. Like Berlin’s, this account of freedom sits at the heart of the subsequent debate and no critique
of post-war accounts would be adequate without it. However, despite its importance and
influence, this account will be shown to rest on a misreading and misunderstanding of Berlin’s
negative-positive distinction. Furthermore, it gives the misleading impression that it has
clarified the nature or the concept of freedom, whereas in reality, it has simply clarified the
source of conceptual disputes; disputes that arise out of different conceptions of agents,
obstacles and ends. By obscuring this central achievement, MacCallum helped to perpetuate
unnecessary confusion and dispute.

Finally, Steiner’s account has been chosen in preference to others because of its self-conscious
deployment of analytical techniques, and because of its description and defence of a ‘pure’
negative conception of freedom. Like MacCallum’s analysis, Steiner’s account has aroused
considerable philosophical interest. Indeed, an understanding of the subsequent debate,
requires at least some familiarity with it. It is also important in terms of the specific goals of
this thesis for it exemplifies the importance of specifying what kind of freedom one is clarifying
if one’s claims are not to be misleading and misunderstood. In sum, the ‘descriptive’ accounts
chosen for analysis and assessment are central to understanding the post-war freedom debate.
Indeed, many debates within this debate simply do not make sense unless these earlier accounts
are clarified and understood.

Although these ‘descriptive’ analysts share a common goal, they arrive at very different
accounts of freedom. This is due to the more specific concerns informing their respective
analyses. Thus, Oppenheim was concerned to establish linguistic precision for the purposes of
political science, MacCallum was concerned to clarify the issues that divide discussants of
freedom, and Steiner was concerned to clarify freedom in a way that was consistent with his
wider theory of individual rights and distributive justice. Each addresses his particular concern
with a descriptive account of freedom and whilst these efforts to improve clarity of thought and
formal consistency are distinctively philosophical, at least in the narrow analytical sense, there
is nothing distinctively political about them. That is to say, these accounts of freedom do not
arise out of philosophical reflection about the political nor out of the political issues of the time.

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82 There were of course exceptions, e.g. C. Taylor and Swanton. This relation was variously conceived, e.g.
Steiner focused on its physicalist aspects, whilst Benn and Weinstein focused on the norms informing these
relations.
84 i.e. the use of logic and linguistic techniques.
85 e.g. C. Taylor, M. Taylor, Skinner.
Instead, they are the product of a very narrow range of concerns that are of limited philosophical interest.

As already hinted, the descriptive concerns of this period lead analysts to conceive freedom, not as a political value or ideal - which is how their predecessors conceived it - but as a physical relation with its own distinct ‘logic’.\(^6\)\(^6\) For Oppenheim and Steiner this is a relation between agents,\(^7\)\(^7\) and for MacCallum it is a relation between agents, obstacles and ends. All assume that these relations can be described in terms that are precise and uncontentious. Despite this, they all draw very different conclusions from their accounts. Thus, MacCallum allows that discussants may disagree about the content (though not the form) of this relation. This means that discussants can arrive at very different identifications of what is a condition of freedom depending on what they value.\(^8\)\(^8\) In contrast, Oppenheim and Steiner try to establish an analysis of freedom that ensures discussants always make the same freedom judgements, irrespective of what they value. Whilst Oppenheim and MacCallum present their accounts of freedom in the form of a triadic relation, Steiner opts for a descriptive definition which incorporates a triadic relation.\(^8\)\(^9\)

The descriptive focus of the 1960s and 1970s was arguably the inevitable outcome of a gradual shift in the sphere of political philosophy away from prescription towards description.\(^9\)\(^0\) Gone was the attempt to defend a substantive conception of freedom; a concrete ideal. Instead, the emphasis was on clarifying talk about the absence or presence of freedom. This approach clearly betrays a narrow and rather specific set of concerns. For example, Oppenheim and Steiner simply seek to clarify the ‘facts’ of free action, i.e. the empirical conditions of its absence or presence. This leads them to analyse and clarify the language of freedom found in ordinary freedom statements. MacCallum shares a similar concern, although he does not make such a sharp distinction between the fact of freedom and the value that we attach to it. In analysing freedom statements rather than addressing substantive political concerns,\(^9\)\(^1\) these analysts arrive at very different accounts of freedom to their ‘ideological’ predecessors.

One of the ways in which contributors of this period defended their accounts of freedom was by appealing to ordinary language usage. There is little, if any, effort to justify this supposedly neutral appeal, yet it clearly has implications for the status and significance of their claims. In particular, they can only use their accounts to identify and describe specific instances of freedom, for this is how the language of freedom is used in ordinary discourse. In relying

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86 For Oppenheim and MacCallum this relation can be informed by moral/normative assumptions, e.g. laws, (see Benn and Weinstein’s paper for how MacCallum’s analysis needs to be qualified if it is to represent the logic of ‘freedom’ in practical discourse); Steiner’s is a purely physicalist account.
87 For Oppenheim agents can be individuals, groups and/or institutions, for Steiner they are simply individuals.
88 MacCallum’s analysis allows them to understand the source of their disagreement, i.e. a different conception of agents, obstacles and ends.
89 ‘freedom is the personal possession of physical objects’ and possession is ‘a triadic relation between an agent, an object, and all other agents’ (IL, 138).
90 A shift not fully realised in the immediate post-war years. Thus, whilst Berlin, Hayek and Arendt claim to be describing conceptions of freedom at the heart of Western civilisation, their efforts are muddied by their efforts to recommend or prescribe a particular conception.
91 e.g. the threat of totalitarianism.
unquestionably on ordinary language for guidance, these contributors fail to acknowledge the more specialised or technical language of freedom that is used in political thought. In particular, they ignore its role in explaining and justifying distinctively political relations. This means that their accounts can only be used to describe relations between agents and physical obstacles, rather than relations between citizens and government. This is not surprising given their more descriptive concerns and preoccupations, but it does bring into question the relevance of their accounts for political thought and practice.

One of the underlying aims of this chapter is to show how these accounts fail to clarify a distinctively political kind of freedom, i.e. a freedom unique to political thought and practice. Indeed, the concepts of freedom being clarified by these thinkers could operate just as well in a non-political context. This is a significant shortcoming, since these thinkers present their accounts as if they have discovered a more adequate account of ‘political’ freedom than their predecessors. Thus, they assume, misleadingly, that they have clarified the meaning or the core nature of that freedom discussed in and relevant to a political context.92 Closer inspection suggests that this is far from so and that they are actually clarifying the necessary - though not the sufficient - conditions of freedom of action.93 More specifically, Oppenheim is clarifying the conditions imposed by other agents and thus describe a concept of interpersonal freedom,94 Steiner is clarifying the conditions of physical freedom and MacCallum is clarifying the logical form of all evaluative and descriptive freedom (of action) statements.95

As well as failing to clarify a distinctively political kind of freedom, Oppenheim, MacCallum and Steiner absorb unquestioningly the unexamined moral and metaphysical assumptions of the preceding period. For example, at the moral level they all place great value on the absence of interference with the action of the individual.96 Thus, like Berlin and Hayek, they assume, without discussion, that individual (moral) choice is more valuable than moral guidance or moral direction. In other words, they deny the need for an explicit and public conception of the good. This position is never defended on philosophical grounds, i.e. in terms which explain and justify political arrangements. As a result, these reflections fail to illuminate distinctively political relations. Instead, they advance the value-preferences of the analyst.

At the metaphysical level, these ‘descriptive’ analysts also assume, like their ‘ideological’ predecessors, that individual agents should be the main focus of their inquiries. They thus

92 Cf. Oppenheim’s claim that ‘the concept of freedom remains with us as a result of a long tradition of political thought and action’ (DF, p. 7) and MacCallum and Steiner’s references to Berlin’s analysis. As we have seen, this analysis claims to be about two different political senses of freedom.
93 These analysts only focus on the external conditions of freedom of action, rather than the ‘internal’ psychological factors.
94 Oppenheim does consider using this qualifying term (DF, p.22, n.3) but rejects it as ‘clumsy’ and as failing to convey a relation between groups as well as between persons.
95 MacCallum’s analysis is such that it can clarify any freedom statement, legal, behavioural, ethical, etc. This has the advantage of simplicity, but can lead to confusion if disputants fail to recognise that they are talking about different kinds of freedom. NB Benn and Weinstein show that what one can logically complain of in a political context, is related to a wider set of norms (See IV.ii).
96 They disagree with aspects of Berlin’s account but basically endorse his preference for ‘negative’ freedom.
discuss freedom in relation to the individual[^97] rather than in relation to the civil state. Once again this prevents them from clarifying a distinctively political kind of freedom. Similarly, like their predecessors, they assume that the political idea of freedom can be clarified independently of other political values and independently of a wider political theory. This leads them to define freedom in non-political terms, i.e. as a physical or logical relation, rather than as a distinctively political relation. These moral and metaphysical biases are smuggled in by defining freedom negatively and by presenting this definition as a form of detached analysis. Such bias is a serious shortcoming with these accounts because their proponents assume that their analyses have nothing to do with evaluation. Despite this, they are riddled with evaluations of what is important in analysing and clarifying political relationships. The common shortcoming then, of Chapter III, is concealed evaluative assumptions. One of the main objectives of this chapter will be to illustrate this.

One way in which these concealed evaluative assumptions reveal themselves is in the flat liberal consensus that emerged in the 1960s. During this period the acceptable boundaries of political thought became defined by anti-totalitarian liberalism. This was epitomised by the extent of support for H. L. A. Hart and the lack of support for Patrick Devlin in the public morality debate of the 1960s[^98]. The upshot of this consensus was that substantive and prescriptive conceptions of the good were no longer taken seriously. Indeed, everyone assumed that there was no need to discuss ends since everyone was basically in agreement. Thus, the state was simply an instrument for maintaining order, it was not and should not be responsible for advancing a particular morality[^99]. For this reason, there was not much need to discuss standards and evaluative questions for it was assumed that there was no disagreement about these; each was to pursue his own conception of the good within the ordered safety of the civil state[^100].

The task of the political philosopher then, according to these thinkers, was to clarify talk about the political rather than defend a substantive conception of the good. This had the effect of obscuring more positive conceptions of freedom for these could only be coherently worked out in the context of such a conception[^101]. Some were to see this move as a deliberate attempt to side-line positive conceptions[^102], others were quite oblivious to the costs incurred in their search for philosophical detachment[^103]. Whether the move was deliberate or not, the result was the same: negative conceptions became and remained the focal point of philosophical discussions about freedom and positive conceptions were increasingly side-lined. This meant

[^97]: Sometimes they also intended to cover groups with this focus (cf Oppenheim) - the main point is that they never conceived it as a relation between citizens and government.

[^98]: Cf. the debate between Hart, Law, Liberty and Morality and Patrick Devlin, The Enforcement of Morals.

[^99]: It failed to recognise the rather obvious point that to maintain order was itself a moral position - e.g. defending the existing status quo.

[^100]: This is problematic since this order presupposes a substantive conception of the good, e.g. a protected body of rights.

[^101]: Baldwin helped to demonstrate this. See below IV.iv.

[^102]: Cf. Taylor, (IV. iii).

[^103]: MacCallum, as well as those who accepted his analysis, assumed that it incorporated positive conceptions, but this is because they misunderstood the distinct 'logic' of positive freedom (See Baldwin, IV.iv).
that the whole debate came to reflect a bias that was neither justified nor defended. At the same time, a distinctively political kind of freedom was obscured from view.

The search for philosophical and political detachment has had then, its costs. These costs may have been acceptable if detachment had been achieved, but this has proved elusive. Indeed, by resting content with describing existing relations and conceptions, these philosophers effectively endorsed the existing status quo. In particular, they accept uncritically existing political assumptions and relations. These became an integral part of their reflections about freedom without them even realising it. As a result, their accounts of freedom became inextricably tied to a particular way of conceiving the political; a way that is distinctively liberal and modern and a way that is rarely satisfactorily grounded. This is only fully revealed by examining these accounts from an historical perspective.

Perhaps more significantly, in their search for philosophical and political detachment, these philosophers lost sight of the true dimensions of their subject. Thus, political philosophy has always been centrally concerned with explaining and justifying distinctively political relations. Any attempt to replace this concern with value-free description is effectively to misunderstand the goals of the inquiry. It is to presuppose that there is nothing to explain or justify, at least, not at the philosophical level. In their defence, these analysts often see themselves as equipping individuals to criticise and evaluate their practices with a more precise language. However, they have failed to realise that such criticism and evaluation can only express personal preferences - the very aspect of judgement that the philosopher seeks to remove.

Despite their efforts then, these thinkers failed to purge their work of political engagement. They claim to have defined or described freedom in a detached and value-free way, but in fact their accounts reflects their own ‘liberal’ preference for non-state interference. Since such a political stance must be philosophically justified, the omission of any such defence is a serious shortcoming. Indeed, it obscures the fact that the way we ordinarily conceptualise our political relations reflects an ideological (liberal) bias.

(ii) Explicating ‘freedom’ for political science: Oppenheim

We shall begin our survey of ‘descriptive’ accounts by examining Felix E. Oppenheim’s work, *Dimensions of Freedom: An Analysis* (1961). This book presents what is called a ‘behavioral analysis of the concept ... of freedom’. To understand what Oppenheim means by this, we need to clarify his conception of philosophy as well as his wider concerns and preoccupations. Together, these inform and defend his ‘behavioural’ approach. They also help to explain the marked departure of his analysis from the type of accounts examined in the last chapter. Once we have clarified the background assumptions of Oppenheim’s account, we will consider some of the philosophical shortcomings and limitations of his approach. In particular, we will show how his findings are not as far-reaching as he assumes. We will also find that like MacCallum

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104 i.e. individualism and its concomitant, individual rights.
105 *DF*, p.4.
and Steiner, who share similar concerns, Oppenheim fails to clarify a distinctively political kind of freedom. This means that his account fails to illuminate a relation that is central to a philosophical understanding of the civil state.

An explicit account of Oppenheim’s conception of philosophy can be found in his later work, *Moral Principles in Political Philosophy* (1968). In this book, Oppenheim makes a distinction between the philosophy of political science and the philosophy of political ethics. He regards both inquiries as branches of *analytic* philosophy. He thus explicitly attaches himself to the analytical tradition and in the process, commits himself to its standard of argumentative rigour. According to Oppenheim then, analytical philosophy is a second-order inquiry which examines scientific and ethical statements. More specifically, ‘[p]hilosophy of political science deals with the logical analysis of descriptive concepts, particular statements and general hypotheses about political phenomena’, whilst philosophy of political ethics examines moral statements and moral reasoning. *Dimensions* falls firmly into the first category, whilst *Moral Principles* falls into the second. The main problem with this narrow conception of philosophy and in particular, its two-fold classification of political thinking, is that it removes from consideration that area of political thought which seeks to explain the nature of the civil state. It thus, ignores that area of thought in which a distinctively political kind of freedom is explicated and discussed. This constitutes a serious shortcoming at the heart of Oppenheim’s analysis.

Putting this shortcoming to one side, in *Dimensions*, and in keeping with the above conception of philosophy, Oppenheim presents a logical analysis of a descriptive concept of freedom. He believes an analysis of this sort is necessary if freedom is to ‘become a subject of empirical science’. This provides a clear indication of his wider concerns. Thus, his goal is to facilitate the work of political scientists, by arriving at ‘a valuationally neutral system of definitions’. He believes such definitions are necessary if ‘[s]tatements about freedom [are to] be tested by reference to empirical evidence entirely independent of [his] or of anyone else’s valuations concerning the presence or absence of liberty.’ Oppenheim is concerned that in the absence of such a definition, our valuations are able to enter these judgements. As a result, whether or not we describe an agent as free, will depend on whether or not we value the action being permitted or impeded. This means that it is very difficult to reach agreement about the absence or presence of freedom. Oppenheim believes such problems can be avoided if we remove all evaluative elements from the language of freedom.

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106 Similar in the sense that they all want to establish a formula that allows us to understand in a precise way, each other’s freedom statements. All three fail to recognise the philosophical limitations of this agenda.

107 ‘Political philosophy’ is used by Oppenheim, as a label for normative theorising. See chapter headings, e.g. ‘Intuitionism as a Political Philosophy’.

108 *DF*, p.15.

109 *DF*, p.16.

110 This area of thought, as we have seen, was largely dismissed for being inherently ideological (I.iii).

111 *DF*, p.4.

112 *DF*, p.8.

113 *DF*, p.8-9.
Oppenheim's effort to turn freedom into a 'concept of empirical science',\textsuperscript{114} is partly informed by a particular view of social science. This, by the 1960s, had become a science of human interaction which meant that key concepts such as influence, control, power and authority were interpreted as relationships of interaction among persons or groups.\textsuperscript{115} Oppenheim assumed that freedom could also be 'subjected to this kind of behavioural analysis',\textsuperscript{116} i.e. it could also be understood and defined as a relationship of interaction between persons or groups. His aim then, was to explicate this relationship by inquiring into 'the meaning of the expression: 'With respect to one actor, another actor is free to act in a certain way'.\textsuperscript{117} Although this aim is clearly stated, it is seriously flawed and this is because it fails to recognise the different ways in which we interact with each other. This interaction can be legal, physical, social, political, economic or moral. To ignore these different aspects of human interaction - or to reduce them to a single form, e.g. physical - is to oversimplify and distort the relations being described.

Since Oppenheim believes that freedom can only be defined with the help of terms such as influence, control and power,\textsuperscript{118} he begins his conceptual inquiry with an analysis of these terms. His aim is 'to arrive at a system of definitions acceptable to everybody because they do not conflict with anybody’s political ideology.'\textsuperscript{119} Indeed, he argues that it is only with a precise and mutually agreed vocabulary, that political phenomena can be described with scientific accuracy. Furthermore, he believes that precise descriptions are necessary if we are to theorise about political phenomena in a scientific way. The logical analysis of descriptive concepts then, is seen as a necessary prerequisite of being able to advance particular statements and general hypotheses about political phenomena.

So far Oppenheim’s aims are clear and precise. Thus, he seeks to turn freedom into an empirical concept for the purposes of political science and he aims to do this by analysing a group of related concepts. These aims are of some philosophical interest, if we accept the narrow, analytical view of philosophy upheld by Oppenheim.\textsuperscript{120} This is because it involves thinking about thinking. In particular, it involves thinking critically about the conceptual tools of political science. However, despite the general philosophical nature of this inquiry, it is questionable how rigorous Oppenheim’s second order thinking actually is. Indeed, whilst he reflects on scientific or empirical thinking about political life, he fails to think at a sufficiently deep level. That is to say, he fails to examine the assumptions upon which his inquiry rests.

We do not have to go far to demonstrate this shortcoming. Thus, Oppenheim assumes without question that political relations provide suitable subject-matter for empirical science, and he also assumes, without much reflection, that political concepts must be conceived and analysed as

\textsuperscript{114} DF, p.4.
\textsuperscript{115} This is the 'experiential data to which the concept of freedom can be linked' (DF, p.4).
\textsuperscript{116} DF, p.4.
\textsuperscript{117} DF, p.4.
\textsuperscript{118} DF, p.4.
\textsuperscript{119} DF, p.9. Such a language can only describe political relations, it cannot evaluate or explain them.
\textsuperscript{120} A view of philosophy that dominated the twentieth century. (I.iii)
behavioural concepts. Of course, this latter assumption follows from the former, for once one assumes that political relations can be described scientifically, one is forced to conceive political concepts in a particular way. However, it is not obvious that either assumption can be sustained. Indeed, Oppenheim makes no attempt to explain or justify these 'empirical' assumptions about political relations and political concepts. This omission is important, for as already indicated, these relations and concepts do contain some moral or evaluative content.

To ignore or neglect this aspect of them is to describe them in a very limited and incomplete way. Indeed, it is to strip them of a distinctively political content; it is to turn them into *empirical* relations and *empirical* concepts.

Connected to Oppenheim's failure to examine these assumptions is his failure to ask whether an empirical science of politics is actually possible. This is surprising given that he regards the philosophy of political science as partially concerned with such questions. The question is important for it is only a positive answer that can confirm the utility of constructing an empirical or descriptive concept of freedom of the sort favoured by Oppenheim. If philosophers, upon reflection, decide that an empirical science of politics is impossible - because, for example, it ignores the desires, motives and beliefs of human agents; factors that are central to explaining and understanding the relations being discussed - then the need to construct Oppenheim-style descriptive (political) concepts, is brought into question.

Time has shown that the early goals of social scientists were very naive. In particular, their aim to observe and establish laws that could describe and predict human behaviour and social interaction have proved to be overly ambitious. This is mainly because human agents are too complex and unpredictable and our knowledge of them too partial, to enable us to make useful generalisations. In particular, human actions cannot be subjected to 'behavioural analysis' alone, for this approach ignores the complexity of human action which can be motivated by desire, reason, values, principles, etc. In other words, human action cannot be reduced to human behaviour, as the behaviourists assumed, for such a reduction ignores or sidelines the very factors that help to explain it.

Since Oppenheim believes that the ultimate aim of social science is 'explaining observed occurrences' and 'predicting future events', we can safely assume that he shares this naive view of the inquiry. Thus, he conceives human interaction as a purely physical process that can be described with scientific detachment and precision. This though is to describe agents and

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122 Political scientists are interested in constructing empirical theories about the political process and about human interaction.

123 See Li, i.e. the standards implicit in distinctively political relations, e.g. laws of nature, General Will, etc.

124 This political content depends on philosophical reflection on the political. Indeed, this approach to understanding the political does not attempt to 'reduce' political relations to some other type of relation, e.g. physical.


126 Behaviourism has proved to be an unsatisfactory approach since it cannot explain or accommodate human motives.

127 *DF*, p.4.
their relations in terms that are far too simplistic. In particular, it ignores the norms and principles that help to govern and explain human interaction at the political level. Indeed, Oppenheim seems to miss the point that political relations are philosophically interesting because they involve moral relationships that are complex and difficult to understand. This means that one of the tasks of the political philosopher is to describe and explain these relationships by clarifying and justifying their underlying principles and assumptions, not to ignore these in the search for descriptive precision.

These underlying metaphysical assumptions about the nature of political relations and political concepts are significant because they encourage Oppenheim to develop and deploy an inappropriate method of conceptual analysis. Thus, it is because he believes political relations and political concepts can be conceived in strictly empirical terms, that he adopts the standards of definitional validity in science, to arrive at and defend his account of freedom. However, the relevance of this method or approach for the analysis of political concepts is brought into question once we challenge the view that political phenomena can be usefully or rigorously analysed in purely descriptive terms. Indeed, it is only if political concepts could become purely descriptive concepts, that this criteria would be appropriate for explicating them. Oppenheim then, assumes mistakenly, that key political terms such as ‘freedom’, can be subjected to behavioural analysis, i.e. defined in terms of human interaction, without loss of meaning. Such an assumption is mistaken because it ignores the complex nature of political phenomena.

In addition to an inappropriate method, Oppenheim advances conceptual claims that are difficult to sustain in the light of closer analysis. This shortcoming can partly be attributed to a lack of clarity in his aims and partly to mistaken assumptions about how the language of freedom is actually used. For example, he declares ‘my aim is not to offer yet another definition of freedom. Nor shall I engage in an empirical investigation of what this symbol has meant to different people at different times and places. Rather, I shall attempt to make explicit (to “explicate”) what is generally entailed by such vague terms as ‘liberty’ or ‘free’, as they occur in everyday language, and more particularly in political writings. In other words, I shall try to make us aware of what we are really talking about when speaking of freedom and such related ideas as ‘unfreedom’ and ‘control’.’

Whilst this agenda is explicit, it contains a great deal of ambiguity and confusion. In particular, Oppenheim fails to realise that how the terms ‘liberty’ and ‘free’ are used in ‘everyday language’, i.e. untechnical discourse, is very different to how they are used in political writings. Furthermore, how they are used in the political writings of ideologues is very different to how they are used in the political writings of philosophers. Thus, the former tend to use the language rhetorically to endorse a particular state of affairs, whilst the latter tend to use the language to articulate a political value or ideal that is of universal value. In neither form of political writing is the language of freedom used to denote the kind of relation that Oppenheim

128 See DF, pp. 6-9 for an explicit account of this standard.
129 DF, p.6.
explicates. Indeed, in making these more ambitious claims, Oppenheim loses sight of the conceptual limitations of his account and its narrow objective which is to advance the goals of political science. In particular, he confuses this task with the misleading and mistaken task of clarifying 'what we are really talking about when speaking of freedom'. This latter task is misleading for, as we have seen, ‘what we are really talking about’ principally depends on our wider concerns and preoccupations.

Further evidence regarding the ambiguity of Oppenheim agenda can be found in his claim that, 'the concept of freedom remains with us as a result of a long tradition of political thought and action of which we are inescapably the heirs. We want to translate what others have had to say about freedom into a more systematic and more precise language.' Once again then, he suggests misleadingly, that he is clarifying the concept of freedom that sits at the heart of Western political thought and practice. However, as we have seen, Oppenheim is simply constructing a descriptive concept for the purposes of political science. He also implies mistakenly, that political concepts can be ‘translated’ into descriptive concepts without loss of meaning. This though, is untrue of the political concept of freedom, for this, more often than not, expresses values, ideals and relations that cannot be explicated in purely descriptive terms.

As should be clear, Oppenheim’s underlying concerns and metaphysical assumptions signal a marked departure from those characteristic of the accounts examined in the last chapter. Gone is the attempt to advocate a particular conception of freedom, and in its place comes a supposedly more detached, ‘scientific’ enterprise. Part of the motivation for this change of emphasis can be found in the opening pages of Dimensions. Here, Oppenheim claims that there has been no progress in ‘our understanding of freedom or of each other's conception of freedom.’ He goes on, ‘[i]f there has been an increase of liberty, this is not because of any increase in knowledge about liberty, but in spite of all the misconceptions we have inherited.’ He concludes his opening statement by implying that our knowledge of liberty can only be increased and that progress can only be made in our understanding of liberty and of each other’s conceptions if we approach the concept from ‘a scientific point of view’. However, as we have seen, such a view is not as all-embracing as Oppenheim assumes.

Having examined Oppenheim’s aims and agenda, as well as his method and some of his underlying assumptions, it is time to assess the clarity and precision of his account. As already indicated, his account of freedom emerges very gradually via an analysis of the related concepts of control, influence, constraint, unfreedom and power. Each concept is 'interpreted in terms of clearly specifiable relationships between two actors and their respective actual or potential actions.' Oppenheim’s aim is to ‘exhibit the connections’ between these concepts and the concept of social freedom and thereby satisfy his standard of an adequate explication outlined in

130 (my emphasis)
131 See in particular, I.i and Chapter II.
132 DF, p.7.
133 DF, p.3.
134 DF, p.11.
his first chapter.\textsuperscript{136} He believes such an analysis is important because it can suggest new ways of looking at factual raw materials.\textsuperscript{137}

Before we consider some of the ways in which Oppenheim uses his analysis of freedom to look at these ‘raw’ materials, we need to consider how he ‘explicates’ freedom. He proposes then, that freedom statements should be clarified with the following triadic relation: ‘with respect to Y, X is free to do $x$’.\textsuperscript{138} In this relation, X is an actor, Y is an impeding agent and $x$ is an action. According to Oppenheim, X is ‘free to do something provided nobody either prevents [him] from doing it or makes it punishable for [him] to do it, and provided nobody makes it either necessary or mandatory for [him] to do so’.\textsuperscript{139} Oppenheim admits this account of freedom ‘may appear trivial’.\textsuperscript{140} However, he believes freedom has never been explicitly defined in these terms. Furthermore, he believes such a conception can ensure clarity and precision in talk about freedom.

This explicitly ‘relational’ approach to freedom has been very influential. Not only has it been adopted by the other accounts to be discussed in this chapter but it can also be found in normative political theories, such as Rawls’s.\textsuperscript{141} However, in conceiving this relationship in strictly empirical terms, Oppenheim faces the interminable problem of clarifying how Y physically affects X.\textsuperscript{142} He attempts to do this by identifying influence, restraint and control, as the three main types of interference. For him, these provide the ‘data’ for any empirical analysis of a freedom relationship. However, he assumes these interferences can be objectively measured. This though ignores the role of the subjective desires of the agent in any empirical relationship of the sort being analysed and described. His relational approach has also inspired endless disputes about what constitutes a constraint between two agents. In particular, disputants have been unable able to agree on how far offers and threats interfere with an agent’s freedom.\textsuperscript{143}

Despite these difficulties with Oppenheim’s ‘relational’ approach, he believes it is able ‘to dispose of pseudo-controversies such as whether “freedom is absence of restraint” or whether “restraint enhances freedom.”’\textsuperscript{144} Thus, he believes these disputes disappear once we accept that there is no “freedom in general” only particular relations of freedom between actors. However, this belief displays a serious misunderstanding of such disputes. Indeed, it should be clear from the above, that such controversies arise because disputants are describing different kinds of freedom, usually physical freedom and moral freedom respectively. This means that

\textsuperscript{136} DF, p.5-9.
\textsuperscript{137} DF, p.8.
\textsuperscript{138} DF, p.130. This is Oppenheim’s basic analysis, although he accepts variations of it, (DF, p. 113 and p.115).
\textsuperscript{139} DF, p.118.
\textsuperscript{140} DF, p.118.
\textsuperscript{142} For example, what constitutes a ‘severe deprivation’. This phrase is vague and imprecise for it arguably differs from person to person (DF, p.35-6).
\textsuperscript{143} Cf. Offers and threats debate: Parent, Benn and Weinstein, Steiner, Day, etc.
\textsuperscript{144} DF, p.12, see also p.127.
these disputants are talking at cross purposes and engaging in a pseudo-controversy, but for reasons different to those given by Oppenheim. Oppenheim then, fails to provide an adequate analysis of existing debates. This leads him to seek a solution to them in an inappropriate way.

Throughout his work, Oppenheim refers to his ‘relational’ analysis of freedom as an account of ‘social’ freedom and in Chapter 7 he distinguishes this freedom from other descriptive meanings of freedom, such as freedom of choice, feeling free, free actions and freedom as self-determination. Whilst he acknowledges that these uses could also ‘be meaningfully employed in scientific discourse’, he believes his own concept of social freedom is more practical and less subject to ambiguity. In this chapter, Oppenheim also distinguishes his concept of social freedom from a number of valuational meanings such as, freedom as protection of basic rights, freedom as satisfaction of basic needs, freedom as government by consent and freedom as self-realisation. The main point of these various distinctions is ‘to contrast freedom in the social sense with these other meanings.’ Oppenheim is particularly keen to distinguish descriptive meanings of freedom from valuational meanings. This he believes is necessary if we are not to be misled by the meaning of different freedom statements.

Whilst Oppenheim’s qualifying term is a useful device for distinguishing his understanding of freedom from rival understandings, it is also misleading for it suggests that his account is more inclusive than it actually is. Thus, by ‘social’ we often mean norms and traditions as well as legal and physical relations, yet Oppenheim seeks to exclude norms and traditions from his analysis. This suggests that a more precise label for his account of freedom would have been ‘interpersonal’ freedom. Indeed, this would have underlined his narrow focus on the physical aspect of relations between agents. Perhaps more significantly, Oppenheim fails to clarify a distinctively political kind of freedom, despite this being the proposed focus of his inquiry. This shortcoming arises because he believes ‘[p]olitical freedom is merely one type of social freedom’. Thus, for him, there is nothing special or distinct about political relations or for that matter, political freedom. Consequently, he obscures from view those relations that have traditionally interested and puzzled political philosophers.

Although Oppenheim acknowledges other meanings of freedom, and by implication other kinds of freedom, he fails to distinguish different kinds of political concept. This leads him to exaggerate the importance of his own analysis. Thus, he assumes that key political concepts should be descriptive in content so that disputants do not talk at cross purposes. However, this

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145 DF, p.155.
146 DF, p.154.
147 DF, p.139.
148 The irony of this clarificatory exercise is that problems of understanding only arise when we extract statements from their original linguistic and historical context, e.g. normative, theoretical, ideological, etc.
149 NB he does not escape these entirely. Cf. his discussion of the norm of punishment and what constitutes a ‘severe deprivation’ (DF, p.35-6).
150 Oppenheim rejects this phrase in favour of ‘social’ because he believes the latter communicates more precisely that the relationship of freedom holds between groups as well as between persons - but this could just as easily have been made clear by a footnote. (DF, p.22, n.3)
151 See above.
152 DF, p.112.
ignores the very different and equally important functions the language of freedom can perform in political discourse. Indeed, descriptive concerns do not exhaust the possibilities of rigorous thinking about politics even though Oppenheim gives the impression that it does. Thus, he tries to argue that meaningful discussion about the value of freedom cannot take place until we agree what freedom is.\textsuperscript{153} This though ignores the form of arguments about the political, which depend on terms being malleable. This enables political philosophers to construct political theories which explain and justify political relations in a revealing and illuminating way. More specifically, they explain why freedom - politically understood - is of value. Once again, Oppenheim obscures from view these important discussions.

Like many of his successors, Oppenheim, draws a sharp distinction between the fact of freedom and the value we attach to it.\textsuperscript{154} Indeed, he believes that ‘[m]eaningful disagreement about the value of freedom depends on agreement on that about which one disagrees.’\textsuperscript{155} This claim though, obscures an important distinction between why individuals value freedom and why freedom is a political value. This is the difference between conceiving freedom as an instrumental value and conceiving it as a distinguishing feature of civil relations. Thus, according to Oppenheim ‘[a] freedom is never valued merely for its own sake, but also as a means to further ends.’\textsuperscript{156} Oppenheim provides no reasoned defence for this instrumental view of freedom; a view that departs the influential views of freedom found in the history of political thought.\textsuperscript{157} In this respect, he smuggles in his own favoured conception of freedom without an adequate defence.

So far we have considered some of the shortcomings of Oppenheim’s account, we now need to discuss its importance or significance. In particular, we need to establish why it is of philosophical interest to explicate an empirical or descriptive concept of freedom. As we have seen, Oppenheim believes his analysis can suggest ‘new ways of looking at factual raw materials’. He makes some effort to demonstrate this in his concluding chapters. Thus, in Chapter 8 he shows how his analysis enables us to make comparative freedom judgements and in Chapter 9 he uses it to ‘yield certain laws about people’s value attitudes toward social freedom.’\textsuperscript{158} We will briefly look at each of these efforts before considering the concealed evaluative assumptions embedded in his account.

It is in his discussion of comparative judgements that the reasoning behind the title of Oppenheim’s book becomes apparent. That is to say, it is in his penultimate chapter that he deals explicitly with the ‘dimensions’ of freedom of the title. Whilst the preceding chapters are a necessary preliminary to this discussion, it is questionable how much this idea of ‘dimensions’

\textsuperscript{153} ‘[m]eaningful disagreement about the value of freedom depends on agreement on that about which one disagrees.’ \textit{(DF, p.9)}.

\textsuperscript{154} See in particular, \textit{A Theory of Justice}, p. 204.

\textsuperscript{155} \textit{DF}, p.9.

\textsuperscript{156} \textit{DF}, p.223.

\textsuperscript{157} Here freedom is viewed as a relation between citizens and government (when it is conceived in a distinctively political sense) See I.i.

\textsuperscript{158} \textit{DF}, p.212.
is central to his overall analysis. Indeed, this idea of different ‘dimensions’ only seems important when we wish to make comparative judgements about different agents’ or different societies’ freedoms. This is because, according to Oppenheim, to measure an agent’s freedom we need to be aware of the different dimensions of freedom. Namely the probability of an agent responding to punishment, the degree of deprivation, and the scope for alternative actions.\(^{159}\)

How far these different dimensions can be accurately measured and compared is a question for political scientists to answer. For our purposes, it is difficult to see why such comparisons should be of any philosophical interest. Indeed, it is not so much the number of physical freedoms that are important, but the kind of freedom is secured. Thus, no amount of physical freedom can compensate for a lack of political freedom.\(^{160}\)

In his concluding chapter Oppenheim considers what it means to value freedom, or more specifically, ‘freedom to act in a certain way’.\(^{161}\) He argues that whether or not we value a particular freedom, depends on our desires or goals. Whilst this generalisation is undoubtedly true of specific (physical) freedoms, it is clearly of very limited philosophical interest. In particular, it does not advance our understanding of the value of freedom as a political relation or ideal. Indeed, as is clear from his language, Oppenheim is referring to freedom of (individual) action rather than a distinctively political kind of freedom. Despite this, it is the latter that his analysis promises to clarify.\(^{162}\) Once again then, Oppenheim’s analysis and account of freedom fails to satisfy and this is because of his preoccupation with ‘scientific’ issues and questions.

We turn finally to the concealed evaluative assumptions that are implicit in Oppenheim’s account of freedom. These are in part the result of him absorbing unquestioningly, the moral and metaphysical assumptions of his predecessors. For example, he explicitly upholds Berlin’s view that the positive concept of freedom leads to totalitarian ideologies.\(^{163}\) However, as we have seen, Berlin fails to demonstrate this and Oppenheim himself, provides no proof. Oppenheim also smuggles into his account Berlin’s preference for freedom of choice. Thus he claims, ‘[i]t seems to me that there is at least one minimum requirement for any adequate interpretation of our key concept: freedom necessarily pertains to alternative potential actions.’\(^{164}\) However, such a conception must be argued for rather than simply asserted or assumed. Another way in which Oppenheim can be shown to absorb the assumptions of his predecessors, is in his acceptance of the post-war liberal consensus that there is no disagreement about ends. Thus, he argues that ‘[t]he great majority of political disagreements are not about the “grand alternatives”\(^{165}\) but about the implementation of commonly agreed ends, and these questions ... fall within the scope of rationality.’\(^{166}\) Such claims presuppose

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\(^{159}\) DF, p.182.

\(^{160}\) See Taylor’s discussion of this in the next chapter (IV.iii).

\(^{161}\) DF, p.222.

\(^{162}\) Cf. his claims to explicate what is implicit in political writings (see above).

\(^{163}\) DF, p.169; p.171.

\(^{164}\) DF, p.169.

\(^{165}\) i.e. in general people are committed to the general welfare, equality of opportunity, the national interest, etc.

\(^{166}\) Moral principles in political philosophy, p.170-1.
that there are commonly agreed ends needs to be demonstrated rather than assumed. Indeed, it begs the question of what these ends are since they have not been clearly explicated.

Oppenheim also endorses both value pluralism and Berlin’s incommensurability thesis. Thus, like Berlin, he believes there can be no objective foundation for our most basic moral and political convictions.\(^{167}\) Indeed, he recognises that social freedom - as he understands it - can come into conflict with other goals such as equality, material well-being, or national security. Furthermore, he does not believe these conflicts can be resolved in one particular way. Instead he argues that we must maximise one and reject the other or reach some kind of compromise. Although Oppenheim acknowledges the plurality or values or goals, he provides no analysis of this plurality.\(^{168}\) Nevertheless, he does believe that he has laid the groundwork for answering questions such as ‘What combination of freedom and control relationships is best suited to build a political order which will strike an optimal balance among social and political values?’\(^{169}\) This though, ignores the fact, that freedom itself can be legitimately conceived as an intrinsic political value; one which coheres rather than conflicts with other political values.

We have now said enough about Oppenheim’s account to appreciate its shortcomings and limitations. In particular, we have found that although Oppenheim’s analysis of freedom is informed by the goals of analytical philosophy, he fails to uphold the standard of philosophical rigour shared by analytical philosophers. In particular, he fails to explicate and examine his most basic metaphysical and moral assumptions. This places a serious question mark over his whole enterprise. Despite this, it is important not to ignore his analysis, for it underlines the diversity of concerns that inform post-war accounts of freedom. Indeed, it highlights the multiplicity of ways in which freedom can be clarified and discussed. Furthermore, Oppenheim’s relational approach helped shape one of the most influential accounts of the post-war period. It is to this account that we now turn.

(iii) Rejecting the negative-positive dichotomy: MacCallum

Like Oppenheim, Gerald C. MacCallum, in his influential paper, ‘Negative and Positive Freedom’ (1967), clarifies freedom statements with a triadic relation.\(^{170}\) However, unlike his predecessor, he is not concerned with sharpening the tools of political science. Rather his aim is to ‘correct’ what he perceives to be a mistaken and misleading distinction between ‘two kinds or concepts of political and social freedom - negative and positive.’\(^{171}\) MacCallum believes this

\(^{167}\) p.185, Moral principles in political philosophy.
\(^{168}\) DF, p.226.
\(^{169}\) DF, p.227.
\(^{170}\) MacCallum acknowledges Oppenheim’s similar approach, NPF, n.2 p.102. Oppenheim, of course, was responding to the conceptual needs of an emerging academic discipline; he was not trying to explain conceptual disputes.
\(^{171}\) NPF, p.100. Whilst MacCallum acknowledges Berlin’s efforts to clarify conceptions of freedom within a negative-positive dichotomy (NPF, p. 108, n.6) he also identifies other ways in which it has been drawn. (NPF, p.108).
distinction stems from ‘a genuine confusion concerning the concept of freedom’. His aim is to remove this confusion by clarifying ‘the conditions under which use of the concept of freedom is intelligible’. He believes this will allow ‘[c]ontroversies generated by appeals to the presence or absence of freedom in societies’ to be better understood.

The most obvious target of MacCallum’s criticism would seem to be Berlin’s paper, ‘Two Concepts of Liberty’. However, he only mentions this account in passing and instead focuses his critical attention on generalised versions of the negative-positive distinction. Before we discuss some problems with this focus, we need to clarify the content of MacCallum’s analysis as well as its apparent advantages over the negative-positive distinction. Once this has been done, we will show how he attacks this distinction on inappropriate grounds. For example, he fails to appreciate the various ways it can be and has been drawn and used. The remainder of the sub-section will provide a detailed critique of MacCallum’s contribution to the freedom debate. In particular, it will show how his account rests on unexamined moral and metaphysical assumptions about the nature and value of freedom.

To improve the intelligibility of talk about freedom, MacCallum ‘advises’ that we ‘regard freedom as always one and the same triadic relation, but recognize that various contending parties disagree with each other in what they understand to be the ranges of the term variables.’ Thus, according to MacCallum, all freedom statements can be reduced to the following triadic formula: ‘x is (is not) free from y to do (not do, become, not become) z’. Variable ‘x’ ranges over agents, [variable] ‘y’ ranges over such ‘preventing conditions’ as constraints, restrictions, interferences, and barriers, and [variable] ‘z’ ranges over actions or conditions of character or circumstance.’ MacCallum insists throughout, that whenever disputants disagree about the presence or absence of freedom, it is not because they possess different kinds or concepts of freedom, but because they possess different conceptions of agents, obstacles, and/or ends.

In demonstrating that ‘freedom is always both freedom from something and freedom to do or become something’, MacCallum admits that ‘one has not gone very far in understanding the issues separating those philosophers or ideologies commonly said to utilize one or the other of them.’ However, he does believe that his analysis paves the way for ‘making sense out of
interminable and poorly defined controversies concerning, for example, when a person really is free, why freedom is important, and on what its importance depends. This is because his triadic relation helps us to clarify the identity of the person or persons whose freedom is being discussed, and also forces us to be clear about the obstacles impeding them and the goals they pursue. In this respect, MacCallum seems to offer deeper insights into controversies about the absence or presence of freedom; controversies previously explained in terms of Berlin’s negative-positive dichotomy.

One obvious advantage of MacCallum’s analysis over this widely accepted distinction, is that it seems to offer a way out of the impasse that arises when a dispute is explained in terms of different kinds of freedom. Indeed, if disputants are understood to be advancing different kinds or concepts of freedom then there is no room for constructive discussion and debate for they are effectively talking at cross purposes. However, if these different kinds of freedom can be reduced to a common formula or core concept, it becomes possible to identify and understand areas of disagreement in a more precise manner, with the possibility of reaching some kind of agreement. This is what MacCallum’s analysis seeks to do with his triadic relation. Thus, for him, disagreements are more clearly and precisely understood in terms of different conceptions of agents, obstacles, and/or goals rather than in terms of different concepts of freedom.

In addition to clarifying more precisely, areas of disagreement, MacCallum believes his analysis can help us to ask the right sort of questions in our chosen field of inquiry. In particular, it encourages us to focus on ‘what persons are and [on] what can count as an obstacle to or interference with the freedom of persons so conceived.’ In contrast, the negative-positive dichotomy encourages us to ask ‘the wrong sorts of questions’. Thus we ask, ‘Whose concept of freedom is the correct one?’ or ‘Which kind of freedom do we really want after all?’ MacCallum believes ‘[s]uch questions will not help reveal the fundamental issues separating major writers on freedom’. Of course, this presupposes that those who deploy the negative-positive distinction are trying to identify the fundamental issues that separate major writers, which - as we shall see - is not always the case.

Although these advantages over the negative-positive distinction seem to be compelling, they are less so when we examine MacCallum’s analysis more closely. In particular, and as already indicated, MacCallum does not direct his attention to specific uses of this distinction but to his own generalised versions of it. This leads him not only to distort the various ways this

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183 NPF, p.107.
184 It should be noted that Berlin himself did not seek to explain all freedom disputes in terms of this dichotomy, and he certainly was not trying to explain disputes about its absence or presence, which was MacCallum’s goal. Rather he sought to illuminate the ideological divide of the Cold War era and the value-choices that we face.
185 NPF, p.108.
186 NPF, p.108.
187 NPF, p.108.
188 NPF, p.108.
189 NPF, p.108.
distinction has been drawn, but to attack it on inappropriate grounds. For example, he attacks it for failing to clarify ‘the fundamental issues separating major writers on freedom’. However, the negative-positive distinction has not always been used to perform this clarificatory function. For example, F. H. Bradley and T. H. Green use it to make important substantive distinctions in their moral and political theories. This suggests that MacCallum interprets the distinction in terms of his own concerns and preoccupations. In the process, he loses sight of other legitimate and significant uses of it.

Berlin, of course, does use the distinction in a way that bothers MacCallum. Thus, unlike Bradley and Green, who use the distinction in substantive forms of philosophy, Berlin uses the distinction to explain the differences that divide those concerned with freedom. However, there is an important difference between his ‘explanatory’ concerns and MacCallum’s. In particular, Berlin is concerned to explain the post-war ideological dispute between East and West which he believes hinges on different conceptions of freedom, whilst MacCallum is concerned to explain different claims about the absence or presence of freedom. These are logically distinct concerns and should not be confused. Indeed, the former entails analysing different ideological positions whilst the latter entails analysing freedom statements. This means that these activities can be carried out in a complementary manner. Despite this, MacCallum and Berlin seek to discredit each other’s accounts. This is misleading for it implies that they are providing competing answers to the same problem. The reality though is a pseudo-dispute for they are clearly talking at cross-purposes.

It is because MacCallum interprets preceding accounts, or analyses, in terms of his own concerns and preoccupations, that they are never understood and assessed on their own terms. Indeed, in stripping the negative-positive distinction from its original context, he distorts both its content and its function. These vary depending on the problem being addressed by the philosopher and this must not be lost sight of if one is to appreciate the ‘intelligibility’ and ‘utility’ of the distinction being made. In failing to recognise this connection between a problem and a conceptual distinction, MacCallum perpetuates a pseudo-dispute. That is to say, he challenges and rejects the distinction on inappropriate grounds. His analysis in turn encourages philosophers to ask whether there is one concept of freedom or two. This though, will be shown to be a nonsense question. Indeed, in focusing on such questions political philosophers become further and further removed from addressing genuine philosophical problems and instead, become bogged down in problems of their own making.

Having shown how MacCallum’s critique of the negative-positive distinction is difficult to sustain, it is now time to consider problems with his own account of freedom. This will be

190 Cf. his focus on the from/to distinction (NPF, p.106) and his largely unreferenced generalisations, NPF, p. 108-9.
191 See Baldwin (IV.iv).
192 In answer to the central questions of politics. (See II.ii).
194 Cf. Baldwin (IV.iv).
195 See Chapter I.ii - i.e. different concepts of a concept are implicit in the debate. See also IV.iv.
shown to derive from a particular conception of political philosophy; a conception inherited unquestioningly from his analytical predecessors and one which encourages us to think about freedom in a particular way. Next we will show how his appeal to a single ‘concept’ encourages him to conflate different kinds of freedom. This means that he fails to clarify a distinctively political kind of freedom. Finally, we will show how his account is presented as if it is the outcome of a detached and neutral analysis of freedom statements. However, upon closer inspection we will find that this analysis is based on a very narrow and non-representative range of such statements. The result is a ‘negative’ bias in his ‘descriptive’ account of freedom.

The distinct conception of political philosophy that informs MacCallum’s analysis of freedom statements is made explicit in his later work, *Political Philosophy*. Although this work is primarily interested in questions of justification, and in particular, with how to justify political institutions and conduct, it does refer, in passing, to those philosophers ‘who clear out the underbrush of conceptual tangles in thinking about political life.’ This reference to the practice of conceptual analysis best fits what MacCallum is doing in ‘Negative and Positive Freedom’. Here, as we have seen, his aim is to show why the negative-positive distinction should be abandoned in favour of a single ‘concept’ of freedom. For MacCallum this move is necessary if philosophers are to ‘turn attention toward the truly important issues in this area of social and political philosophy.’

These issues, according to him, hinge on the nature of agents, obstacles and ends.

There are a number of problems with this purely ‘analytical’ approach to political philosophy that need to be considered if we are to appreciate the limitations of MacCallum’s account. In the first place then, this analytical approach entails reducing a freedom statement to its simplest elements. This simplifying process is one of the central goals of analytical philosophy which means that we should not be surprised to find it being utilised in the field of analytical political philosophy. However, in applying these ‘analytical’ techniques to one of the basic terms of political life and thought, MacCallum loses sight of the distinct function the language of freedom plays in philosophical discussions of the political. That is to say, he loses sight of the distinct concerns of the political philosopher. These, as we have seen, are explanatory.

More specifically, political philosophers seek to establish a coherent and well-grounded account of our political values and principles; one that explains why we should regulate our political relations one way rather than another. The language of freedom helps to articulate this general political vision, as does the language of justice and order.

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196 i.e. as a negative, descriptive/evaluative term, rather than to articulate a (positive) moral or political ideal - the latter conception can only be explicated and defended in the context of a wider theory.
197 *NPF*, p.108, p.121.
198 This work was published in 1987.
199 *NPF*, p.4.
200 *NPF*, p.100. See above, e.g. what persons are, etc.
201 *Oxford Dictionary of Philosophy*, see ‘analysis’; ‘analytical philosophy’.
202 i.e. its explanatory function.
Instead of exploring these ‘truly important issues’, i.e. issues that are central to social and political philosophy, MacCallum seeks to clarify the issues ‘separating philosophers, ideologies, and social movements concerned with freedom’. These concerns are ‘political’ in an ordinary rather than a philosophical sense and are one step removed from the explanatory concerns that have traditionally interested political philosophers. Indeed, MacCallum treats ‘freedom’ as an abstract conceptual problem, rather than a genuine philosophical concern. In the process, he obscures the reasons why the political idea of freedom is of philosophical interest. He also suggests, misleadingly, that the political idea of freedom can be clarified and discussed - in a philosophical manner - independently of other political values. However, the coherence and grounds of this idea depends on it being worked out and defended in the context of a wider moral and political theory. MacCallum then, like his predecessors, fails to ask how ‘philosophical’ it is to discuss the political idea of freedom independently of a wider political theory. He assumes unquestioningly, that it constitutes a distinct ‘area’ of social and political philosophy, i.e. a subject that can be analysed and understood independently of other political concepts and values, and proceeds accordingly.

Another problem with MacCallum’s use of the analytical approach is that there is no obvious place to stop in clarifying the issues that divide discussants. Thus, MacCallum believes it is more fruitful to explain the differences in terms of different conceptions of agents, obstacles and goals rather than in terms of different concepts of freedom. However, each of these differences could be further analysed into simpler units. For example, an agent could be defined as ‘a person who is the subject when there is action’. This would mean that different conceptions of the agent (i.e. the \( x \) variable) could be explained in terms of different conceptions of action. Furthermore, these different conceptions of action could be explained in terms of different conceptions of intention and so on.

Since the above process could go on indefinitely, it is questionable how much it can actually achieve. Besides, it is not so much these different conceptions that are philosophically interesting, but the competing arguments in which the language of freedom is deployed. One of the tasks of the political philosopher is to assess these competing arguments as well as construct more rigorous ones. This points to a more general problem with the analytical approach, especially when informed by ‘descriptive’ concerns. This is that it encourages us to focus on statements that refer to specific instances of freedom rather than on arguments that articulate and defend a general ideal or principle of freedom. This means that we can only advance our understanding of descriptive or evaluative statements. These though, are of very limited philosophical interest. That is to say, they do not help us to understand political relations in a deep philosophical sense.

203 *NPF*, p.100.
204 See Liii.
206 *The Oxford Companion to Philosophy*, entry: ‘action’ - ‘An action is sometimes defined as someone’s doing something intentionally.’
So far we have seen how the conception of philosophy informing MacCallum’s account of freedom, is ill-equipped to advance the traditional goals of political philosophy. This would not be a problem if it could be shown that the goals of traditional political philosophy were mistaken and the goals of analytical philosophy were clear-headed and fruitful, but this has not been convincingly shown. Indeed, this bias towards an analytical as opposed to a more synoptic approach to political philosophy, seems to reflect a mode of philosophical fashion rather than a genuine philosophical effort to make sense of the political. The result has been a style of political philosophy that is of limited philosophical interest in the sense discussed in the opening chapter.207

As well as endorsing a narrow and limited conception of political philosophy, MacCallum’s analysis appears to be much more far reaching than it actually is and this is because of the misleading way in which he uses the word ‘concept’. Thus, MacCallum insists throughout, that the notion of two concepts of freedom should be replaced by his single concept view.208 This suggests that he is clarifying the meaning or the nature of freedom; a concept that everyone shares. However this obscures the fact that discussants can understand ‘freedom’ in a variety of ways, sometimes as moral phenomena, sometimes as physical phenomena, sometimes as legal phenomena, etc.. How freedom is understood, dictates how agents, obstacles and goals are conceived. Unless this is recognised, no end of confusion and dispute can arise. Indeed, no agreement can be reached about the absence or presence of freedom, until discussants agree to discuss the same kind of freedom.

This can be easily illustrated. Thus, MacCallum argues that ‘different accounts of when persons are free’209 are ‘rooted in differing views on the ranges of the term variables’. Whilst this is true, it is insufficiently precise and this is because persons can be free in a number of different senses. Thus, they can be free, for example, in a physical, legal, moral, psychological, or metaphysical sense. Unless we specify in which sense a person is free, meaningful disagreement about the ranges of the term variables becomes impossible. Although MacCallum appears to narrow the range of his analysis by focusing his discussion on what he terms ‘political and social’ freedom, it is clear from his examples, that this qualifying phrase does not denote a distinctively political or social kind of freedom. That is to say, he is not defining a freedom that is unique to our political and social experiences. This is further confirmed by the fact that he believes the notion of free will can be illuminated by his triadic relation.210 MacCallum’s ‘single concept’ approach then, conflates different kinds or concepts of freedom. It also prevents him from clarifying a distinctively political kind of freedom.

To avoid this conflation of different kinds of freedom and the confusion it can cause, it is much more helpful to conceive MacCallum’s analysis as a framework for making sense of different

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207 See I.Iii.
208 NPF, p.108; p.121.
209 NPF, p.107.
210 See below for a further discussion of this.
concepts of freedom. Put this way, MacCallum’s analysis is explanatory rather than explicative; it explains different accounts or concepts of freedom, rather than explicates its ‘meaning’. Thus, unlike his predecessors and contemporaries, MacCallum is not clarifying a political value or ideal, nor an empirical (political) relation. Indeed, he not clarifying a ‘concept’ at all, at least not in the established philosophical sense of the word. Rather he is clarifying the ‘logic’ of freedom statements. Furthermore, it is clear from MacCallum’s own claims, that he does not regard his analysis as an end in itself, but a means to more fruitful inquiry. For this reason, it is only useful insofar as we share MacCallum’s concerns. As we have already seen, these concerns are narrow in terms of the traditional goals of political philosophy. In particular, they involve analysing and understanding disputes about the absence or presence of freedom, rather than engaging in substantive argument about the nature of the political. Nevertheless, once these differences are recognised, we are better equipped to assess the merits and limitations of this account.

In addition to clarifying and explaining what divides philosophers, ideologies and social movements concerned with freedom, MacCallum believes his framework can be used to clarify the content of freedom statements. He also believes it can interpret alien or unfamiliar conceptions. Indeed, he presents his analysis as if it can clarify any discussion about the freedom of agents. However, closer inspection suggests that his triadic relation can only clarify a very limited range of such discussions. In particular, it cannot clarify philosophical discussions of the political idea of freedom. The reason for this is simple: philosophical discussions of political freedom are communicated in the form of an argument; they do not consist of isolated claims about specific (or physical) instances of freedom but rather, a series of interconnected claims about a general (or normative) condition of freedom. The upshot of this is that MacCallum’s triadic relation can only clarify descriptive and evaluative uses of the language, it cannot clarify explanatory uses. Yet it is the latter that is of philosophical interest.

One of the reason why MacCallum’s analysis is less comprehensive than it first appears is because he only examines a very narrow range of statements to defend his triadic analysis of freedom. In particular, he limits his analysis to ordinary freedom statements, which means there is an inherent bias in his account towards descriptive and evaluative understandings of freedom; understandings that are of limited philosophical interest and which tend to express a ‘negative’ bias. Perhaps more significantly, he makes no attempt to analyse how the

211 i.e. it shows how these different concepts of freedom arise out of different conceptions of agents, obstacles and ends.
212 ‘That which a person has when he understands or is able to use some portion of his language.’ A. Flew, A Dictionary of Philosophy, entry: ‘concept’.
213 i.e. the basic form of any descriptive or evaluative statement; this should not be confused with explicating a concept’s content or meaning.
214 i.e. to ‘rationally assess’ competing accounts. See below for a discussion of this enterprise.
215 This includes his analysis of negative and positive conceptions (NPF, p.111-115). These are not ‘philosophical’ because they extracted from a wider moral or political theory.
216 This is the distinguishing feature of a philosophical discussion.
217 NPF, p.103-6.
218 See I.i.
language of freedom has been used in traditional forms of political philosophy, i.e. philosophical attempts to explain and justify political relations. Yet these constitute some of the most important discussions of freedom in Western political thought. In this context, the language of freedom is used to articulate an agent’s political status or a relation between citizens and government,\(^{219}\) neither of which can be easily reduced to MacCallum’s triadic relation. Indeed, the content of such concepts are informed by a wider set of assumptions and concepts. This means that a normative or explanatory concept of this sort can only be worked out and explicated in the context of a wider political theory.\(^{220}\)

The above suggests that MacCallum’s framework can only make sense of certain kinds of discussion and this is because it can only make sense of certain kinds of freedom statement. Indeed, it can only clarify statements that refer to specific instances of freedom rather than arguments that articulate and defend a general ideal or principle of freedom. This is easy to illustrate. Thus, it is difficult to see how, for example, Rousseau’s account of freedom could be clarified with MacCallum’s triadic relation. This is because Rousseau’s conception of agents, obstacles, and ends, is too multifaceted to be stated in the simplistic terms demanded by MacCallum’s approach. This is true of most conceptions of freedom worked out and defended in the context of a wider moral and political theory. Thus, even Hobbes’s relatively simplistic account is difficult to fit into this schema. Hobbes, after all, was not describing specific agents, obstacles and goals, but the general condition of freedom in a civil state. The triadic relation is especially ill-equipped to clarify positive conceptions of freedom for these can only be explicated and justified in the context of a wider moral and political theory.\(^{221}\)

As well as failing to clarify these philosophically important and distinctively political conceptions of freedom, MacCallum makes claims for his analysis that cannot be sustained. For example, he claims that expressions such as ‘free will’ and ‘free society’\(^ {222}\) can be clarified with his triadic relation. However, it is not clear that either of these expressions allow us to specify in exact terms the contents of variable \(y\) (obstacles) and \(z\) (ends). Whilst MacCallum acknowledges that the content of these variables can be multifaceted, it is unclear that this helps to specify them in the case of ‘free will’ and ‘free society’. To force these concepts\(^ {223}\) into this triadic relation is to distort them out of all recognition, or make them appear far more limited than they actually are. Besides, the meaning - and more importantly, the significance - of these expressions can only be fully grasped by examining the linguistic and historical contexts in which they are used. It is this which makes them ‘intelligible’, not the fact that they can be interpreted in terms of agents, obstacles and goals. MacCallum’s analysis then, is less comprehensive than he assumes. In particular, his triadic relation can only clarify and interpret a

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\(^{219}\) See I.i.

\(^{220}\) See I.iii.

\(^{221}\) See Baldwin, IV.iv, i.e. they focus on the absence of impediments rather than the presence of certain capacities/abilities.

\(^{222}\) NPF, p.103.

\(^{223}\) MacCallum assumes that the concept of free in ‘free will’ is the same concept as free in ‘free society’ - he fails to realise that the different qualifying terms point to different concepts of freedom.
limited range of freedom statements and disputes. Namely, those concerned with its (physical) absence or presence.

Our survey of how comprehensive MacCallum’s analysis is, suggests that what he is really clarifying is the ‘logic’ of ‘freedom of action’ rather than the ‘logic’ of ‘social and political freedom’. This helps to explain why so many different kinds of freedom statement can be fitted into his formula. It also underlines the inappropriateness of the qualifying phrase ‘social and political’ that MacCallum uses to denote his area of inquiry. Thus, as we have seen, there is nothing distinctively social or political about his account of freedom. Indeed, to conflate the social and the political in this way, is itself, to obscure the subject of inquiry. This is because social freedom and political freedom are distinct phenomena and need to be analysed separately. To conflate them is to ignore the different kinds of freedom that humans experience and differentiate. Similarly to equate ‘freedom’ with ‘freedom of action’ is to lose sight of the different kinds of action that are important or significant to human beings.

Having questioned the scope of MacCallum’s analysis, we turn finally to its utility or his practical defence of it. MacCallum then, believes that his triadic framework equips us to ‘rationally assess’ competing accounts of freedom.224 The focus of this assessment, according to him, is the conception of agents, obstacles and ends implicit in any account of freedom. However, there are at least two problems with this more critical agenda. Firstly, it presupposes a standard of assessment and the standard that MacCallum adopts betrays his own unexamined moral and metaphysical assumptions. In particular, MacCallum argues that the burden of argument for conceptions of agents, obstacles, and ends that depart from ordinary usage rest on those accounts.225 This betrays an ideological bias towards ‘negative’ conceptions of freedom. This is because these conceptions depart less than ‘positive’ conceptions from ‘ordinary’ understandings. They therefore appear more lucid and reliable than less ordinary understandings.

Secondly, MacCallum assumes that conceptions of agents, impediments and goals can be isolated and assessed independently of the wider theories in which they are explicated and defended. Once again this betrays a bias towards ‘negative’ conceptions of freedom. Thus, whilst (ordinary) descriptive and evaluative uses of the language do not presuppose a wider theory, philosophically important normative or explanatory uses - which are more often than not ‘positive’ - do. The latter uses are therefore seriously marginalised when the focus is on conceptions stripped of a wider theoretical context. Indeed, MacCallum’s analysis can only equip us to assess isolated freedom statements; it cannot help us to assess philosophically important arguments about the nature of an agent’s freedom in the civil state.

Although MacCallum’s triadic analysis of freedom statements is less comprehensive than he assumes, it has, without a doubt, been more influential than Oppenheim’s.226 This is mainly

224 *NPF*, p.111-115 - for his assessment of negative and positive conceptions.
225 *NPF*, p.116.
226 Widely accepted - Benn and Weinstein, Feinberg, Rawls, etc.
because his agenda is more far-reaching. Thus, he seeks to explain, clarify, and assess any discussion of ‘social and political’ freedom whereas Oppenheim only seeks to sharpen the tools of political science. MacCallum’s account is also less contentious than his predecessor’s and this is because he does not attempt to restrict meaningful freedom statements to a physical relation between agents. Instead, any kind of obstacle or goal can be considered relevant to a clear and precise statement about the freedom of agents. Of course, this means that neither of them clarify a distinctively political kind of freedom, but at least MacCallum’s analysis can clarify a more diverse range of statements.

Despite these obvious merits, MacCallum’s analysis suffers from its own distinct shortcomings. In particular, it attacks the negative-positive distinction on inappropriate grounds and this encourages a pseudo-dispute. It also relies unquestioningly on a strictly analytical approach to political philosophy and this means that MacCallum ignores and obscures the fundamental problems of the subject. His account of freedom is also problematic. Thus, he fails to distinguish different kinds of freedom and a result fails to clarify a distinctively political kind of freedom. His analysis is also less comprehensive than it appears and this is because it focuses on isolated freedom statements rather than statements that are an integral part of a wider moral or political theory. This results in a ‘negative’ bias in MacCallum’s account, despite it appearing to be the outcome of a detached and neutral analysis of freedom statements.

(iv) Conceiving ‘freedom’ in purely descriptive terms: Steiner

MacCallum’s analysis has inspired some important contributions to the freedom debate and we shall be looking at some of these in the next chapter. For now, we need to turn to the last of our ‘descriptive’ accounts of freedom. This is to be found in the work of Hillel Steiner; a theorist whose views on the nature of freedom have changed little since he first expounded them in his article, ‘Individual Liberty’ (1975). In this paper, Steiner presents his account as if it is the result of an impartial and detached analysis of the ‘logic’ of freedom. In particular, he is keen to show how his account avoids the paradox and self-contradiction that he detects in others. However, as we shall see, these formal criticisms are difficult to sustain. As a result, Steiner’s conceptual claims about the nature of freedom - which he infers from his critique - are not as far-reaching as they first appear.

Before we examine these criticisms and these claims, it is important to recognise that Steiner’s account is part of a much wider set of reflections about the nature of rights and justice. These wider concerns are not made explicit in the above article and only came to full fruition in his later work, *An Essay on Rights* (1994). However, since Steiner began work on this book as early as 1969, it is almost certain that he developed his view of freedom contemporaneously

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227 e.g. Benn and Weinstein, Baldwin, and Feinberg are all responding to or developing his analysis.
228 Thus, we will find that a similar account is presented in his recent work, *An Essay on Rights* (Chapter 2). For this reason, this latter work will also be used to throw light on the concerns and assumptions that inform his earlier account.
229 See his acknowledgements, where he claims the book has been twenty five years in the making. NB Steiner completed his thesis in 1974 (M. Ricciardi, ‘Liberty, Rights and Justice: A Conversation with Hillel Steiner’).
with his view of justice and rights.\textsuperscript{230} If this is the case, then it would seem that he is defending a preferred view of freedom,\textsuperscript{231} rather than arriving at it though a detached analysis of the coherence of rival accounts. This suggests that his attack on the logic of existing accounts is no more than a facade; a rhetorical device for advancing his own favoured account of freedom. We therefore need to be cautious when assessing the rigour of his account, for whilst it might appear to be the model of careful philosophical analysis, the reality is more suspect.

Recognising Steiner’s underlying concern with the nature of rights and justice is important for it helps us to appreciate a significant difference between his account and the accounts of his ‘descriptive’ predecessors. Thus, unlike Oppenheim and MacCallum, Steiner engages in substantive political philosophy\textsuperscript{232} and this has an important impact on the way he defines freedom. In particular, he is not concerned with identifying the variables that best characterise a freedom relationship, nor the variables that best clarify a freedom statement. Rather, his aim is to define freedom in a way that coheres with a particular view of rights and justice.\textsuperscript{233} This leads him to define freedom as ‘the personal possession of physical objects’;\textsuperscript{234} a descriptive conception that ‘allows him to develop the idea of mutually consistent rights as a set of personal entitlements to differentiated portions of negative freedom.’\textsuperscript{235} This in turn leads him to conceive justice as involving ‘normative allocations of personal liberty’.\textsuperscript{236}

Despite his more substantive concerns - and partly because of them\textsuperscript{237} - Steiner, like Oppenheim and MacCallum before him, values descriptive precision in discussions about freedom.\textsuperscript{238} Indeed, in his later work, he does not disguise the fact that his account of freedom is ‘uncontroversially an empirical or descriptive one.’\textsuperscript{239} However, in his earlier article, the conceptual limitations of his account are not made so explicit. For example, in his introduction to ‘Individual Liberty’, he promises to unveil ‘an important aspect of the concept of individual liberty’.\textsuperscript{240} This suggests, misleadingly, that he is going to reveal something about the concept

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\footnote{230} It is possible that Steiner arrived at a view of freedom and then used this to develop a theory of rights and justice, but this is unlikely give how little this view is refined in his later work. This way of proceeding would also mean that his theory of justice and rights rest on very shaky grounds for despite Steiner’s claims, his is not the only ‘correct’ way of conceiving freedom. Also the contrived way is which existing accounts are characterised and attacked (see below) suggests he has a predetermined agenda.
\footnote{231} One consistent with an emerging view of rights and justice. Of course, the process by which such views emerge is complex and non-linear; it involves continuous refinement of each concept until a coherent and satisfactory account is reached.
\footnote{232} i.e. inquiries into how we should regulate our social and political affairs - again, this is more obvious in his later than his earlier work.
\footnote{233} As already indicated, this is not obvious from his earlier article, but is almost certain when one looks at his work retrospectively.
\footnote{234} IL, p.138, For Steiner possession is a triadic relation obtaining between an agent, an object and all other agents (IL, p.138). In his later work, this becomes abbreviated to ‘freedom is the possession of things’ (An Essay on Rights, 39).
\footnote{235} p.33, M. Ricciardi, ‘Liberty, Rights and Justice: A Conversation with Hillel Steiner’.
\footnote{236} p.34, M. Ricciardi, ‘Liberty, Rights and Justice: A Conversation with Hillel Steiner’.
\footnote{237} Usually substantive concerns point to a normative conception of freedom, but Steiner believes these concerns can be more easily addressed with a descriptive conception.
\footnote{238} p.22, An Essay on Rights.
\footnote{239} An Essay on Rights, p.9 - distinguishes this from a normative sense (See also p.60, fn.4).
\footnote{240} IL, p.123, my emphasis.
\end{footnotes}
of freedom that others have tried to clarify. As a result, he obscures the fact that he is merely clarifying a 'descriptive' or 'empirical' concept of freedom; one whose function or purpose is different to the accounts he criticises.

In addition to presenting his earlier account in a misleading way, Steiner assumes there is a single, 'correct' way of understanding and describing an agent's freedom. This leads him to present his own account as the 'correct' way. However, as we have insisted throughout, there is no single correct or incorrect way of conceptualising an agent’s freedom. Rather what we mean by this freedom depends on our wider concerns and preoccupations, as well as our wider moral and metaphysical assumptions. Together, these determine what kind of freedom is being discussed. Steiner’s account is no exception to this, despite the way he presents it. All of this suggests that Steiner’s aims and analysis are not as clear and precise as they could be. To consider them further, we need to examine, in some detail, his criticisms of existing accounts, as well as his own favoured account. In this way, we will be able to establish how far his analysis of freedom satisfies our standard of philosophical adequacy.

Steiner begins his inquiry by asserting a ‘negative’ conception of freedom. Thus, he opens his article with the following claim: ‘An individual is unfree if, and only if, his doing of any action is rendered impossible by the action of another individual.’ For Steiner this is equivalent to saying that ‘the particular action in question is prevented by another.’ This attempt to clarify the necessary conditions of an agent’s freedom is defended via a critique of rival accounts. In particular, Steiner argues that alternative accounts either lead to paradox or self-contradiction. However, as we shall discover, these formal criticisms can only be sustained because Steiner ignores the multiplicity of ways the language of freedom can be meaningfully used. This leads him to make generalisations that are both false and misleading.

One of the reasons why Steiner’s analysis is beset by these shortcomings is because of the way he sets up the problem. Thus, according to him, '[arguments about the nature of individual liberty ... are usually disputes concerning either the relation between a prevented action and its subject, or which is to count as prevention.' It is important to recognise that Steiner is focusing on disputes of the post-war era. This means that like many of his successors, he narrows the range of his inquiries to a very high degree. Furthermore, he loses sight of the variety of reasons that can motivate ‘philosophical’ inquiries into the political idea of freedom. Indeed, whilst he may have established a useful way of characterising the disputes between

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241 We have already seen that none of these are clarifying the same concept; MacCallum is not even clarifying a 'concept'.
242 IL, p.123.
243 Freedom usually involves the absence of some kind of impediment (Li), but even this generalisation fails to do justice to certain positive conceptions of freedom.
244 This is why an account of freedom cannot be assessed independently of its wider linguistic context, i.e. its function (descriptive, appraisive, evaluative or explanatory - see Li).
245 IL, p.123.
246 IL, p.123.
negative and positive theorists, he has obscured the reasons why these disputes arise in the first place. It is these reasons which explain the different views of the relation between a prevented action and its subject and what counts as a prevention. All such views are legitimate and no single view is more 'correct' than any other. Despite this, Steiner argues that only one of these views is consistent and therefore only one of them is logically acceptable.

To see how Steiner arrives at this conclusion we need to consider his first line of criticism. This is his claim that certain views of the relation between a prevented action and its subject, lead to paradox. Steiner defends this claim by appealing to the later writings of Berlin and the views of J. P. Day. Both of these thinkers insist that an agent's freedom does not depend on what an agent does or does not desire. If an agent's freedom did depend on what the agent desired, then it could lead to the absurd conclusion that an agent’s freedom could be increased by suppressing those desires ‘the satisfaction of which is prevented by others’. As well as excluding psychological factors from this relation, Steiner also believes it is paradoxical to define it in normative terms. Thus, according to him, whether or not an agent is free, does not depend on what he or she ought to do. Indeed, he believes ‘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, not prevented from doing it.’

A major problem with the above criticisms is that they lose sight of the rival ways in which freedom can be coherently conceived. This is inevitable when conceptions of freedom are stripped from their wider linguistic context; a context that provides them with their coherence. For example, whilst it is paradoxical to suppress one’s desires to be free in a physical or interpersonal sense, it is quite consistent to suppress one’s desires to be free in a personal or psychological sense. Indeed, the desire to gamble - in a compulsive way - is a paradigm case of personal or psychological unfreedom and it is only by suppressing this desire, that the agent can be described as free, at least in this narrow, psychological sense. In failing to make it clear that he is discussing a specific kind of freedom, i.e. physical or interpersonal freedom, Steiner is led to make general claims that his analysis cannot sustain; claims about the concept of freedom, rather than claims about a specific and narrowly defined ‘descriptive’ concept.

As well as being consistent with the suppression of desire in the above context, the idea of freedom can also be coherently conceived in a normative sense. Thus, one can imagine a moral or political theory in which an agent’s (political) freedom depends on him or her voluntarily

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247 Steiner is explicit about referring to these kind of arguments (i.e. negative and positive ones) in his An Essay on Rights, p.8.
248 Berlin offers one reason why these debates arise, i.e. negative and positive theorists are focusing on different questions. (See II.ii).
249 For example, Hayek’s view on these matters is determined by his concern to reject central state planning (II.iii), and Oppenheim’s view is determined by his concern to sharpen the tools of political science (III.ii).
250 IL, p.124.
251 IL, p.124.
252 IL, p.125.
253 Those who dismiss this as a condition of ‘feeling free’ rather than ‘being free’ need to explain why only external impediments to action are relevant to an agent’s freedom.
consenting to the laws or rules under which he or she lives. True the agent is physically free to ignore these laws or rules, but he or she is not morally or legally free to ignore them. This is because he or she has voluntarily accepted them and is therefore morally or legally bound, i.e. obliged, to obey them. To reject this distinct sense of freedom as paradoxical, is to ignore the multiplicity of ways the language of freedom can be and has been used in moral and political thought. It is also to rule out of court a distinctively political kind of freedom, for this is always normative in content. That is to say, it always implies a standard of political right and wrong.

The narrowness with which Steiner describes the relation between a prevented action and its subject, i.e. in purely physical terms, is made more explicit when he considers efforts to define this relation in normative terms. Thus, Steiner insists that ‘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’. This is a clear statement of his concerns and preoccupations which is to describe an agent’s freedom in precise, descriptive terms and to exclude from this description all reference to desires or obligations. Indeed, he insists that "judgements about whether an individual is free to do a certain action do not presuppose any judgement concerning either his desires or his obligations." However, in the process he fails to make it clear that he is referring to empirical judgements which require very different data to moral, legal or political judgements. Furthermore, such judgements, as we have seen, are of very limited philosophical interest. This is because they can only refer to specific instances of freedom, rather than a political relation or ideal.

Steiner’s first line of criticism then, is of very limited persuasive force. In particular, the charge of paradox breaks down once we recognise other meaningful ways in which freedom can be coherently conceived. This coherence is lost sight of when concepts are extracted from their original linguistic context. In fact, the only reason why Steiner can maintain the charge of paradox is because he presupposes a particular conception of freedom, i.e. a physical, interpersonal conception. When this conception is presupposed the inclusion of desires and obligations in the relation between prevented actions and their subjects, does lead to paradox. However, this does not explain why we should accept the purely negative, or ‘physicalist’ conception of freedom in the first place; it only highlights the paradoxes that can arise if we accept it. In failing to justify his favoured conception of freedom, Steiner leaves a serious shortcoming at the heart of his account; one that cannot be simply side-stepped by criticising rival accounts of freedom.

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254 i.e. not being coerced against one’s will - connected to the philosophical search for morally legitimate/acceptable political arrangements (I.i).
255 e.g. standard can be formulated with the laws of nature, General Will, etc. See I.i.
256 II, p.125.
257 II, p.126.
258 See discussion of Oppenheim, above (III.ii).
Steiner’s second line of criticism is directed at those negative theorists who, whilst accepting what he describes as the correct position between prevented actions and their subjects, fail ‘to draw the appropriate conclusions concerning what is to count as prevention.’ To understand this criticism, we need to recognise that post-war philosophical discussions about what counts as a prevention, usually hinge on a distinction between offers and threats. This distinction is then used by negative theorists to argue that threats, but not offers, diminish personal liberty. However, Steiner believes this position is self-contradictory and argues instead that neither offers nor threats constitute a diminution of freedom. Indeed for him, only action that is rendered impossible by the action of another person, constitutes a constraint on freedom.

To see how Steiner arrives at this conclusion, we need to remind ourselves of his first line of criticism. This is that judgements about an agent’s freedom do not presuppose anything about the agent’s desires or obligations. If this ‘purely negative’ conception is accepted, then the theorist falls into self-contradiction if he or she regards offers or threats as an obstacle to freedom. This is because whether an offer or a threat is considered an obstacle to freedom will depend on the agent’s desires and/or obligations. These though, have already been rejected as irrelevant to an agent’s freedom. The only consistent position then, is to insist that neither offers nor threats constitute a diminution of freedom. This is because neither prevents the agent from acting in one way rather than another; each simply makes an action more or less desirable.

As we have seen, Steiner’s first line of criticism is difficult to sustain and if we reject it, we can reject his inferences about what counts as a prevention. Indeed, the charge of self-contradiction presupposes that negative theorists accept Steiner’s generalisation that desires and obligations are irrelevant to an agent’s freedom. However, this is not always the case. For example, Benn and Weinstein, who we will be discussing in the next chapter, and who also maintain a ‘negative’ conception of freedom, argue that desires and obligations are central to whether or not an agent can be described as free. Steiner has a stronger case against Berlin and Day, but even this can be queried. Thus, both theorists exclude desires from their accounts whilst insisting that threats but not offers constitute an obstacle to freedom. However, these different claims are posited in different papers which address different concerns. These

259 i.e. they exclude psychological (desires) and normative (obligations) factors from the relation.
260 IL, p.123.
262 IL, p.134.
263 IL, p.135.
264 IL, p.133-4. Steiner also shows how ‘the argument that intervention is prevention is self-contradictory’ (IL, p.134). However, those he is attacking are not claiming that intervention is prevention; rather they are concerned that intervention, especially threats, restrict an agent’s choices and for this reason constitutes an obstacle to freedom, i.e. it renders a choice less palatable/desirable.
265 See below.
266 Thus they conceive freedom as the non-restriction of options (IV.ii).
267 For Day’s different concerns see, ‘On Liberty and the Real Will’ and ‘Threats, Offers, Law, Opinion and Liberty’. For Berlin see his account of negative liberty in ‘Two Concepts of Liberty’ and the later refinement of his position in the introduction of Four Essays on Liberty.
different concerns are illuminated by different concepts of freedom and whilst these conceptual distinctions are not always clear in Berlin’s and Day’s writings, they are nevertheless present. Thus, in certain contexts, they are discussing physical or interpersonal freedom and in another, they are discussing freedom of choice. When they discuss the former they exclude desires from their account and when they discuss the latter they include them.

This second line of criticism is particularly revealing for our purposes because it suggests that Steiner is engaging in a pseudo-dispute. That is to say, he is talking at cross-purposes with those he is attacking. Thus, Steiner is clarifying the conditions of physical freedom whilst those he is attacking are, more often than not, clarifying the conditions of freedom of choice. It is therefore not surprising that they disagree about the necessary conditions of ‘freedom’. Indeed, since choice takes place in the context of desires and obligations, these can hardly be excluded from an analysis of ‘freedom of choice’. Steiner is also addressing a pseudo-problem. This is because the paradox and self-contradiction that he accuses rival accounts of - and which he tries to overcome with a more coherent account - only arises because he extracts these accounts from their original context. Had he recognised or understood the wider concerns and preoccupations informing these rival accounts, he may not have been so concerned to reject and replace them.

So far we have considered Steiner’s wider concerns, and questioned his formal rejection of existing accounts. It is now time to assess critically his negative account of freedom. If this can be shown to be clear, precise, and well-grounded, then his analysis may still have something to offer. However, if it lacks these qualities, then we need to question continued philosophical interest in it.268 We shall begin by assessing the conceptual limitations of Steiner’s account. We will then consider the level of clarity that it displays. Finally, we will examine the metaphysical assumptions that inform and underpin it. We will find that, whilst Steiner’s search for clarity and precision is sincere, he fails to recognise the conceptual limitations of his account. This leads him to make misleading claims about ‘the nature of freedom’.

We have already seen how Steiner presents his account in a misleading way.269 Thus, from the outset he promises to unveil ‘an important aspect of the concept of individual liberty’.270 What this ‘important aspect’ is, is never made entirely clear. However, in the concluding section of his article, Steiner claims that ‘[a]t least one interesting inference may be drawn’ from the theorem that freedom is ‘the personal possession of physical objects.’271 This is that the total amount of freedom present in society can never be increased or decreased, but only distributed in different ways. The reason for this is that there is a finite number of physical objects that can be possessed in the world and freedom - according to Steiner - is analytically tied to these objects.

Initially this claim about the total amount of freedom, seems to conflict with our intuition that we are more free today than we were in the past. Thus we can now freely express different

268 See, in particular, I. Carter’s development of Steiner’s ideas in A Measure of Freedom (1999).
269 See above.
270 IL, p.123 (my emphasis).
271 IL, p.138.
opinions and beliefs, i.e. without cost, and behave in a wider variety of ways, etc. Of course, for Steiner we have always been free to express opinions and behave in various ways, despite the costs. The above claim then, is only true if we accept Steiner’s physicalist account of freedom. However, once this is recognised the significance of the claim is brought into question, for all Steiner is saying is that the sum total of physical freedom cannot be increased or decreased. This claim is of questionable philosophical and political interest. Indeed, when theorists have previously discussed the expansion or diminution of personal liberty, they have been concerned with freedom as a political right rather than as an empirical fact. More specifically, their idea of freedom has expressed a right to pursue certain ends, rather than a physical resource to be distributed in different ways. Once again then, Steiner’s claims are less far-reaching than they first appear.

One of the main reasons why Steiner’s conceptual claims about the nature of freedom can appear misleading, is because of the ambiguous way in which he presents his analysis. Indeed, he never makes it entirely clear what he is actually clarifying. He assumes it is the same subject as other contributors, but it is clear from the above, that this is far from so. Thus, we have already seen how those he is attacking, such as Berlin, Day, and Benn and Weinstein, conceive ‘individual liberty’ - the title of his paper - in terms of freedom of choice rather than in terms of physical freedom. This underlines the need for clarity in his use of the phrase ‘individual liberty’; a phrase Steiner never explains or justifies. Indeed, it is used interchangeably with the phrase ‘personal liberty’, and dropped altogether in his later work. This suggests that he attaches no formal significance to it. It is certainly not used to distinguish his ‘descriptive’ or ‘empirical’ concept of freedom, from other concepts of freedom.

Another confusing aspect of Steiner’s analysis is the way he shifts from speaking of the ‘negative’ conception of liberty - which implicitly acknowledges its partial perspective - to talk of ‘the nature’ or ‘the concept of individual liberty’, as if the two are interchangeable. Indeed, in equating individual liberty with pure negative liberty, Steiner does a considerable disservice to clarity. Thus, as have we have seen, individual liberty can be and has been conceived in other than purely negative terms. For example, it can involve the idea of choice, as well as the ideas of self-realisation and psychological freedom. To suggest then, that individual liberty can only be conceived in the pure, negative sense, is to exclude from consideration important rival conceptions of individual freedom.

Connected to this shortcoming is Steiner’s failure to recognise the different kinds of questions and judgements that can arise in our reflections on individual liberty. These can be moral, political, legal, or psychological. In other words, these questions are not simply about physical freedom, nor simply about making empirical judgements. One way of underlining the narrow focus of Steiner’s analysis is to fit it into our earlier classification. According to this, his initial definition of negative freedom is an account of physical freedom or interpersonal freedom.

272 e.g. Berlin.
273 e.g. economic, moral, political, religious, etc.
274 i.e., see also Appendix.
rather than an account of individual liberty. Thus, like Oppenheim, he is concerned with how one agent affects the actions of another, rather than with how, for example, the individual chooses between competing options. Ultimately then, Steiner’s search for a single, unified account of freedom, leads him to lose sight of the different kinds of freedom that exist. This results in an account that is far more limited than it first appears.

Although Steiner fails to clarify a distinctively political kind of freedom, it is clear that his account could have political implications. This is one of the reasons why it is so important to display its philosophical inadequacies or shortcomings. Indeed, if it is accepted as an uncontentious and definitive account of freedom, then it is difficult to deny the substantive practices that Steiner infers from it. Namely, a set of incompossible rights which can secure an equal freedom for all. These individual rights to self-ownership and an equal share of the current value of natural resources do seem to provide the necessary conditions for freedom in the sense specified by Steiner. However, the reasoning behind these rights is unconvincing for they are inferred from his purely negative conception of freedom. Since Steiner provides us with no positive reason why we should accept this physicalist conception of freedom more readily than a rival conception, his analysis of freedom is no more authoritative than rival accounts. This means that it can hardly provide the basis of a distributive theory of rights and justice.

The above suggests that Steiner possesses a very narrow conception of substantive political philosophy. Indeed, he accepts, without question, the contemporary ‘philosophical’ concern with the problem of distributive justice. Thus, like Rawls and Nozick, he conceives political philosophy - at least in the latter part of his career - as an inquiry concerned primarily, with the problem of distributing resources in conditions of scarcity. This problem though, which has come to dominate the field of political philosophy, is a moral and practical problem rather than a philosophical problem. In particular, it requires us to construct moral arguments and practical recommendations for organising our social and political lives in a more acceptable manner. This means appealing to the moral and practical sensitivities of contemporaries. In contrast, political philosophy, if it is to maintain a distinctively philosophical character, requires us to reflect on our place in a natural, cosmic, or moral order. More specifically, it requires us to see our political existence as part of this order. Where this aspect of political thinking is absent, it ceases to be concerned with stating some philosophical truth and instead becomes preoccupied with the moral and practical problems of everyday living.

We will conclude our critique of Steiner’s account with some general reasons for rejecting its contents and grounds. Thus, one important reason for rejecting the content of this account is that Steiner’s physicalist understanding of freedom is far removed from our ordinary understanding of freedom. It is also far removed from the understanding of freedom found in the history of political thought. Thus, according to Steiner, B only impinges on A’s freedom.

275 An Essay on Rights, Chapter 7.
276 See I.iii.
when B renders one or more of A’s actions impossible by controlling the physical space in which it could occur. Following this definition, laws, customs and tradition cannot impinge on an agent’s freedom because they cannot prevent action. This condition though, is far too demanding. Indeed, we often speak of being free when we are able to act without physical, psychological, or material cost, i.e. without cost to body, ‘peace of mind’, or possessions. This means that we use the language of freedom to articulate a far wider range of experiences than Steiner suggests. Despite his departure from such uses, Steiner gives us no good reason to accept his rather arbitrary and restrictive way of understanding liberty. This is particularly surprising given that he appeals to ordinary usage to defend his account.

The content of Steiner’s account may have been more acceptable if his claims had been well-grounded. However, his account is informed and underpinned by a number of unexamined moral and metaphysical assumptions about the value and nature of freedom. These concealed evaluative assumptions about what is important in analysing and clarifying ‘freedom’ are partly inherited from his predecessors and are partly the product of his academic background. Thus, like Hayek before him, Steiner has a background in economics and this encourages him to make certain metaphysical assumptions about human agents and their relations to each other. In particular, these relations are conceived in individualistic and materialistic terms and this leads him to conceive freedom in negative terms. Indeed, ‘freedom’ becomes a tool for describing physical relations rather than a tool for describing a distinctively political relation.

One of the problems with this narrow conception of human agents that Steiner endorses, is that it distorts the way freedom has traditionally been discussed in philosophical efforts to understand the political. At the same time, he makes no effort to even consider ‘positive’ conceptions of freedom which have often been developed in this context. He thus carries over the evaluative assumptions of his most influential predecessors: that only the negative conception is worthy of serious consideration. This leads the focus of the freedom debate to be narrowed to a very high degree. In particular, positive conceptions are pushed further and further into the background and attempts to rectify this bias do not begin to emerge until the late 1970s. Even then, the bias remains, despite efforts to remove it. Steiner then, like Oppenheim and MacCallum before him, absorbs the moral and metaphysical assumptions of his predecessors. This encourages him to make more ambitious claims about the meaning or the nature of freedom than his analysis can actually sustain.

This brief discussion of the content and the grounds of Steiner’s account is evidence enough that he fails to provide any philosophical reasons why we should accept his favoured conception of freedom over rival conceptions. Indeed, his analysis fails to satisfy our standard of philosophical adequacy as well as his own standards of analytical rigour. Thus, as we have

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277 Hobbes, for example - whose account is closest to Steiner’s - does not adopt this impossibility criterion.
278 See especially, An Essay on Rights, Chapter 2.
280 He implicitly rejects positive conceptions as paradoxical and self-contradictory, for they, like certain negative conceptions that he criticises, usually contain some reference to desires and/or obligations.
seen, his account of freedom is predetermined by his wider concerns and preoccupations, and by his metaphysical assumptions about human agents and their relations to each other. This leads him to criticise rival accounts on inappropriate grounds and to present an account that is less rigorous, than it first appears. The result is an account that is of very limited philosophical interest.

(v) Conclusion: the conceptual limitations of ‘descriptive’ accounts

We have now completed our survey of what has been termed ‘descriptive’ accounts of freedom. We have found that whilst each of these accounts performs an important clarificatory function, this function is limited to the particular, and rather narrow concerns and preoccupations of the analyst. This means that contrary to the way they are often presented and interpreted, these accounts do not clarify the meaning, the nature or the concept of freedom. Rather, they clarify a particular kind of freedom statement. Thus, Oppenheim clarifies statements referring to interpersonal freedom, Steiner clarifies statements referring to an agent’s physical freedom, whilst MacCallum clarifies the logical form of descriptive and evaluative freedom statements. The first two advance an ‘empirical’ understanding of the political idea of freedom, whilst the latter advances a ‘logical’ understanding of this freedom.

As we have seen, these analysts seek to avoid the charge of resting their accounts on their own value-preferences. Indeed, they assume that their accounts are the result of a detached analysis of freedom concepts and statements, hence their focus on the so-called ‘logic’ of freedom. However, this approach is more selective than these analysts suggest. In particular, it rests on certain assumptions about the language of freedom. Thus, ‘descriptive’ analysts assume that ordinary usage is a more reliable and informative guide to what we mean by ‘freedom’ than other uses. They accept that this language may need refining, but ultimately they believe it is authoritative. This though, is untenable because ordinary language can only tell us what we ordinarily mean by the word ‘freedom’. This is not the same as what we mean when we use the language of freedom in a specialised, or technical, political sense.

Another problem with this appeal is that, despite appearing to offer a neutral and detached approach, ordinary language has a negative bias. This is because ordinarily we think of freedom as involving the absence of impediments. A purely descriptive account of freedom then, based on ordinary language, means that freedom is understood in negative rather than positive terms. These analysts also conceive freedom as a physical relation between agents and impediments, rather than as a distinctively political relation. This tendency to obscure a distinctively political kind of freedom occurs because these analysts work within, or in reaction to, the negative-positive distinction; a distinction which, we have already seen, is developed to address a very particular concern. In losing sight of this concern and focusing on the distinction itself, attention has been drawn away from analysing and explaining distinctively political relations. Indeed, the focus of these accounts is on freedom of (individual) action rather than on political or civil freedom.
As already indicated, the reasons for seeking a purely descriptive account of freedom depend on a fairly narrow set of concerns. These range from sharpening the conceptual tools of political science, to clarifying the issues that divide thinkers who discuss freedom. A descriptive account can even be used in a substantive theory of justice but this means that the theorist can smuggle into his account his own value-preferences under the guise of detached analysis. Generally speaking, these thinkers acknowledge the conceptual limitations of their accounts, but then present them as if they are more far-reaching than they actually are. For example, they dismiss rival accounts as imprecise or incoherent, without recognising the very different concerns informing these accounts. Indeed, these analysts insist that more can be gained in terms of clarity by using the language of freedom in a precise and mutually agreed way, rather than by using it to articulate a political value or ideal.

Arguably the cost of establishing such descriptive precision is too high. This is because the language of freedom plays and has always played a vital role in explaining and justifying the nature of the civil state. To conceive freedom in purely descriptive terms is to deny it this peculiarly political role. Indeed, these descriptive concerns have led political philosophers to become far removed from issues of freedom that have traditionally concerned political philosophers. Thus, in ‘traditional’ forms of political philosophy ‘freedom’ was principally used to distinguish a ‘civil’ state of affairs from an ‘uncivil’ state. This meant that it was used to identify a general condition of freedom rather than specific instances of ‘individual’ freedom. In other words, ‘freedom’ was conceived, not as a basic feature of civil relations, but as a quantifiable good that could be distributed to individuals.

Whilst Oppenheim and Steiner want to establish a definitive analysis of freedom that will allow disputants to reach a consensus about the absence or presence of freedom, MacCallum recognises that these disputes are endemic due to different conceptions of agents, obstacles and ends. Once we recognise that Oppenheim’s analysis can only establish a consensus for the purposes of political science, and that Steiner’s analysis can only satisfy the requirements of his theory of rights and justice, we are better equipped to appreciate the conceptual limitations of these accounts. Whilst each account undeniably illuminates the specific problem being addressed, each clearly ignores the fundamental concerns of political philosophy. Such shortcomings coincided with a general narrowing of the scope of the inquiry. In particular, analysts lost sight of genuine philosophical concerns, such as explanation and justification.

It is because these analysts present their accounts as more far reaching than they actually are, that their claims are contentious. In particular, the ‘normative’ analysts of the succeeding period criticise these accounts for failing to articulate all that we mean when we use the language of freedom in a political context. Of course, in criticising them in this way, these successors fail to recognise the very different focus and concerns of these earlier accounts. Nevertheless, they

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281 i.e. preferences concerning how the goods of society, e.g. freedom, should be distributed. In the process, the analyst loses sight of explanatory concerns.

282 See I.i and I.iii.
help to underline the conceptual limitations of ‘descriptive’ accounts. It is to the ‘normative’
concerns of the 1970s and 1980s that we now turn.
Chapter IV - The Normative Concerns of the 1970s and 1980s

(i) Introduction: widening the scope of the debate

In this chapter we shift our attention to the ‘normative’ concerns of the 1970s and 1980s. These concerns arose in part out of a discontent with the ‘descriptive’ accounts of the preceding period, and in part out of a greater sensitivity to the norms informing ascriptions and accounts of freedom. These norms express a standard of what should be, as opposed to what is, in the world of human affairs and are most often present when the idea of freedom is discussed in a moral or political context.¹ This shift of focus in the freedom debate - away from descriptive concerns towards more normative concerns - corresponded to a shift in method. Thus instead of analysing and refining the language of ordinary usage, these ‘normative’ theorists analysed and clarified the language of freedom used in practical discourse. It is therefore not surprising that they produced very different accounts of freedom to their ‘descriptive’ predecessors.

The most influential accounts to express these more ‘normative’ concerns were presented in short articles written by Benn and Weinstein, Taylor, and Baldwin. These contributions offer a range of insights into the normative content of various freedom statements. Thus, Benn and Weinstein argue that all freedom statements about human agents are informed by ‘our notions of what might be worthwhile doing’. Taylor believes the idea of freedom that informs our social and political practices is always connected to the notion of ‘significant purposes’, and Baldwin shows how positive conceptions of freedom are analytically tied to a norm or conception of human flourishing. Unlike their immediate predecessors then, these analysts are no longer concerned to establish a value-free, descriptive definition of freedom. Indeed, they believe such an account is both inadequate and incomplete. In its place, they seek an account that recognises the moral distinctions that are implicit in our attributions of freedom. This entails making explicit what is implicit in moral and political talk about freedom. Before we consider the main achievements and common shortcomings of these analysts and their accounts, we need to explain briefly their individual importance or significance.

Benn and Weinstein’s analysis is important then, because it is arguably one of the most influential critiques of MacCallum’s triadic account of freedom. According to them, the variables of this triadic relation need to be normatively qualified if they are to reflect talk about the freedom of agents. These claims have spurned a whole sub-debate. Thus, theorists of a ‘descriptive’ bent, such as Steiner and J. P Day, have been keen to reject Benn and Weinstein’s claim that norms and values affect ascriptions of an agent’s freedom. In the process, these analysts have helped to perpetuate a pseudo-dispute for whether or not such norms are relevant depends on the type of claim being made.² Since Steiner and Day are preoccupied with descriptive claims, it is not surprising that they find such norms irrelevant. In contrast, Benn

¹ Some analysts insist that an evaluative standard is always present when the language of freedom is deployed, e.g. Benn and Weinstein (NB this standard refers to what is an agent’s interest rather than to what is morally right or good - contrast ordinary moral discourse with philosophical moral discourse.).

² NB Benn and Weinstein do claim that evaluations are implicit in all ascriptions of freedom, BFA, p.195, hence the confusion.
and Weinstein are principally concerned with the normative claims that arise in the political arena. Here the language of freedom is used to express grievances and establish responsibility for action. In this context, the norms of a community are central to establishing and assessing such claims.

Although Benn and Weinstein’s analysis has aroused considerable philosophical interest, their efforts are beset by some serious methodological problems. In particular, they fail to make it clear that they are only clarifying what we mean by ‘freedom’ when we use this language in ordinary political discourse. Indeed, they frequently present their analysis as an account of the meaning or the nature of freedom. They thus help to perpetuate the freedom debate. These analysts also fail to recognise that their account of freedom is informed by very different concerns to those informing the accounts of their immediate predecessors. For example, they fail to see that their predecessors are concerned with how ordinary language needs to be refined or defined in order to ensure descriptive precision. The different focus of Benn and Weinstein’s analysis means that their account of ‘freedom’ is more sensitive than ‘descriptive’ accounts to the evaluations that we make when we use the language of freedom. However, this does not meant that it constitutes a superior account of ‘freedom’ in some definitive sense, but only for the specific purpose at hand.

By contrast to Benn and Weinstein’s account, Taylor’s effort is important because it is one of the few accounts of the post-war period that seeks to carve out a space for ‘positive’ conceptions of freedom. Such conceptions are neglected or side-lined by analytical political philosophers who, as we have seen, tend to favour a ‘negative’ account. Taylor has done more than any other to highlight the problems that arise from this negative bias. However, in accepting, without question, the negative-positive distinction, he repeats many of the mistakes of his predecessors. In particular, he fails to specify what kind of freedom he is clarifying and instead of explicating a distinctively political kind of freedom he describes a state of moral or psychological freedom. Whilst such a concept may help to articulate the correct form of the civil state, it is far removed from a distinctively political understanding of freedom.

Finally, Baldwin’s account is significant because, like Taylor’s, he challenges the ‘negative’ bias of analytical accounts. In particular, he is keen to show how MacCallum’s seemingly neutral analysis of freedom statements cannot accommodate ‘positive’ conceptions of freedom. This is important, because as we have seen, MacCallum believes his analysis can make sense of any freedom statement - negative or positive. Despite the merits of Baldwin’s analysis, it is problematic because it encourages us to ask whether there is one concept of freedom or two. This is a pseudo-question because it ignores the multiplicity of ways the language of freedom can be understood and conceptualised. Indeed, Baldwin’s account exemplifies the confusion that can arise when contributors fail to specify what they mean by a ‘concept’. Unlike the other ‘normative’ thinkers discussed in this chapter, Baldwin does not advance his own favoured conception of freedom. He thus displays the kind of detachment one would expect of an

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3 Cf. Rousseau on ‘moral freedom’.
analytical political philosopher. However, in the process, it is not clear what his analysis actually achieves. This obliqueness is not surprising given that his analysis is largely informed by a misunderstanding of MacCallum’s account and an unquestioned acceptance of Berlin’s negative-positive dichotomy.

Collectively, these analysts are important because they highlight the limitations of appealing to ordinary language usage. More specifically, they show how their immediate predecessors gloss over important qualifications and distinctions implicit in moral and political talk about freedom. According to them, these qualifications and distinctions are normative in character and arise when the idea of freedom is discussed in a wider moral and political context. Clarifying these qualifying characteristics and distinctions is important for they affect how the language of freedom can be used in this context. These claims, however, are of limited philosophical interest and this is because the language that these analysts focus on is generally directed at practical rather than explanatory concerns. It thus leads them away from clarifying a distinctively political kind of freedom. To understand this shortcoming we need to consider their common method of analysis.

To support their conceptual claims then, Benn and Weinstein analyse the normative claims made in ordinary moral and political discourse. In particular, they focus on its use in expressing complaints and grievances and for assessing responsibility. Taylor appeals to an idea of freedom found in philosophical discourse, as well as claims made in ordinary moral and political discourse, and Baldwin analyses ordinary freedom statements and freedom statements found in philosophical moral and political discourse. Unsurprisingly these different types of discourse produce different accounts of freedom. Indeed, that what kind of ‘practical’ language the analyst appeals to seems to depend on which supports his predetermined position, preference, or agenda. Whilst the language of moral and political discourse would seem to offer a more promising route to clarifying a distinctively political kind of freedom, this is only true when the focus is philosophical reflection on the political. Other forms of political discourse simply articulate norms or ideals, which are neither explained nor justified.

One important advantage of this shift of method was that it enabled analysts to move beyond the physicalist assumptions of their descriptive predecessors. Thus, individuals were conceived, not simply as physical bodies interacting, but as agents who could deliberate and choose. Greater awareness and appreciation of these ‘internal’ conditions of freedom (of action) paved the way for more ‘positive’ conceptions of freedom to enter the debate. For example, Benn and Weinstein believed that ‘underlying and presupposed by the concept of freedom of action there is another but related concept, that of autonomy - of the free man as chooser.’ In his later work, A Theory of Freedom, Benn claims that this ‘comes close to one idea of freedom as

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4 i.e. point to moral standards.
5 Benn and Weinstein go further and insist that these evaluations are always present when the language of freedom is deployed (BFA, p.195).
6 Baldwin focuses on the latter, but fails to clarify a distinctively political kind of freedom because of his wider concerns (IV.iv).
7 BFA, p.194.
positive’. Taylor is more emphatic in his defence of a ‘positive’ conception of freedom. For him, freedom is about realising one’s true self. Finally, Baldwin is keen to clarify the distinct ‘logic’ of ‘positive’ conceptions in moral and political thought. In particular, he seeks to show how the positive conception of freedom presupposes a specific conception of human nature and human flourishing, whereas negative conceptions do not.

Although these analysts display greater sensitivity to the normative content of freedom statements, their accounts are beset by some serious methodological problems. In particular - and like their ‘descriptive’ predecessors - they fail to make clear, the conceptual limitations of their accounts. Indeed, they often discuss ‘freedom’ in an unqualified way. This gives the misleading impression that they are clarifying the nature or the concept of freedom, rather than a specific kind of freedom, relevant to a particular form of discourse. These analysts also fail to sharply distinguish descriptive and normative concerns. Thus, they assume that our norms or moral standards can be described in a philosophically detached and rigorous way, but fail to explain how. Indeed, in the absence of an agreed method, the political philosopher is able to select and clarify norms and values according to his or her own value preferences. If this is all that can be achieved in terms of normative (as opposed to descriptive) clarification, then such accounts need to be much more carefully defended as accounts of (political) freedom. For example, they need to be grounded in an explicit conception of human ends. This is because formal arguments and appeals to the language of practical discourse are simply not enough to sustain these ‘normative’ accounts, despite the assumptions of these analysts.

The failure of these analysts to clearly distinguish descriptive and normative concerns means that it is not always clear whether they are describing how we do think and talk or whether they are prescribing how we should think and talk, if we are to maintain consistency and coherence. Indeed, whilst their accounts are presented as if they describe in a philosophically detached way a norm or value of freedom that we all share, closer inspection suggests that this is far from so and that these accounts actually reflect the value-preferences of the analyst. This is particularly true of Benn and Weinstein and Taylor. Thus, the former advance an ideological understanding of freedom as choice, whereas the latter advances an ideological understanding of freedom as self-realisation. These conceptions are ‘ideological’ rather than ‘normative’ because they are not supported by any sustained argument concerning the standards shared by a community. In other words, these contributors are advancing their own favoured ideals, under the guise of detached analysis. They thus confuse philosophical analysis with moral or political advocacy.

8 TF, p.315.
9 They are thus closer than their descriptive predecessors, to the form of a distinctively political understanding of freedom, i.e. appealing to a moral standard.
10 i.e. cannot appeal to linguistic usage to defend an account, since different uses can support different accounts.
11 Once again we see how difficult it is distinguish an ideological understanding of freedom from a normative understanding.
12 Baldwin’s very different agenda allows him to escape such a charge.
This points to another problem with these ‘normative’ accounts of freedom which is that they fail to clearly explicate the moral standards to which they allude. As a result, their accounts of freedom remain empty of any substantive content. Thus, whilst these thinkers open the door to clarifying the political idea of freedom in a more concrete way, they fail to deliver the goods themselves. For example, those who think a shared moral framework is implicit in existing social and political practices, need to explain why we should accept practices that we have not freely chosen and those who try to develop a shared moral framework out of existing intuitions, need to show why these intuitions are a reliable guide. Alternatively, they need to think more fundamentally about human aims and aspirations, and deduce political principles from these. However, such philosophical reflection is singularly missing from these analytical accounts.

So far, we have indicated the general importance or significance of the accounts to be assessed, as well as some of their common shortcomings. We have found that all three examine uses or accounts of ‘freedom’ which are concerned with what should be as opposed to what is. As a result, their accounts of freedom are radically different, in both form and content, to the ones examined in the last chapter. Furthermore, all three thinkers in this period support their analyses of freedom by an appeal to how the language of freedom is used in practical discourse, i.e. moral and political discourse, rather than how it is used in ordinary discourse. Despite this, they do not explain why our ordinary moral and political language is any more appropriate for clarifying a distinctively political kind of freedom than ordinary language. It is now time to consider briefly, some of the problems that arise from restricting their attention to the claims of existing accounts.

The ‘normative’ accounts of this period then, are directly critical of previous contributions to the post-war freedom debate. Thus, Benn and Weinstein and Baldwin direct their critical attention to MacCallum’s analysis, whilst Taylor focuses his critique on certain negative accounts of freedom. This means that their accounts of freedom arise out of a very narrow focus or concern and this helps to explain the shortcomings displayed by each. Thus, instead of developing a new and more appropriate method for clarifying a distinctively political kind of freedom, these thinkers simply absorb the unexamined and often mistaken assumptions of their predecessors. In particular, they accept unquestioningly Berlin’s negative-positive distinction and/or MacCallum’s response to it. Indeed, their efforts to refine the claims implicit in these two accounts ensures the Berlin-MacCallum dispute a central place in the post-war debate. Consequently, a distinctively political understanding of freedom - with its focus on the relation between citizen and government - is obscured from view.

It is because these analysts are responding to the shortcomings of their predecessors, rather than developing an account of freedom that addresses a genuine philosophical problem or concern, that their accounts are of limited philosophical interest. Indeed, these analyses are limited by what earlier thinkers have said and done. For the same reasons, these analysts fail to

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13 e.g. Benn and Weinstein (IV.ii).
14 e.g. Taylor (IV.iii).
reflect on the nature of political philosophy and instead accept uncritically the existing focus on 'conceptual analysis'. They thus fail to grasp the fundamental concerns of political philosophy which increasingly recede into the background. By contrast, the point or purpose of earlier accounts was more explicit. One of the problems with the refining process then, was that analysts lost sight of the point of analysing 'freedom'; they became preoccupied with criticism, rather than addressing a genuine practical or philosophical problem. As a result, the aims of these accounts seem are less general than those of their predecessors and are therefore of less philosophical interest.

In sum, by acknowledging the normative qualifications and distinctions that arise when the language of freedom is used in a moral and political context, these contributors have done much to widen the scope of the freedom debate; a debate that had become narrowly confined to clarifying the necessary or logical conditions of free action in a descriptive, value-free way. The most significant achievement of these thinkers was their attempt to reconnect the idea of freedom to a substantive conception of human ends; a connection that had become obscured or denied by their predecessors. This 'reconnection' helped political philosophers to escape the self-imposed strait-jacket of the 1960s and 1970s, and paved the way for the more ambitious 'theories' of freedom of the 1980s and 1990s.

(ii) Explicating the normative dimension of 'freedom': Benn and Weinstein

We will begin our critique of 'normative' accounts with Benn and Weinstein's influential article, 'Being Free to Act, and Being a Free Man' (1971). This paper arose partly in response to MacCallum's triadic analysis of freedom and partly out of Benn and Weinstein's earlier, though separate, reflections on the subject of freedom. Before we consider how these earlier reflections inform and help shape their joint account, we need to clarify the three basic aims and the three principal claims of this joint paper. These structure its argument and will therefore provide a convenient focal point for our critique. Starting then, with their aims, the first of these is to clarify the normative content of ordinary freedom statements and thus modify or refine MacCallum's triadic analysis of freedom. The second is to analyse the language of freedom in ordinary political discourse and thereby clarify the criterion of freedom of action, and the third is to resolve 'certain paradoxical situations as where one wants to say that a man was not free to do something that he nevertheless did freely'. We will find that each of these rather disparate aims is beset by some serious methodological problems. In particular, each

16 This conception was never fully explicated and defended which is a major shortcoming for a philosophical inquiry.
17 i.e. the tendency to think of freedom in descriptive, value-free terms, thereby separating conceptions of freedom from conceptions of human ends.
18 For example, it has influenced and been referred to by Steiner, Taylor and Flathman - see relevant subsections.
19 See first footnote on the paper (BFA, p.194).
20 As we shall see, they are only describing the criterion of freedom of action relevant in an ordinary social or a political context.
21 BFA, p.194.
22 These aims are outlined in the opening paragraph of the paper, but in a less explicit form than presented here.
rests on unexamined metaphysical assumptions about the nature of ‘freedom’. These assumptions lead Benn and Weinstein to address a pseudo-problem and engage in a pseudo-dispute.

The claims corresponding to these aims will be found to be similarly problematic. The first of these claims is that ‘[o]ur conception of freedom is bounded by our notions of what might be worthwhile doing.’ The second is that ‘deciding between alternative courses lies at the heart of freedom’, and the third is that ‘underlying and presupposed by the concept of freedom of action there is another but related concept, that of autonomy - of the free man as chooser.’ Each of these claims is defended by an appeal to the moral standards implicit in our linguistic and political practices. However, these claims are not as far-reaching as they first appear. Indeed, the arguments that are used to support them are often weak and unsubstantiated. Furthermore, these arguments are informed and underpinned by unexamined metaphysical assumptions about the nature of freedom and unexamined moral assumptions about why freedom is of value. The former leads Benn and Weinstein to make generalisations about the ‘concept’ of freedom that are difficult to sustain, and the latter leads them to smuggle into their account, their own ‘liberal’ preference for individual choice and autonomy. The upshot of all this is that their joint account of freedom fails to satisfy our standard of philosophical adequacy. It also fails to clarify a distinctively political kind of freedom.

In this sub-section, we will establish the strengths and weaknesses of this ‘normative’ account by examining and assessing each of these aims - and their corresponding claims - in turn. First though, we need to show how this account is informed by a very narrow range of concerns and preoccupations. These concerns are practical rather than philosophical and can partly be attributed to their earlier reflections on the subject of freedom. Thus, in ‘The Concept of Liberty in Nineteenth Century English Political Thought’ (1965), Weinstein is primarily concerned to establish descriptive precision in political talk about freedom. He thus urges discussants to adopt a ‘negative’ as opposed to a ‘positive’ understanding of freedom. By contrast, Benn in his paper ‘Freedom and Persuasion’ (1967), is concerned to analyse the factors that can affect the internal deliberations of a reasoning agent. In particular, he is keen to distinguish legitimate influences on these deliberations, from illegitimate ones. Both of these papers then, arise out of practical rather than philosophical concerns. That is to say, Benn and Weinstein are principally interested in how the language of freedom can illuminate practical issues in the political sphere. Neither displays an interest or concern with more philosophical issues connected with the political idea of freedom.

This ‘unphilosophical’ focus is carried over into their joint account. Here they analyse and clarify the ‘normative functions’ of “freedom” in ordinary political discourse, and in process, accommodate many of the claims of their earlier papers. It is important to recognise that Benn and Weinstein are not explicit about what their joint analysis of these ‘functions’ actually

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23 BFA, p.195.
24 BFA, p.198.
25 BFA, p.194.
achieves; this has to be inferred from the focus of their analysis and the content of their argument. It appears then, that they are primarily concerned in their joint paper to establish when it is ‘appropriate’ to use the language of freedom.\footnote{See first subsection of their paper, \textit{BFA}, p.195.} They seem to be especially concerned with its ‘appropriate’ use in moral and political discourse, presumably because in this context it can be and is used ‘inappropriately’.\footnote{They do not use the language of ‘appropriateness’ in this context, but this is implied.} Even when it is not used inappropriately, it is often used in a vague and imprecise manner and one of the aims of their analysis seems to be to remove this lack of clarity. This is achieved by clarifying the language of freedom when it is used in this moral and political context.

According to Benn and Weinstein, the language of ‘freedom’, or more often than not, the language of ‘unfreedom’, is used in moral and political discourse to articulate grievances and establish responsibility. More specifically, they believe it is used to complain about interferences with an individual’s or a group’s actions, and it is used to determine whether or not an agent is responsible for his or her actions. This helps to explain the rationale or ‘point’ of their analysis. Thus, in order to assess the legitimacy of these complaints and claims, we need to know what constitutes an interference and what constitutes responsibility for action. Benn and Weinstein seem to address this need by clarifying the criteria of ‘being free to act’ and by clarifying the criteria of ‘being a free man’, i.e. a free chooser. However, in clarifying these ‘practical’ concepts, they fail to make it clear how their analysis actually illuminates practice. That is to say, they fail to make a direct link between their analysis and the practical problems of assessing grievances and establishing responsibility.

Despite this general silence regarding the ‘point’ of their analysis, Benn and Weinstein do make some reference to the practical benefits of it in the concluding paragraph of their paper. Thus, they claim that the criteria of a free man as chooser ‘may assist in the disentangling of certain problematic cases, like the legitimacy of mass advertising and propaganda, control over addictive drugs, the distinction between education and indoctrination, the relation between conscience and obligation to authority and so on.\footnote{\textit{BFA}, p.210-11.} This though, seems to be an after thought, given how they neglect the practical importance or significance of their analysis in the rest of the paper. Such lack of clarity surrounding the purpose of their analysis is important because it encourages others to interpret their account as an analysis of the nature or the meaning of freedom.\footnote{Cf. Parent, ‘Some Recent Work on the Concept of Liberty’, p.165), and Steiner’s response to this account (\textit{IL}, p.125).} It thus helps to perpetuate a pseudo-problem and a pseudo-dispute. Had Benn and Weinstein made the conceptual limitations and the purpose or point of their claims more explicit, this might have been avoided.

Having indicated the ‘unphilosophical’ focus of this account, as well as its conceptual limitations, we are now ready to assess its aims and claims in some detail. Benn and Weinstein’s initial aim then, is to refine MacCallum’s triadic analysis of freedom. These
analysts are dissatisfied with this account because they believe it ignores the normative content of freedom statements. Thus, according to them, 'we cannot assign just any value to [the term] variables, [i.e. y and z in MacCallum’s triadic relation] for there are certain characteristics of the concept [of freedom] that limit what in general one can appropriately say, one is free from, and free to do.'

The stated aim of their paper is to ‘identify these restrictive conditions; another, [is to] to show that they arise in moral and political discourse, in part at least from the normative functions of “freedom”’. We will find that neither of these objectives turn out to be as straightforward and unproblematic as they seem. Nor are their claims about the ‘concept’ of freedom as far-reaching as they imply.

An initial problem with this aim or starting point is that it entails accepting, without question, MacCallum’s “one concept” thesis and in particular, his equation of freedom with freedom of action. This structures and narrows the range of Benn and Weinstein’s discussion from the outset. As we saw in the last chapter, MacCallum’s account is beset by its own methodological problems. In particular, it fails to clarify a distinctively political kind of freedom and it only makes explicit, the logical form of freedom statements. In repeating these shortcomings, albeit with a more sensitive eye to the normative content of these statements, Benn and Weinstein do nothing to advance our political understanding of freedom. Instead, they perpetuate a dispute about the nature or the concept of freedom and become - like their predecessors - further and further removed from addressing a genuine philosophical problem.

Another problem with this initial aim is that it ignores MacCallum’s very distinct agenda. This is to explain and clarify areas of disagreement in discussions about the freedom of agents and thus show why the negative-positive distinction should be displaced by his triadic analysis. Specifying the restrictive conditions with which Benn and Weinstein are concerned is therefore irrelevant to his aim. In this respect, they attempt to refine or displace MacCallum’s account on inappropriate grounds. Indeed, whilst they imply that their account is superior or more precise than MacCallum’s, in reality the two accounts are complementary; each simply reflects a different set of concerns, and therefore a different focus or emphasis. Unless this is realised, there is a danger of treating these accounts as analyses of the same subject-matter. This can only lead to unnecessary confusion and dispute.

As already indicated, Benn and Weinstein seek to refine MacCallum’s account by clarifying the normative content of ordinary freedom statements. To this end, they analyse some ‘primitive dyadic’ uses of the language of freedom. Thus, they consider what it is ‘appropriate’ to say an

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30 BFA, p.194.
31 BFA, p.194.
32 i.e. they are not claims about the concept or language of freedom in general, but just the language of freedom used in particular forms of discourse, i.e. ordinary, political discourse.
33 See III.iii.
34 Instead they advance our normative or ideological understanding of freedom. See below.
35 MacCallum is analysing disputes and his analysis of linguistic usage is simply a means of illuminating these disputes, whereas Benn and Weinstein are analysing linguistic usage (ordinary and political) directly. NB their wider concerns are not so explicit as MacCallum’s.
agent is ‘free from’, and what it is ‘appropriate’ to say an agent is ‘free to do’. They use their analysis of these statements to ‘identify [the] restrictive conditions’ which they believe always govern the concept of freedom. Thus, they argue that ‘whenever we say of a person that he is free from X, or free of X, X is either a flaw, or it is some condition contrary to that person’s supposed interest.’ They also argue that it is ‘only acts that have some point [that] are appropriate complements for “freedom to ...”’. These general claims about the ‘concept’ of freedom are supported by an appeal to a variety of examples. In discussing these examples, Benn and Weinstein imply a common standard of what is in ‘a person’s supposed interest’ and what acts are ‘worthwhile’ or have ‘some point’. This leads them to claim that any statement that ignores these standards is ‘deliberately paradoxical’.

There are several problems with these opening claims. In the first place, they obscure the subject being analysed and discussed. Thus, Benn and Weinstein present their analysis as if they are clarifying the concept of freedom, rather than characteristic features of the language of freedom. This tendency to confuse conceptual claims with linguistic claims, has been the source of much unnecessary confusion and dispute. This is because talk about the concept of freedom, encourages analysts to assume they are discussing the same subject-matter. In contrast, talk about the language of freedom help them to avoid this fate. Indeed, once analysts recognise the multiplicity of ways in which the language of freedom can be used and understood, they are better able to recognise the different kinds or concepts of freedom that operate in different forms of discourse. In this way, their ‘dispute’ dissolves and the specific merits of their accounts come to the fore. In other words, it ceases to be relevant to compare the ‘adequacy’ of ‘competing’ accounts for the adequacy of each depends on how far it illuminates the problem it seeks to address.

A more specific problem with Benn and Weinstein’s ‘normative’ claims is that they are based on examples that are very selective. Thus, it is statements of ‘congratulation’ and ‘complaint’ rather than ordinary descriptive statements that provide the focus of their analysis. Given this focus, it is not surprising that these statements have a ‘normative’ content. Indeed, when we make statements of congratulation or complaint, we always appeal to common standards of what it is reasonable to want or desire, otherwise such statements would not be taken seriously. However, it is misleading to suggest that these standards are always present when we use the language of freedom. For example, they are not present in descriptive statements. Thus, contrary to Benn and Weinstein’s claims, there is nothing ‘paradoxical’ about describing an agent as ‘free from riches’ or ‘free to cut off his ears’. True, the former statement implies an evaluation of what is in ‘a person’s supposed interest’ - otherwise it would be sufficient to describe the agent as having no riches - but it certainly does not imply or require a common

36 BFA, p.195, i.e. appropriate in terms of complaints, etc.
37 BFA, p.195.
38 BFA, p.196.
39 BFA, p.195.
40 Cf Steiner’s arguments above (III.iv).
41 BFA, p.195.
standard of what constitutes this interest. Already then, we see how Benn and Weinstein select the evidence to support their claims. Furthermore, they make general claims about the concept, or more precisely, the language of freedom, that cannot be sustained upon closer analysis.

In assuming that they can infer ‘accepted standards’ of what is of value from an analysis of how the language of freedom is used, Benn and Weinstein make an illegitimate move in their argument. Indeed, what acts are regarded as of value or ‘worthwhile’ depends on the aims or ends of the individual, and not on some common standard that is supposedly implicit in our linguistic practices. These aims vary depending on the individual. This means that the ascetic does not share the same standard of ‘what is in a man’s interest’ as the hedonist. Nor indeed, do these individuals share the same standard of what acts have ‘some point’. Consequently, they will not describe or regard the same activities as ‘free’. The upshot of this is that there is no norm of worthwhile activity, despite the philosophical desire for one. Furthermore, worthwhile ends can conflict. This means that it is difficult for Benn and Weinstein to sustain their claim of ‘a standard association between “being free” and experiences or activities normally regarded as worthwhile’, without descending into paradox. This is because when ends conflict, it is impossible to realise both. This means that one is free to pursue one end, whilst unfree to pursue another. These problems or shortcomings suggest that this analysis of ‘freedom’ is not as rigorous or coherent as they suppose.

So far we have shown how the first step in Benn and Weinstein’s argument is problematic. This is principally because they accept without question, MacCallum’s ‘one-concept’ approach, and they make general claims about the concept of freedom that cannot be sustained upon closer analysis. The next step in their argument does not fare much better and this is because it is a predetermined step rather than a logical one. Thus, one would expect these analysts to move from their general claims about the concept of freedom to its ‘normative functions’ in moral and political discourse. This after all, was the proposed order of their paper. However, no direct link is forged between these two parts of their analysis. Indeed, these analysts never make it clear how their general claims about the concept of freedom inform their specific claims about the language of freedom in political discourse. Instead of explicating this link they digress, without explanation, and present a critique of the Hobbesian conception of freedom. In the process, they smuggle in their own favoured conception of freedom as the ‘non-restriction of options’. Before then, we shift our attention to Benn and Weinstein’s analysis of how the concept of freedom is used in political discourse, we need to consider the nature and purpose of this digression.

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42 BFA, p.195.
43 This means that the language of freedom simply becomes an “hurrah” word for expressing the speaker’s own value-preferences rather than a tool for communicating in a clear and precise way.
44 Problem: We crave a universal standard of what is and what is not worthwhile, this does not mean to say that such a standard can be found; it is a philosophical ideal.
45 BFA, p.195.
46 See their introduction, BFA, p.194.
47 BFA, p.201.
The starting point for this digression is the general conclusions that Benn and Weinstein reach from their analysis of ordinary freedom statements. Thus, as we have seen, these analysts insist that 'the scope of the concept [of freedom] is governed by whatever criteria determine' what actions have 'some point'. They also insist that 'there are criteria governing what one can appropriately complain of not being free from, i.e. what counts as an interference or as restricting choice.' They go on, '[t]hese criteria ... also depend on standards of reasonable conduct and expectation.' Before providing evidence of these standards, Benn and Weinstein introduce and criticise Hobbes's definition of freedom as 'the absence of impediments or constraints'. They do not explain this shift of focus but presumably Hobbes's analysis offers a possible answer for the 'negative' criteria of 'what counts as an interference'. This though immediately introduces a bias into their analysis, for had they focused instead, on the criteria determining what actions have 'some point', they would have produced a more 'positive' account of freedom. Benn and Weinstein's failure to explain or justify the lop-sided focus of their analysis constitutes a serious shortcoming; it suggests that they are advancing their own favoured conception of freedom, rather than arriving at an account through detached analysis.

Putting this 'negative' bias to one side, we now need to consider their critique of the Hobbesian conception. This is important because, as we have seen, this critique allows them to introduce their own favoured conception of freedom. Thus, if this critique can be shown to be misleading or misguided, then we have reason to reject the initial grounds of their account. According to Benn and Weinstein then, the Hobbesian conception of freedom is 'unsatisfactory' because it can lead to some "odd" conclusions. In particular, it cannot make a distinction between the person who is impeded by threatened penalties and the person who acts irrespective of them, or is not affected by them. This is because the Hobbesian conception implies that only the deterred person is unfree; the undeterred person is free despite facing the same obstacles as the deterred person. To avoid this "oddness", Benn and Weinstein suggest that 'a better way of characterizing conditions of unfreedom is that they restrict choice by making alternatives unavailable or ineligible.' This definition, they admit, has its own 'problems', but they propose to deal with these later in the paper.

The main problem with the above critique is that it ignores or distorts the 'point' of the Hobbesian conception. This is important because, as we have seen, this critique allows them to introduce their own favoured conception of freedom. Thus, if this critique can be shown to be misleading or misguided, then we have reason to reject the initial grounds of their account. According to Benn and Weinstein then, the Hobbesian conception of freedom is 'unsatisfactory' because it can lead to some "odd" conclusions. In particular, it cannot make a distinction between the person who is impeded by threatened penalties and the person who acts irrespective of them, or is not affected by them. This is because the Hobbesian conception implies that only the deterred person is unfree; the undeterred person is free despite facing the same obstacles as the deterred person. To avoid this "oddness", Benn and Weinstein suggest that 'a better way of characterizing conditions of unfreedom is that they restrict choice by making alternatives unavailable or ineligible.' This definition, they admit, has its own 'problems', but they propose to deal with these later in the paper.

The main problem with the above critique is that it ignores or distorts the 'point' of the Hobbesian conception. This, as Benn and Weinstein's own extract shows, refers to physical freedom, i.e. freedom from natural or physical impediments. In Leviathan, Hobbes is careful to distinguish this physical freedom from civil freedom. Benn and Weinstein admit this

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48 BFA, p.196.
49 BFA, p.197.
50 To focus instead on what acts have 'some point' would suggest that only the agent who pursues these acts is 'free'. Cf. Baldwin on positive conceptions of freedom.
51 BFA, p.197.
52 BFA, p.197.
53 i.e. they lead to paradox, BFA, p. 197.
54 Thus, their extract (BFA, p.196) is from Hobbes's Of Liberty and Necessity.
55 Leviathan, Ch. 21, p.264.
themselves, later in their paper. Despite this, they apply Hobbes's concept of physical freedom rather than his concept of civil freedom, to the legal context that puzzles them. It is therefore not surprising that the results are "odd". These results particularly misrepresent Hobbes's position for he would regard the deterred person as free at a metaphysical level, i.e. unimpeded, since there is no physical obstacle to action. Again, Benn and Weinstein recognise this later in their paper. The "oddness" of the above example then, disappears once we recognise the different concepts of freedom that are operating. Thus, agents are legally unfree to act contrary to the law, but they are physically free to ignore it. Those who would have acted in the same way anyway are psychologically free since they do not regard the law as an obstacle or impediment to action. Benn and Weinstein's 'remedy' to the supposed "oddness" is therefore unnecessary; it arises out of a misunderstanding of the different concepts of freedom being deployed.

Having shown how Benn and Weinstein's digression contains a bias and how their critique of Hobbes is misplaced, we now need to consider some shortcomings with their favoured definition of freedom, or more precisely, 'unfreedom'. According to Benn and Weinstein then, 'a better way of characterizing conditions of unfreedom is that they restrict choice by making alternatives unavailable or ineligible.' An initial problem with this alternative definition is that it seems to be plucked out of nowhere. In other words, it is not presented as the outcome of a careful and detached analysis of how the language of freedom is actually used. Indeed, their account reflects the 'liberal' preference for freedom of choice, irrespective of what the choices are and whether they are significant or trivial. In providing little, if any, argument for this favoured definition of freedom, their account reflects their own value-preferences. They are effectively prescribing what they value under the guise of detached analysis.

This preferred definition of freedom is also vague and imprecise. Indeed, Benn and Weinstein shift the ambiguity from the word 'freedom' to the words 'unavailable' and 'ineligible'. Thus, a choice may be unavailable either because of legal, physical or economic conditions, or it may be unavailable because an agent lacks the necessary attributes or skills. Benn and Weinstein focus their attention on the former 'objective' conditions, but the latter are arguably just as important in establishing where or not an agent is free to act. A similar degree of ambiguity surrounds the notions of 'eligibility'. Thus, how far a choice is 'ineligible' will depend on an agent's psychological make-up. For example, two individuals in exactly the same dire financial situation may or may not be tempted to risk penalties by stealing another's property. This means that a subjective element enters their analysis. Benn and Weinstein deal with this by

56 BFA, p.206-7.
57 BFA, p.206 with their ship quote from Hobbes in which he claims fear and liberty are consistent, i.e. liberty (freedom of choice) in a metaphysical sense.
58 BFA, p.197.
59 Cf. Berlin, Oppenheim, and e.g. R. J. Norman, Free and Equal: A Philosophical Examination of Political Values: 'the central element in the concept of freedom is the positive one of being able to make choices'. (p.37) This theorist, like others, is not clarifying a distinctively political kind of freedom, despite claiming to examine a political value.
introducing the notion of ‘a free man’ or chooser. Such a concept, they believe underlies and is presupposed by the concept of freedom of action.

Before we assess this dual-layered account of freedom, we need to consider how Benn and Weinstein use their favoured definition of freedom to illuminate the practical issues raised in the political sphere. This entails shifting our attention to their analysis of how the concept of freedom is used in political discourse. Originally, this was supposed to have been the second step in their argument. However, as we seen, there is a tenuous connection between the first step of their argument and the second. This ‘second’ step is itself riddled with problems. Thus, although Benn and Weinstein claim that their ‘present discussion will be mainly about “freedom” in political discourse’, they are not explicit about what kind of political discourse they intend to examine. From their examples it is clear that they are discussing how the language of freedom is used in ordinary political discourse, but this is very different to how it is used in philosophical political discourse. No reason is given for why ordinary political discourse provides deeper or more reliable insights into the political idea of freedom than philosophical political discourse. In this respect, Benn and Weinstein fail to explain or justify the focus of their analysis.

This narrow focus, clearly affects philosophical significance of their account. Indeed, as we shall see, Benn and Weinstein are clarifying an ideological or normative understanding of freedom, rather than a distinctively political understanding. Furthermore, their analysis is an exercise in practical or applied philosophy rather than a contribution to political philosophy, properly understood. Thus, they deploy the techniques of analytical philosophy to improve clarity and precision in political talk about freedom, rather than to improve our philosophical understanding of the political. Consequently, they absorb rather than escape the moral and metaphysical assumptions of modern, liberal thought and practice. This helps to explain the centrality they accord to choice and autonomy in explicating the ‘concept’ of freedom.

However, in restricting their attention to this ideological or normative concept, Benn and Weinstein ignore other important concepts of freedom that are central to understanding and making sense of political life. Thus, insofar as they imply that they are clarifying the concept of freedom that is central to political thought and practice, their analysis and account is misleading.

Benn and Weinstein begin their analysis of this ideological/normative understanding of freedom by claiming that, ‘[t]he moral and political concept of freedom cannot be stretched to cover every case in which it is linguistically appropriate to speak of “being free”, without hopelessly attenuating it.’ In this, they seem to acknowledge a conceptual distinction between physical freedom and moral/political freedom; a distinction which they had earlier obscured. They go on, ‘[w]hat counts as restricting choice in political discourse is conceptually related to the kind of functions that the concept “freedom” performs there’. By this they mean its function as a

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60 BFA, p.195.
61 BFA, p.198.
62 Cf. their rejection of the Hobbesian conception, discussed above.
63 BFA, p.198.
principle. However, it is important to recognise that this is not the only function that the
language of freedom can perform in ordinary political discourse. Indeed, it can also be used to
describe as well as approve of a particular state of affairs. The only reason why Benn and
Weinstein focus on its ‘normative’ function is because they are concerned to clarify grievances,
i.e. ‘appropriate’ complaints of ‘unfreedom’. This failure to specify the limitations of their
account is important because it encourages subsequent analysts to misinterpret and
misunderstand their claims.

There are of course, other reasons why Benn and Weinstein’s account has been misunderstood.
Chief of these, is the misleading way in which they present it. Thus, early on they claim that
‘what constitutes a restriction on choice ... comes close to the heart of the question “What are
the criteria for freedom of action?”’ This gives the misleading impression that they are
clarifying the criteria of any free act, rather than the criteria of freedom of action in a social and
political context. Indeed, as we have seen, the phrase ‘freedom of action’ can be understood in
a number of different ways, depending on the context in which it is used. Thus it is possible,
for example, to speak of freedom of action in a physical sense, a legal sense, a metaphysical
sense or a psychological sense and each sense has different necessary and sufficient
conditions. This means that any attempt to define freedom or indeed, freedom of action, in a
single, definitive way, is both mistaken and misleading. Indeed, it obscures important
differences in the various kinds of constraint that can affect our actions.

Having established that ‘freedom is a principle’ Benn and Weinstein argue that, ‘whatever
interferes with it demands to be justified’. This principle though, only comes into play if
other agents can be held responsible for the determining conditions, i.e. if the ‘restricting’
circumstances can be changed by human intervention. Furthermore, not all interferences with
an agent’s actions need to be justified. This means that Benn and Weinstein need to clarify the
criteria of what constitutes an interference with freedom. To do this, they draw
unsurprisingly, on their earlier definition of freedom/unfreedom. Thus, they argue that
interferences only need to be justified if they restrict a subject’s ‘range of choice’. This
though is unsatisfactory, for as we have seen, this definition of freedom has not been
rigorously defended. In particular, they have not explained why this conception of freedom
should be central to assessing the legitimacy of our political relations.

We turn finally, and briefly to the third step of Benn and Weinstein’s argument. This is a
response to the problem of ‘paradoxical situations’; a problem identified in their opening
This ‘paradox’ or ‘problem’ is arguably a pseudo-problem for it disappears once we acknowledge the different senses in which the language of freedom can be used. Thus, just because an agent is legally unfree to pursue a particular course of action, this does not make him or her physically unfree to pursue it. Indeed, to assume that the same word must be used consistently, is to confuse words with concepts. Nevertheless, the way in which Benn and Weinstein seek to resolve this paradox or problem is illuminating. Thus, their solution is to postulate the idea of ‘a free man as chooser’ as ‘underlying and presupposed by the concept of freedom of action’.

According to them then, an agent is free or not free to act in a particular way, depending on his or her own decisions. This means that an agent’s freedom can be undermined by interfering with the ‘subjective’ conditions of autonomous choice. To connect choice and action in this way is arguably Benn and Weinstein’s most important and significant contribution to the freedom debate. However, this connection needs to be explored at a much deeper philosophical level if it to be rigorously maintained.

As should be clear from the above critique, these analysts assume that they have arrived at their account of freedom by a combination of linguistic analysis and logic. However, our critique of their argument suggests that this is far from the case. Indeed, the arguments contained in this paper are generally lacking in philosophical rigour. In particular, the first aim leads Benn and Weinstein to make general claims about the concept of freedom which are difficult to sustain. In fact, with this account they help to perpetuate a pseudo-dispute. The second aim leads them to present an account of freedom that is poorly defined and defended. They can therefore be accused of pseudo-philosophy, and the third aim arises out of a failure to recognise the different kinds of freedom that human beings can experience. This results in Benn and Weinstein addressing a pseudo-problem; a problem that dissolves once they recognise the different kinds of freedom that can be experienced.

This brings us to the end of our critique of Benn and Weinstein’s paper. We have found that in focusing their attention on a post-war account, these two thinkers lose sight of the distinct problems facing political philosophers. Indeed, they accept unquestioningly existing concerns as well as existing approaches to the problem of analysing and conceptualising the political idea of freedom, such as, the analytical techniques of logic and linguistic analysis. In the process, they lose sight of the more fundamental problems of the discipline. At the same time, they become further and further removed from clarifying a distinctively political kind of freedom. This is mainly because they are responding to the shortcomings of their predecessors - whose accounts are similarly ‘unpolitical’ - rather than thinking about the problem of freedom and politics afresh. Indeed, the focus of Benn and Weinstein’s analysis ties them to a particular conception of the political as an arena of conflicting interests. This means that they are not

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73 See above.
74 BFA, p.194.
75 See BFA, Subsection VI, p.209-211.
76 i.e. the concept of a free act and the concept of a free man. Alternatively, we can explain the apparent paradox in terms of a concept of legal freedom and a concept of physical freedom.
thinking about the political in a philosophical manner, but as a practical activity. They thus confuse political activity with the distinct concerns of political thought.

(iii) Criticising ‘negative’ theories of freedom: Taylor

Whilst Benn and Weinstein take their bearings, at least initially, from MacCallum’s triadic analysis of freedom, Taylor, in his article ‘What’s Wrong with Negative Liberty’ (1979), directs his critical attention to certain theories of negative freedom. His aim is to discredit those theories that espouse the extreme Hobbes-Bentham view of freedom as ‘the absence of external physical or legal obstacles’.

Taylor believes this ‘negative’ view is untenable because it fails to accommodate the values and standards that are implicit in our moral and political beliefs and practices. Analysis of these values and standards leads him to criticise the Hobbes-Bentham view on three main grounds: firstly, for failing to accommodate a self-realisation view of freedom, secondly, for failing to recognise that we discriminate among motivations for action, and thirdly, for denying that we can second-guess whether or not an agent is free. Taken together, he believes these criticisms commit us to a ‘positive notion’ of freedom; ‘a view of freedom as the ability to fulfil my purposes’. If this reasoning is sound, and if this conclusion is correct, then its consequences are far-reaching. Indeed, Taylor believes that it raises the question of whether freedom can only be fully realised within a certain form of society. This in turn raises the spectre of ‘totalitarian oppression in the name of liberty’.

Given these criticisms and this conclusion, one would expect this analysis to be of considerable philosophical interest. However, this interest is compromised by the fact that Taylor fails to satisfy our standard of philosophical adequacy. In particular, he fails to specify what kind of freedom he is clarifying and he assumes, without question, that there is only one correct way of conceiving freedom in a political context. Both these shortcomings can be attributed to his uncritical acceptance of Berlin’s negative-positive dichotomy. This dichotomy, as we have seen, conflates different kinds of freedom and encourages the theorist to argue that either a negative or a positive theory of freedom is ‘correct’. This leads to a confused and aggressive form of polemic rather than a careful and detached form of analysis. Taylor also falls short of our standard of philosophical adequacy in his deployment of a selective method of analysis. Thus, he only focuses on one way of using the language of freedom in political discourse, yet presents this as the only way of using it. These methodological shortcomings are important for they lead Taylor to criticise the Hobbes-Bentham view of freedom on inappropriate grounds. This in turn leads him to perpetuate a pseudo-dispute about the meaning or the nature of freedom.

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77 WWNL, p.176.
78 WWNL, p.193.
79 See concluding WWNL, p.193.
80 It thus loses sight of the fact that freedom is a linguistic tool and the adequacy of a theory depends on its aims, i.e. it is impossible to present a theory or account that illuminates all political concerns and purposes. (Cf. different concerns, Li: scientific, ideological, normative and philosophical). Therefore a single criteria of ‘correctness’ is inappropriate.
The aim of this sub-section is to consider these shortcomings in some detail. We will begin by clarifying the aim of Taylor’s paper as this will help us to understand the principal source of his failings. In particular, it will allow us to grasp the lack of clarity which arises out his unquestioned acceptance of Berlin’s negative-positive distinction. Next we will show how his attempt to refine this distinction leads him to conceive freedom in a way that reflects his own or his own society’s value-preferences. This in turn leads him to analyse the political language of freedom from a particular, ideological perspective. Throughout, we will show how Taylor’s criticisms of the Hobbes-Bentham view of freedom reflects a misunderstanding of the distinct function of this ‘negative’ concept in various forms of discourse. This misunderstanding arises because - in the course of polemic - Taylor loses sight of the context in which this concept is used. As well as these failings we will find that, like previous accounts, Taylor’s account of freedom is informed and underpinned by a narrow conception of political philosophy. It is also shaped by his wider concerns and preoccupations rather than by a singular concern to clarify the political idea of freedom. This means that in addition to lacking in clarity, precision, rigour and explicitness, his account is of limited philosophical interest.

The professed aim then, of Taylor’s paper, is ‘to resolve one of the issues that separate ‘positive’ and ‘negative’ theories of freedom, as these have been distinguished in Isaiah Berlin’s seminal essay, ‘Two Concepts of Liberty’.’81 Leaving to one side Taylor’s failure to make this dividing issue explicit,82 we can see from the outset, that he accepts unquestioningly Berlin’s negative-positive dichotomy. This unexamined starting point to his analysis is problematic, for as we have seen, this dichotomy obscures important conceptual distinctions and - depending on how it is used - can be misleading or distort important views on freedom. Taylor himself, seems to acknowledge certain difficulties with this distinction but does not use this as a springboard for developing a new, more rigorous approach. Thus, he admits that ‘one can discuss almost endlessly the detailed formulation of the distinction’83 and he also recognises that there is ‘quite a gamut of views in each category’.84 Despite this lack of precision surrounding the distinction he believes ‘it is undeniable that there are two such families of conceptions of political freedom abroad in our civilisation.’85

Whilst these opening remarks of Taylor’s paper do not explain why we should accept the negative-positive dichotomy as a reliable starting point for discussing the political idea of freedom, they do at least indicate the nominal focus of his analysis. Thus, like Berlin, Taylor seems to be concerned with the subject of ‘political freedom’. This phrase is not used, as in this thesis, to identify that freedom which is unique to political life - philosophically understood, but

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81 WWNL, p.175.
82 Taylor considers three formulations of it, see concluding remarks (WWNL, p. 193). Presumably the issue that concerns Taylor is how to correctly conceive freedom, but surely this is the issue that separate positive and negative theories, not one of the issues?
83 WWNL, p.175. This means that analysts of freedom can ‘find problems’ depending on how they draw this distinction.
84 WWNL, p.175.
85 WWNL, p.175.
rather loosely to refer to ‘theories’ of freedom ‘widely canvassed in liberal society’. Thus, Taylor directs our attention to ‘negative’ theories ‘which want to define freedom exclusively in terms of the independence of the individual from interference by others’ and ‘positive’ theories which ‘believe that freedom resides at least in part in collective control over the common life.’

It is implicit in this analysis that any account of ‘political freedom’ can be placed into either of these two camps.

The problem with this supposed focus is that there is a great deal of ambiguity surrounding what Taylor means by a ‘theory’ of freedom. Thus, it is not clear whether he is referring to political theories that advance a particular conception of political freedom, ideals of freedom that inform political practice, or analytical theories of freedom of the sort clarified and discussed in this thesis. In other words, it is not clear - at least initially - whether he is analysing the concepts of freedom found in philosophical political discourse, the concepts of freedom used in ordinary political discourse, or the concepts of freedom discussed by modern, analytical political philosophers. As a result, there is a lack of clarity and precision at the heart of his analysis. This is significant for unless he is clear about what is being analysed and discussed, we are unable to assess the truth or significance of the claims being made.

Putting this shortcoming to one side, Taylor’s initial characterisation of the negative-positive distinction is itself difficult to maintain. This is because it conflates two logically distinct ways of thinking about freedom. Thus his characterisation of ‘negative’ freedom draws on efforts to define what freedom ‘is’, whilst his characterisation of ‘positive’ freedom draws on the quite different task of describing where freedom ‘resides’. This is the difference between thinking about how freedom is to be conceived and thinking about how it is to be upheld. Already then, we can see how Taylor’s attempt to refine Berlin’s distinction reveals problems. The reason for this is quite simple: Berlin’s dichotomy had its origins in the ideological divide of the Cold War era. Taylor’s, on the other hand, is a generalisation based on a generalisation. It is therefore second-hand and one step removed from the original impetus behind the distinction. The result is a distinction that does not provide a rigorous starting point for analysis or critique.

Having established the lack of clarity and precision surrounding Taylor’s analysis, as well as his misleading characterisation of the negative-positive dichotomy, we are now in a position to see how he refines this distinction in yet another way to suit his wider purposes. Taylor then, infers from Berlin’s analysis a distinction between an exercise- and an opportunity-concept of freedom. For him, ‘[d]octrines of positive freedom are concerned with a view of freedom which involves essentially the exercising of control over one’s life. ... By contrast, negative theories can rely simply on an opportunity-concept, where being free is a matter of what we can

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86 WWNL, p.175.
87 WWNL, p.175.
88 When he turns to his second line of criticism it becomes clear that he is analysing the concept of freedom in ordinary political discourse.
89 Cf. the two sub-questions which provide the rationale for Berlin’s distinction (II.ii). This divide was philosophical as well as political.
do, of what it is open to us to do, whether or not we do anything to exercise these options. 90
Taylor uses this distinction to identify an important shortcoming with the Hobbes-Bentham
view of freedom. This is that it cannot accommodate a self-realisation view of freedom and is
therefore ‘incapable of defending liberalism in the form we in fact value it’. 91

To see how Taylor arrives at this conclusion, we need to trace his argument. He begins then,
by showing that for ‘the crude Hobbesian concept ... [i]t is a sufficient condition of one’s being
free that nothing stand in the way.’ 92 This means that the Hobbes-Bentham view can make do
with an opportunity-concept of freedom. However, in relying on an opportunity concept, it
side-lines an important range of negative theories which incorporate some notion of self-
realisation. 93 Such a notion presupposes an exercise-concept of freedom and therefore cannot
make do with an opportunity-concept. 94 Since, according to Taylor, we (i.e. modern Western
liberals) value freedom largely because we place ‘great value on self-realisation’, 95 adopting a
view of freedom that does not incorporate an exercise-concept of freedom - such as the
Hobbes-Bentham view - entails ‘abandoning some of the most inspiring terrain of liberalism,
which is concerned with individual self-realisation’. 96

There are at least three problems with this first line of criticism. These problems will be briefly
clarified, before we discuss them in more detail. Firstly then, Taylor criticises the Hobbes-
Bentham view on inappropriate grounds. This is partly because he fails to specify his target and
partly because he fails to recognise the different functions the language of freedom can perform
in various forms of political discourse. Secondly, he confuses the value of freedom with the
conditions of its realisation. This allows him to smuggle in his own favoured conception of
freedom under the guise of detached analysis. Thirdly, he assumes mistakenly, that the
Hobbes-Bentham view of freedom is incompatible with the idea of self-realisation. However,
as we shall see, the two can be quite coherently accommodated within a single political
theory. 97

The first problem with Taylor’s critique has already been alluded to above. Thus, it is not clear
whose view of freedom he is actually attacking. This is because of an ambiguity at the heart of
his analysis. Thus it is not clear whether he is criticising an account of freedom found in
traditional political theory, an account of freedom found in post-war analytical political
philosophy, or a political ideal of freedom found in ordinary political discourse. This lack of
clarity is important for how and where a view of freedom is explicated and discussed will
depend on how it can be criticised and assessed. To demonstrate this, we need to look at how
the Hobbes-Bentham view is used in philosophical political discourse, analytical political

90 WWNL, p.177.
91 WWNL, p.179.
92 WWNL, p.177.
93 e.g. J.S. Mill’s (WWNL, p.176). Examples of negative theories that incorporate an exercise concept of
freedom, place a question-mark over any attempt to place a theory into a negative or positive camp.
94 WWNL, p.177-8.
95 WWNL, p.179.
96 WWNL, p.193.
97 That is, as long as the negative view includes internal obstacles, as relevant to an agent’s freedom.

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discourse, and ordinary political discourse. Only then, will we be able to see the limited force of this first line of criticism.

The most obvious exponents of the Hobbes-Bentham view in philosophical political discourse are, of course, Hobbes and Bentham. These two thinkers are renowned for their ‘scientific’ approach to political philosophy and in particular, their search for descriptive precision. Thus, it should be clear from their writings that they are using the language of freedom in a purely descriptive way. This means that they are not trying to explicate and defend a substantive value or ideal of freedom, despite being frequently interpreted in this way. Steiner uses the language of freedom in a similarly descriptive way. Thus, like Hobbes and Bentham, he believes more is to be gained in theoretical reflection upon the political, by using the language in a descriptive rather than in a normative sense. Whilst this limited way of using the language of freedom may be highly contentious, it nevertheless informs a great deal of contemporary theorising. This descriptive Hobbes-Bentham view also manifests itself in ordinary political discourse. However, this does not reflect a public concern for descriptive precision, but rather reflects the rhetorical force associated with the opportunity-concept of freedom.

In failing to recognise these descriptive or rhetorical concerns, Taylor arguably criticises the Hobbes-Bentham view on inappropriate grounds. Thus, he cannot criticise it for failing to incorporate a self-realisation view of freedom because its aim is descriptive precision or rhetorical advantage rather than the articulation and defence of a political value or ideal. Taylor’s failure to see this partly occurs because Hobbes, Bentham, Steiner and ordinary users, often use the language of freedom as if their use of it is the only legitimate use. For example, political philosophers in traditional and analytical political philosophy frequently present their accounts of freedom as if they have established a definitive definition of what we mean by this term. In the process, they obscure the conceptual limitations of their accounts. The confusion that such accounts perpetuate can only be removed by a critical history of the sort presented in this thesis. Such a history reveals that it is the presentation of these accounts that is the problem and not the view or concept of freedom being expounded.

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98 NB Hobbes, as we have seen (I.i, I.iii), is not only using it in this way. However, this is how his account is most often interpreted.
99 An Essay on Rights, Chapter 2.
100 Thus, many would see this use as obscuring one of the fundamental ideals that should inform and inspire political life.
101 Thus, Rawls and Nozick also try to use the language of freedom in a descriptive way, though it is clear that their accounts also reflect their own value-preferences, i.e. a specific set of rights.
102 Thus, the opportunity concept pervades much modern debate. For example, politicians of the ‘right’ often criticise state intervention on the grounds that it interferes with choice.
103 See above criticism of Steiner, III.iv.
104 i.e. one which clarifies the concepts being discussed, rather than one that tries to establish a single, definitive account of ‘freedom’.
105 See Chapter I. Thus, once we recognise that ‘freedom’ is first and foremost a linguistic tool that can articulate values and principles, as well as describe, physical, legal or psychological states of affair, it is no longer necessary to reject one account at the expense of another, for both can be seen as equally legitimate when used in the right context, i.e. a descriptive concept should not be used to justify a state of affairs since it does not articulate a moral value or ideal.
In addition to criticising the Hobbes-Bentham view on inappropriate grounds, Taylor confuses the value of freedom with the conditions of its realisation. This undermines the rigour and force of his critique. In particular, he fails to see that physical and legal freedoms are often valued because they provide the necessary conditions of self-realisation. In other words, self-realisation is not the same condition as physical or legal freedom; it is one of its possible benefits. ‘Negative’ theorists who conceive freedom as the ‘absence of external obstacles’ do not seem to have a problem with this distinction. Indeed, they rarely discuss the ideal of self-realisation with the language of freedom, or when they do, they are aware that they are using the language of freedom in a distinct psychological or moral sense. They thus distinguish the legal or physical conditions of freedom, from its psychological or moral conditions. In failing to recognise these different kinds of freedom, Taylor perpetuates an unnecessary dispute about what freedom ‘is’.

It should now be clear why Taylor cannot accuse the Hobbes-Bentham view of being ‘incapable of defending liberalism in the form we in fact value it’. Thus, it is quite feasible for a political thinker to maintain a pure ‘negative’ view of freedom and accommodate the idea of self-realisation within a single theory. Indeed, this is arguably the form of J. S. Mill’s account of freedom. Although Taylor presents this account as ‘negative’ and as accommodating the idea of self-realisation, he fails to see that it incorporates an opportunity and an exercise concept of freedom. This is because he assumes that the idea of freedom can only be conceptualised in one way or the other. Taylor then, seems to be guilty of creating a problem out of the way he describes and characterises the freedom debate. In particular, his exercise-opportunity distinction encourages him to place theorists into an ‘exercise’ or ‘opportunity’ camp. This leads him to criticise accounts on inappropriate grounds. At the same time, he perpetuates a dispute by failing to carefully analyse the accounts he is criticising.

Having rejected Taylor’s first line of criticism, it is now time to consider his second. This is based on an analysis of how the language of freedom is used in ‘serious political debate’, i.e. ordinary political discourse. In this context, Taylor argues that ‘we deploy the concept [of freedom] against a background understanding that certain goals and activities are more significant than others.’ This standard of significance leads us to discriminate between serious restrictions on action and trivial ones. Such evaluations, according to Taylor, are based on a standard of ‘what is significant for human life’ and ‘what is important to man’. As an example, he contrasts our attitude to laws forbidding worshipping according to the form we believe in and our attitude to traffic lights which restrict our movement. He claims that whilst we might call the latter a restriction on freedom in philosophical argument we would not in a

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106 e.g. Rawls.
107 WWNL, 179.
108 An account that Taylor recognises as ‘negative’ (in his sense, i.e. as independence) and as accommodating the idea of self-realisation (WWNL, p.176).
109 WWNL, p.182.
110 WWNL, p.182.
111 WWNL, p.182.
112 WWNL, p.182.
serious political debate'. Given this fact about the political language of freedom, Taylor believes the Hobbesian scheme is 'a non-starter'. This is because, it 'has no place for the notion of significance' and allows 'only for purely quantitative judgements'.

As with Taylor’s first line of criticism, there are several problems with this second line of attack. In particular, it ignores - as above - the distinct function that the Hobbesian concept performs in political discourse. Thus, this concept is not designed to evaluate laws in terms of their relative significance, rather, its aim is to describe in a precise value-free way, physical or legal relations. For this reason, it cannot be criticised for lacking a notion of significance as such a notion is irrelevant to its use. Another problem stemming from this second line of criticism, is that Taylor uses his analysis of the language of freedom in ordinary political discourse, to make general claims about the concept of freedom. Thus, he claims that ‘some discrimination among motivations seems essential to our concept of freedom.’ Such a claim is misleading for it implies that this is true of any use of the language of freedom and not just evaluative uses in ordinary political discourse. Unless the conceptual limitations of Taylor’s claims are made clear, no end of confusion and dispute can arise.

To support these more general claims about the concept of freedom, Taylor shifts his attention to a consideration of ‘[w]hat lies behind our judging certain purposes/feelings as more significant than others?’ His answer is that ‘we experience our desires and purposes as qualitatively discriminated, as higher or lower, noble or base, integrated or fragmented, significant or trivial, good and bad. This means that we experience some of our desires and goals as intrinsically more significant than others’. This leads him to ask: ‘[i]s freedom not at stake when we find ourselves carried away by a less significant goal to override a highly significant one?’ His answer is that ‘we sometimes do speak in this way.’

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113 WWNL, p.182. Here Taylor is making a distinction between the language of freedom use in philosophical argument and the language of freedom used in political debate. A distinction that is not clear until this point.
114 WWNL, p.183.
115 WWNL, p.183. Taylor uses the example of freedoms in Albania to show that according to the Hobbesian conception, this is a freer country than Britain. He believes the absurdity of this conclusion speaks for itself.
116 WWNL, p.183. Presumably he infers this from the distinctions we make between, for example, the ‘trivial’ motive behind traffic regulation and the ‘serious’ motive behind control of religious worship. However, the language of motivations is not particularly appropriate here and is more suited to his discussion of internal obstacles to action, such as fear and shame (e.g. WWNL, p. 185). [Taylor is trying to talk in terms of a single concept and this encourages him to use this inappropriate language]. Conveniently, this part of his analysis supports ‘an exercise-concept of freedom [as this] requires that we discriminate among motivations.’ (WWNL, p.179).
117 The language of freedom is used in ordinary political discourse in both a descriptive and an evaluative way, depending on whether a state of affairs is being described or criticised (complaints presuppose a standard of rightness). Thus, there is no logical reason why a citizen cannot describe (and criticise) traffic regulations as impairing his or her freedom. This suggests that Taylor is describing the language of freedom in ordinary political discourse in a selective way to support his wider thesis. Besides ordinary language use is arguably an unreliable guide to the careful distinctions that need to be drawn to address genuine philosophical problems associated with the political.
118 WWNL, p.184.
119 WWNL, p.184.
120 WWNL, p.185.
121 WWNL, p.185.
Throughout this part of his discussion, Taylor fails to make it clear that he is shifting his focus from how we discuss freedom in a political context to how we discuss it in a moral or psychological context.\textsuperscript{122} Thus, he talks of the fear of public speaking, or the force of spiteful feelings and reactions, etc.\textsuperscript{123} These he believes are ‘quite understandable cases, where we can speak of freedom or its absence without strain.’\textsuperscript{124} Whilst this is true, clarity demands that he specify the kind of freedom he is now discussing.\textsuperscript{125} However instead, he gives the misleading impression that he is still explicating the concept of freedom. This leads him to conclude that ‘the crude negative theory can’t be sustained in the face of these examples’, as it fails to recognise internal obstacles to freedom.\textsuperscript{126} Such a criticism is untenable, for it presupposes, once again, that there is a single concept of freedom being discussed, rather than several distinct ones.

We come finally to Taylor’s third criticism of the Hobbes-Bentham view. This he presents as following logically, and therefore inevitably, from the claim that ‘there are some discriminations among motivations which are essential to the concept of freedom as we use it.’\textsuperscript{127} These discriminations arise, as we have seen, in ordinary political discourse, as well as in talk about an agent’s moral or psychological freedom.\textsuperscript{128} Taylor believes that once we accept that such discriminations exist, it necessarily follows that we can ‘second-guess’ whether or not an agent is free.\textsuperscript{129} This is because discriminations presuppose a standard of high and low, good and bad, etc.. These standards, in turn, are informed by a shared view of what is important or significant to human beings. If these standards are shared, then it appears that second-guessing is possible. This is because, such a standard allows an external authority to proclaim, according to a shared criteria, whether an agent is being governed by higher or lower, good or bad motives, etc.. However, the assumption that such standards are shared is difficult to defend without constructing a wider moral or political theory. It also conflicts with Taylor’s earlier claims about the nature and value of self-realisation.

To demonstrate this, we need to consider Taylor’s argument in a bit more detail. He begins then, by assuming, correctly, that we can distinguish ‘what we truly want’ from ‘what we most strongly desire’.\textsuperscript{130} From this he infers, wrongly, that the agent can be right or wrong about what he truly wants.\textsuperscript{131} This inference is wrong because it assumes that there is a common

\textsuperscript{122} Whether the context is moral or psychological will depend on the kind of desires and goals being pursued.

\textsuperscript{123} \textit{WWNL}, p.185-6.

\textsuperscript{124} \textit{WWNL}, p.185.

\textsuperscript{125} i.e. a mental/psychological concept - see appendix.

\textsuperscript{126} \textit{WWNL}, p.186.

\textsuperscript{127} \textit{WWNL}, p.181-182.

\textsuperscript{128} Although we noted that this way of characterising discriminations in political discourse was a little odd - see earlier footnote.

\textsuperscript{129} By ‘second-guess’ Taylor means an external authority knows better than the agent himself, whether or not he is free. This is something the Hobbes-Bentham view firmly denies.

\textsuperscript{130} \textit{WWNL}, p.187. According to Taylor, this assumption is correct since it is confirmed by first hand experience all the time. Thus, we make a distinction between short-term desires and long-term goals and when the two conflict we know that it is in our best interests to override the short-term desires. In other words, we discriminate: we judge that long term goals are of more value than the satisfaction of short term desires.

\textsuperscript{131} \textit{WWNL}, p.187.
standard of right and wrong wants or purposes, which is independent of the reasoning agent. To support this inference, Taylor appeals to what he believes are the uncontroversial examples of Charles Manson and Andreas Baader; agents 'whose sense of fundamental purpose was shot through with confusion and error.' However, this appeal is not as convincing as Taylor assumes because it conflicts with his earlier endorsement of the widely-held post-Romantic view that, 'each person has his/her own original form of realisation'. This means that 'others are not likely to be in a better position to understand [an agent's] real [or true] purposes'. If this is so, then Taylor needs to explain why Manson and Baader, amongst others, should be excluded from this claim.

In fact, the cases of Manson and Baader could be equally used to show that there is no common standard of high and low, good and bad, etc. Rather each develops his or her own standard, to reflect his or her own uniqueness. The only way to avoid this conclusion is to derive a standard of right and wrong wants or purposes, from a deeper metaphysic. In the absence of such a metaphysic, the appeal to shared standards is of limited force. Indeed, these so-called 'shared' standards, more often than not, reflect the theorist's own standards or value preferences. This, we can illustrate with Taylor's earlier discussion of discriminations made in ordinary political discourse. Here we saw how he argued that an agent's freedom is more impaired by laws which restrict how he or she worships, than by traffic regulations. This claim though reflects Taylor's own liberal preferences. Thus, if a society believed in the truth of a religious creed then its citizens would arguably be freer - i.e. living in accordance with their true purposes - if there were laws that enforced a particular form of worship. Such examples suggest that Taylor is confusing descriptive and normative concerns for he is describing norms that reflect his own or his own society's value-preferences and presenting these as if they are universally held.

The above survey of Taylor's position suggests that he has confused judgements about an agent's true wants with the means necessary to realise those wants. Thus, whilst the agent cannot be wrong about his true wants - at least, not if we accept his uniqueness as an individual - he can be wrong about how to satisfy those wants. This has implications for Taylor's third line of criticism. Thus, whilst it is possible for an external authority to 'second-guess' whether or not an agent is free, i.e. indicate whether or not the agent is pursuing his or her true wants, it is impossible for this authority to indicate whether these wants themselves, are right or wrong. This means that Taylor's third line of criticism is not as far-reaching as it first appears. In particular, it cannot raise the spectre of 'totalitarian oppression in the name of liberty', for this presupposes that there is a common or shared standard of an agent's true purposes, which the state can legitimately enforce.

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132 WWNL, p.191.
133 WWNL, p.180.
134 e.g. from a substantive conception of The Good.
135 In other words, he needs to ground them in a deeper, more rigorous metaphysic.
136 WWNL, p.193.
This third line of criticism and in particular, its reference to the supposed ‘unfreedom’ of Baader and Manson, underlines how far removed Taylor is from discussing a distinctively political kind of freedom. Indeed, whilst his paper begins by proposing to discuss conceptions of ‘political freedom’, he discusses instead - and like his predecessors - the necessary conditions of freedom of action. This means that he fails to distinguish different kinds of freedom and instead assumes that there is only one correct way of describing the conditions of freedom, or more precisely, freedom of action. How Taylor’s account differs to his predecessors, is in its sharper focus on the deliberative process that precedes action, rather than on the external environment in which action takes place. He is thus more concerned with moral or psychological freedom rather than physical or interpersonal freedom. Whilst this shows a greater sensitivity to the variety of conditions necessary for freedom of action, it is clearly far removed from discussing an idea of freedom, unique to political thought and practice.

Before we conclude this sub-section, it is worth saying something briefly about Taylor’s narrow conception of political philosophy as well as his wider concerns and preoccupations. Together, these help to explain the methodological shortcomings of his account. Taylor then, like his predecessors, accepts a narrow, analytical view of political philosophy. Thus, for him, political philosophy entails analysing, describing and criticising political concepts rather than explaining and justifying distinctively political relations. He is especially keen to unveil the underlying assumptions of modern liberal thought and practice; assumptions which he believes are often incoherent or mistaken. Despite this distinctively analytical focus, Taylor does try to reintroduce meaning and significance back into moral and political philosophy. In this respect his inquiries are ‘deeper’ than many of his contemporaries who from the late 1960s, tend not to reflect on these broader philosophical issues. However, in failing to connect these larger themes to a substantive view of human nature, he smuggles in his own or his own society’s value-preferences. As a result, his inquiries are of limited philosophical value and interest.

Another problem with Taylor’s inquiries is that they seem to be driven by polemic, rather than by genuine philosophical puzzles or problems. Thus, throughout his writings, he attacks what he sees as the debilitating naturalistic or mechanistic view of reality and in particular, ‘the ambition to model the study of man on the natural sciences.' Indeed, this concern informs his paper on freedom which is part of a wider project ‘to purge our key normative notions -
freedom, justice, rights - of their atomistic distortions’. The negative Hobbes-Bentham view of freedom seems to be an obvious target for such criticism. Taylor tries to undermine it further by arguing that this view of freedom was adopted for ‘strategic reasons’ to counter the ‘Totalitarian Menace’. However, it should be clear from the above, that this ‘negative’ conception was adopted for far more modest reasons, i.e. for descriptive precision. Taylor failed to recognise this because of his wider concerns and preoccupations. This led him to interpret this account to suit his wider polemical purposes.

In sum, Taylor’s account of freedom is of mixed philosophical value. It is clearly important in that it widens our understanding of the different ways the language of freedom can be meaningfully used and understood; ways that have been side-lined by the predominance of the ‘negative’, physicalist view. Indeed, it provides a much-needed antidote to this negative bias. However, it also contains a great deal of confusion and inconsistency and this undermines the force of its claims. In particular, Taylor perpetuates a dispute because he fails to recognise the multiplicity of ways the language of freedom can be legitimately used. This confusion partly arises because he uses the language of freedom in an unqualified way and partly because he assumes the word ‘freedom’ denotes a single, unified state of affairs. Together, these factors encourage him to lose sight of the different kinds of freedom that human beings can both value and experience. In the next sub-section we turn to Tom Baldwin’s account. He displays a much deeper appreciation of the implications of adopting a normative understanding of freedom. In particular, he shows how such an understanding is inextricably tied to a substantive conception of human ends.

(iv) Challenging MacCallum’s ‘one concept’ thesis: Baldwin

Whilst Benn and Weinstein refine MacCallum’s triadic analysis of freedom and Taylor refines Berlin’s negative-positive dichotomy, Baldwin in his paper, ‘MacCallum and the Two Concepts of Freedom’ (1984), refines both these frameworks. The main aim of this refining process is to reject MacCallum’s ‘one concept’ thesis. This is the thesis that ‘one and the same triadic relation of freedom ... underlies all freedoms’. The assumed implication of this claim is that there is a single kind, or concept, of freedom. Baldwin challenges this claim by utilising Berlin’s distinction between negative and positive freedom. Unsurprisingly, use of this distinction leads him to claim that there is more than one kind of freedom operating in Western discourse. This, he assumes, is enough to undercut MacCallum’s one-concept thesis. However, as we shall see, there is a serious confusion at the heart of Baldwin’s analysis and this means that his critique is not as far-reaching as he assumes.

144 p.8-9, Introduction, Philosophy and the Human Sciences.
146 NB is descriptive precision favoured partly for this ideological reason?
147 MTC, p.130.
148 This is held by MacCallum and his interpreters, though the use of this rather misleading language was questioned above. (III.iii)
There are three main parts to Baldwin’s critique. Firstly, he shows how MacCallum’s defence of the one concept thesis is weak and unsubstantiated. In particular, he shows how theorists such as Bosanquet and Green recognise different kinds of freedom, despite accepting MacCallum’s claim that freedom is both ‘from’ and ‘to’. Next, he uses Green’s juristic freedom to identify one familiar kind of freedom, the ‘negative’ kind. This account is then used to determine whether Green’s moral freedom is a negative freedom in the sense specified. Finally, in discovering that it is not, Baldwin shows how positive conceptions of freedom have a different ‘logic’ to negative conceptions. His main finding here is that whilst positive conceptions require the agent to act in a specific manner, negative conceptions leave the agent to choose how to act. Baldwin concludes from this that ‘positive freedom is not a negative freedom’. That is to say, they constitute different kinds of freedom. This means that MacCallum’s one-concept thesis cannot be sustained because ‘the underlying relation of freedom differs in the two cases’.

In this subsection, we will show how Baldwin’s critique of the ‘one concept’ thesis rests on a serious misunderstanding of MacCallum’s aims and arguments. This leads him to criticise MacCallum’s analysis on inappropriate grounds and, more importantly, encourages him to identify and address a pseudo-problem. Another problem with Baldwin’s critique is that he challenges the ‘one concept’ thesis without first making it clear what he means by a ‘concept’. This means that he constructs a critique that is lacking in argumentative rigour. Finally, Baldwin draws on the negative-positive distinction in a way that is both misleading and confusing. Indeed, in using this distinction, Baldwin fails to adequately distinguish different kinds of freedom. As a result, it is never quite clear what kind of freedom he is discussing and clarifying. Despite these problems, Baldwin’s account makes significant headway in clarifying the distinctiveness and logic of ‘positive’ conceptions of freedom; conceptions that had become obscured by a negative bias in the post-war debate. In particular, he shows how these conceptions are deeply embedded in assumptions about human nature and human flourishing. These assumptions point to a standard of what should be in human affairs. It is therefore not surprising that interest in these conceptions arises out of normative rather than descriptive concerns.

Baldwin begins his critique of MacCallum’s analysis by arguing that the negative-positive dichotomy does not always rest, as MacCallum suggests, on a confused ‘from/to’ distinction. Thus, he shows how Bosanquet and T. H. Green - who accept the claim that

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149 MTC, p.130-1.
150 MTC, p.141.
151 As we shall see, Baldwin is not very clear about what this distinction actually amounts to.
152 MTC, p.141. Baldwin does not explicitly reject MacCallum’s thesis, but this is the implication of his argument.
153 Of course, this assumes that the negative-positive distinction can be sustained - something which this thesis seriously questions.
154 Berlin’s distinction, for example, is founded on the distinction between the questions, ‘How far should government interfere with me?’ and ‘Who should govern me?’ (See II.ii)
freedom is both ‘from’ and ‘to’ - still postulate different kinds or senses of freedom.\textsuperscript{155} From this Baldwin infers that ‘the thought that a freedom is both from and to ... [does not] guarantee by itself’ that we are discussing a single kind of freedom.\textsuperscript{156} The problem with this initial criticism of MacCallum’s thesis is that it exaggerates the importance MacCallum attributes to the from/to distinction. Indeed, it fails to appreciate the context in which he discusses it. This amounts to a single paragraph in a twenty page article and it is certainly not intended as a knock-down rejection of the ‘two-concept’ thesis.\textsuperscript{157} Indeed, rather than insist on this minor logical point, MacCallum stresses the theoretical and practical advantages of his triadic analysis over the negative-positive one. Baldwin then, ignores the casualness with which MacCallum discusses the from/to distinction. He therefore criticises his predecessor’s account on inadequate grounds.\textsuperscript{158}

A more serious problem with Baldwin’s attempt to reject the one concept thesis is that it ignores MacCallum’s distinct agenda. As we have seen, MacCallum believes the distinction between negative and positive liberty is of limited utility because it draws ‘attention away from precisely what needs examining if the differences separating philosophers, ideologies, and social movements concerned with freedom are to be understood.’\textsuperscript{159} He does not deny that these different groups may favour different kinds of freedom, but he believes these competing conceptions can only be sensibly discussed and compared if we think of them in terms of a single, triadic relation. He refers to this triadic relation, rather misleadingly, as the concept of freedom.\textsuperscript{160} This ‘concept’ or framework is used to identify and assess the different conceptions of agents, obstacles and ends implicit in competing accounts of freedom. In this way, MacCallum believes it is possible to establish the relative merits of these accounts. For him, no progress can be made on this front by simply thinking in terms of negative and positive ‘camps’.\textsuperscript{161}

Instead of acknowledging these wider concerns, and the reasoning behind the ‘one-concept’ thesis, Baldwin becomes concerned to establish whether there is one concept of freedom or two.\textsuperscript{162} Indeed, this concern or ‘problem’ provides the main focus of his paper. However, this is a pseudo-problem because it ignores the original context in which these competing claims about freedom are made. It also ignores the different conceptions of a concept that these claims imply. Thus, both the one-concept and the two-concept thesis are sensible in terms of the wider concerns and preoccupations that they are designed to address.\textsuperscript{163} Furthermore, whether there

\textsuperscript{155} MTC, p.126-7.  
\textsuperscript{156} MTC, p.130. Thus Green and Bosanquet accept the from/to distinction whilst maintaining different kinds or senses of freedom.  
\textsuperscript{157} NPF, p.106.  
\textsuperscript{158} This is ironic given that he accuses MacCallum for ignoring the casualness of Berlin’s use of this distinction. (MTC, p.125-6).  
\textsuperscript{159} NPF, p.100.  
\textsuperscript{160} See III.iii above - misleading, because he is not using the word ‘concept’ in the same sense as Berlin.  
\textsuperscript{161} Such ‘camps’ oversimplify and obscure competing conceptions by making misleading generalisations.  
\textsuperscript{162} MTC, p.128. Later he admits that this ‘question is not well-formulated’ (MTC, p.141).  
\textsuperscript{163} i.e. Berlin: understanding and ideological dispute about different views of the state, and MacCallum: understanding disputes about the absence or presence of freedom.
is one concept or two depends on whether a concept is understood in MacCallum’s sense as an underlying logical relation or whether it is understood in Berlin’s sense as a classifying device.\textsuperscript{164} The two theses are in fact, quite compatible.\textsuperscript{165} Baldwin’s failure to recognise this underlines the problems that arise when analytical accounts of freedom are extracted from and assessed independently of their original context.

Having established Baldwin’s misreading of MacCallum’s paper, as well as his focus on a pseudo-problem, it is now time to consider an ambiguity at the heart of his analysis. This hinges on his failure to specify what he means by a ‘concept’. This is a significant shortcoming given the different ways this term can be understood and given the kinds of claim that he is trying to make, namely, that negative and positive freedom constitute different \textit{concepts} of freedom.\textsuperscript{166} Such a claim is ambiguous unless it is clear what a concept is. In fact, Baldwin moves between two different notions of a concept in the course of his argument. Thus, he begins with the MacCallumite notion of a concept as a ‘basic relation’\textsuperscript{167} and without any warning - or apparent awareness - shifts to Berlin’s notion of a concept as a classifying device.\textsuperscript{168} This shift of meaning allows him to argue that whilst Locke’s liberty-licence distinction ‘can be explicated along the lines MacCallum desiderates’,\textsuperscript{169} Green’s distinction between juristic and moral freedom involves two different kinds of freedom: a negative and a positive kind. This latter finding, he believes, is sufficient to reject the one-concept thesis.

To see how faulty this reasoning is, we need to trace Baldwin’s argument in some detail. He begins then, by claiming that ‘the [Lockian] contrast between licence and liberty ... is not a contrast between two concepts of freedom. For underneath the difference between the ends of the two freedoms, and the consequential difference between constraints on them, we find the same basic relation of non-obstruction of agents by constraints in the pursuit of their ends.’\textsuperscript{170} Now whilst Baldwin is prepared to consider Green’s juristic freedom in these ‘relational’ terms - indeed, for him juristic freedom ‘resembles’ Locke’s notion of liberty\textsuperscript{171} - he makes no attempt to consider Green’s moral freedom in these terms. There is no effort to explain this omission, despite the fact that the latter can just as easily be ‘explicated along the lines MacCallum desiderates.’\textsuperscript{172} Thus, Green’s moral freedom can be understood, for example, in the following ‘triadic’ terms: the agent is free from compulsive desires to realise ‘his ideal of

\textsuperscript{164} There is also, of course, the third sense of the word ‘concept’ that is in keeping with the established philosophical sense and which is used throughout this thesis to distinguish different kinds or concepts of freedom.
\textsuperscript{165} See III.iii above.
\textsuperscript{166} \textit{MTC}, p. 128. NB in his concluding remarks Baldwin ‘prefer[s] to say’ that positive freedom is not a negative freedom’ (\textit{MTC}, p.141). However, earlier in the paper, he talks in terms of different concepts (\textit{MTC}, p.128-9).
\textsuperscript{167} \textit{MTC}, p.130.
\textsuperscript{168} \textit{MTC}, p.130, i.e. different kinds/senses of freedom.
\textsuperscript{169} \textit{MTC}, p.130.
\textsuperscript{170} \textit{MTC}, p.129-30.
\textsuperscript{171} \textit{MTC}, p.129.
\textsuperscript{172} \textit{MTC}, p.130. NB Baldwin seems to admit that Green’s moral freedom conforms to this triadic relation, \textit{MTC}, p.135.
himself. Baldwin’s failure to acknowledge this suggests that his criticisms of MacCallum’s analysis are misplaced.

Instead of recognising that MacCallum’s ‘concept’ can accommodate both of Green’s concepts, Baldwin shifts his attention to a more detailed explication of the ‘basic relation of non-obstruction’ that he believes characterises liberty, licence and juristic freedom. This relation is presented as a ‘negative’ freedom, presumably because the freedom it describes requires ‘non-obstruction’. However, Baldwin does not explain why he has reintroduced the negative-positive terminology that MacCallum had sought to displace. This is a significant silence, for we have already seen how this dichotomy is not as useful or insightful as it first appears.

These possible limitations though, are not considered by Baldwin. Instead he accepts the distinction without question and proceeds to explicate or define negative freedom in a generic way. This generic account consists of five conditions which Baldwin claims are ‘definitive of negative freedoms’. The point or purpose of this generic definition is to show that whilst Green’s account of juristic freedom satisfies all five conditions, his account of moral freedom does not. This means that Green must be discussing different ‘kinds’ of freedom, thus placing a serious question mark over MacCallum’s one-concept thesis.

There are two main problems with this line of reasoning. In the first place, and as already indicated, it is based on a shift from the MacCallumite notion of a concept as a ‘basic relation’ to the Berlinian notion of a concept as a classifying device. This means that Baldwin’s challenge is merely verbal, hinging as it does on different conceptions of a concept. To put this another way, he has not criticised MacCallum’s analysis on its own terms, but rather with different criteria of what a concept is. Had Baldwin been more explicit about what he meant by a ‘concept’, he might not have made this mistake. In the second place, Baldwin assumes that his generic account of negative freedom is a ‘legitimate development’ of MacCallum’s thesis. However, it is difficult to see how this can be so, when his ‘refined’ account excludes concepts that were previously accommodated by MacCallum’s triadic relation. Indeed, in defining the content of ‘negative’ freedom more precisely, Baldwin opens the way to finding accounts that do not satisfy all the conditions he specifies. He thus produces an account of freedom that is far removed from the original purpose or point of MacCallum’s analysis and thesis.

Demonstrating that his generic account of negative freedom is a legitimate development of MacCallum’s thesis is important for Baldwin if he is to justify his reintroduction of the negative-positive distinction. Doubts surrounding this move means that it is unclear what his

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173 MTC, p.132. This is Baldwin’s quote from Green’s account of moral freedom.
174 MTC, p.130.
175 See II.ii.
176 MTC, p.134.
177 MTC, p.131.
178 MTC, p.130.
179 Cf. Green’s moral freedom above.
180 i.e. to explain and assess differences between competing accounts.
181 Baldwin’s justification (MTC, bottom p.130) rests on a misunderstanding of MacCallum’s thesis.
analysis actually achieves. Indeed, Baldwin’s uncritical acceptance of the negative-positive dichotomy leads him to perpetuate an already questionable dispute about how the line between negative and positive conceptions should be drawn. As already argued, this dichotomous approach fails to draw distinctions where they need to be drawn and as a result, obscures or confounds different concepts of freedom. To see how Baldwin adds to this confusion, we need to consider his generic account of negative freedom as well as the way in which he distinguishes positive conceptions of freedom from this account. We will find that, like his predecessors, Baldwin develops this distinction in such a way as to suit his wider purposes.

We shall begin by considering the content and grounds of Baldwin’s generic account of negative freedom. This account is both contentious and weakly defended. Thus, according to Baldwin, ‘[t]he reasons for most of the conditions (i) - (v) are obvious and familiar enough.’ However, instead of discussing these reasons in some detail, Baldwin refers the reader to Feinberg’s *Social Philosophy*. The problem with this is that there is no full and reasoned discussion of these conditions at the suggested reference point. This means that Baldwin provides no argument for his chosen conditions. Since these conditions are different to the conditions identified by the major accounts of negative freedom found in the post-war era, this lack of argument is a serious shortcoming. Indeed, the fact that Baldwin’s account of negative freedom is different, for example, to Berlin’s, Steiner’s and Taylor’s, suggests that the reasons for his five conditions are not as ‘obvious and familiar’ as he assumes.

This apparent departure from the content of existing accounts, underlines the difficulty of specifying, in an uncontentious manner, the necessary and sufficient conditions of ‘negative’ freedom. Indeed, Baldwin’s claim that he is explicating ‘one familiar kind of freedom’ obscures the fact that there is little if any consensus about its content. This lack of agreement persists, despite much effort to remove it, because ‘negative’ accounts are informed by different concerns and preoccupations. That is to say, theorists define negative freedom in a way that suits their wider purposes. This is as true of Baldwin’s account as of any other. Thus, his aim, as we have seen, ‘is to identify one familiar kind of freedom’ to see whether ‘moral freedom turns out not to be a freedom of this kind’. Baldwin admits that ‘this will not, by itself,

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182 i.e., it does not appear to be a legitimate development of MacCallum’s thesis. Afterall MacCallum did not deny that there were different kinds of freedom, he just questioned the utility of dividing them into negative and positive camps.
183 It also leads to the distinction being variously drawn. NB The word ‘concept’ is now being used in its third ‘philosophical’ sense.
184 *MTC*, p.131.
185 *MTC*, p.131, fn 26.
186 Thus, Baldwin accepts that ‘to take negative freedom in this generic way is to depart from some expectations about it; in particular, there are no requirements that the constraints be external to the agent or the ends be among those which the agent actually desires’ (*MTC*, p.131). By contrast, Berlin, Steiner and Taylor insist that constraints are external for negative theorists, and Berlin and Taylor also believe, that for negative theorists, the agent must actually desire the ends being sought. [NB in *Four Essays on Liberty*, p.xxxviii, Berlin modifies this belief].
187 *MTC*, p.131.
188 Cf. Berlin, Hayek, Oppenheimer, Steiner, Day, Parent, Benn and Weinstein, Flathman and Pettit are the most uncontentious examples.
189 *MTC*, p.131.
prove it involves a different concept of freedom’, but ‘it will raise a question to this effect’.\textsuperscript{190} Unsurprisingly, given this purpose, Baldwin finds that Green’s moral freedom fails to satisfy an important condition of his generic account of negative freedom. Namely, the fifth condition which he argues is ‘essential’ to conceptions of negative freedom.\textsuperscript{191}

Evidence that Baldwin has defined negative freedom to suit his wider purposes, is partly confirmed by the fact that he does not explain why condition (v) is more ‘essential’ to negative freedom than any of the other conditions.\textsuperscript{192} This condition states that ‘there is no requirement that an agent actually realise an end for him to be free from all constraints to realise that end.’\textsuperscript{193} The inclusion of this condition suggests that Baldwin has been heavily influenced by Taylor’s characterisation of negative freedom as an opportunity-concept. Indeed, he declares that ‘it is by virtue of this [fifth] condition that the concept of negative freedom is an opportunity concept’.\textsuperscript{194} From this he infers that ‘if moral freedom, and similar conceptions of positive freedom, do not satisfy this condition, it will follow that these conceptions are not opportunity-concepts.’\textsuperscript{195} The implication is that they must constitute some other kind of concept. The problem with this line of argument is that it fails to recognise that Taylor has developed the opportunity-exercise distinction for a very specific reason. Namely, to show how ‘crude’ negative theories cannot accommodate a self-realisation view of freedom.\textsuperscript{196} It is therefore debatable whether it can be used to demonstrate a conceptual distinction of the sort Baldwin seeks.\textsuperscript{197}

Another problem with adopting the opportunity-exercise distinction, is that it encourages Baldwin to absorb unquestioningly Taylor’s own conceptual mistakes. In particular, like Taylor, he seems to confuse the conditions of freedom with its possible consequences.\textsuperscript{198} To see this, we need to examine Baldwin’s argument in a bit more detail. Baldwin then, believes Green’s moral freedom fails to satisfy the fifth condition of his generic account of negative freedom because ‘it is a typical feature of conceptions of positive freedom that an agent who is free does not merely have an opportunity for virtue, he must be virtuous’.\textsuperscript{199} Now, it is also true of these conceptions, that to be virtuous presupposes the absence of certain kinds of constraints. Namely, internal constraints, such as inauthentic desires. Indeed, it is this ‘constraining’ feature of our moral experiences that makes the language of freedom so appropriate. However, whether the removal of such constraints is a necessary condition of

\textsuperscript{190} MTC, p.131. Once again, ambiguity surrounds the language of ‘concept’.
\textsuperscript{191} MTC, p.131.
\textsuperscript{192} MTC, p.131.
\textsuperscript{193} MTC, p.130.
\textsuperscript{194} MTC, p.135-6.
\textsuperscript{195} MTC, p.136.
\textsuperscript{196} See IV.iii.
\textsuperscript{197} Of course, there is a great deal of ambiguity about what kind of distinction he seeks, but towards the end of his paper he reverts to talk of an ‘underlying relation’ (MTC, p.141). It is not clear how the opportunity-exercise distinction can be conceived in these terms; certainly Baldwin does not specify these different ‘relations’ in explicit terms.
\textsuperscript{198} See IV.iii.
\textsuperscript{199} MTC, p.135.
virtue or whether it is equivalent to virtue is something that a more careful analysis of virtue needs to establish.\textsuperscript{200} In other words, we cannot decide in advance whether virtue is a necessary condition of freedom or one of its possible consequences, rather, we need to examine the concept of virtue and see.

The previous paragraph underlines how unhelpful and misleading the negative-positive distinction can be. This is because so-called ‘positive’ conceptions of freedom are also ‘negative’ in that they require the absence of some kind of constraint. Baldwin seems to acknowledge this when he claims that ‘it might be suggested that moral freedom is no more than a negative freedom to be virtuous plus the deliberate performance by the agent of the virtuous actions which he is free to perform.’\textsuperscript{201} However, he rejects this suggestion on the grounds that whilst there may be ‘a necessary equivalence between moral freedom and the good use of the negative freedom to be virtuous’, this does not constitute ‘an analysis of moral freedom’.\textsuperscript{202} To see what Baldwin means by this, we need to consider his use of this ‘rather pedantic and archaic’ distinction.\textsuperscript{203} We will find that it does not prove, as he assumes, that Green is discussing two different concepts of freedom. This is because such a ‘proof’ presupposes a clear conception of a concept; something that has already been shown to be missing from Baldwin’s account.

Whilst Baldwin is not explicit about what his distinction between a necessary equivalence and an analysis amounts to, he seems to imply that an analysis involves an explication of what Green means by moral freedom.\textsuperscript{204} More specifically, ‘one has to say why the condition which Green characterises as moral freedom is a freedom’.\textsuperscript{205} His answer is that Green’s ‘moral freedom is a freedom because it is the attainment of that condition in which we are not only what we should be, but what we really are.’\textsuperscript{206} This leads him ‘to suggest ... that Green’s position here is one instance of a general proposition that is central to most conceptions of positive freedom: the proposition that human nature is in some respects not morally neutral, but somehow includes within its essence a commitment to some moral ideals’.\textsuperscript{207} This means that we are only free, or unimpeded, insofar as we realise these ideals. Although this ‘analysis’ of Green’s moral freedom explicates its meaning, it still does not explain why it constitutes a different concept of freedom. This is because of the continuing ambiguity surrounding what Baldwin means by a ‘concept’. As a result, it is never very clear what his analysis achieves.

One final problem with Baldwin’s use of Taylor’s opportunity-exercise distinction is that it encourages him to raise a ‘serious doubt about MacCallum’s thesis’ which is both misplaced.

\textsuperscript{200} In other words, what is involved in being virtuous - is it merely the absence of these ‘internal’ constraints, or is there something more to being virtuous?

\textsuperscript{201} MTC, p.136.

\textsuperscript{202} MTC, p.137.

\textsuperscript{203} MTC, p.138.

\textsuperscript{204} MTC, p.138.

\textsuperscript{205} MTC, p.138.

\textsuperscript{206} MTC, p.139.

\textsuperscript{207} MTC, p.139.
and misleading. Thus, he declares, ‘how can one and the same relation characterise, in some cases, an opportunity, and in other cases, an achievement?’ This criticism, like his earlier ones, leads him to obscure the point of MacCallum’s analysis. This is to show how these different ‘concepts’ of freedom arise out of different conceptions of obstacles and different conceptions of human ends. For example, it is because positive theorists - unlike negative theorists - have some moral vision of the good, that they are principally concerned with internal obstacles, such as inauthentic desires. Indeed, it is only by removing these obstacles that the desired end of individual virtue can be achieved. In contrast, ‘negative’ theorists are more concerned with external obstacles and material ends. They thus conceive freedom in terms of opportunity rather than achievement. Whilst it is possible to characterise this difference in conceptual terms, it entails shifting from MacCallum’s notion of a concept, to Berlin’s. This we have shown is an illegitimate move, if its end is to reject MacCallum’s one-concept thesis.

So far we have shown how Baldwin utilises Taylor’s distinction between exercise and opportunity concepts, to draw a negative-positive distinction in a way that suits his wider purposes. The result is a distinction that is difficult to sustain in the light of closer analysis. He also loses sight, once again, of MacCallum’s distinct agenda and this leads him to criticise it on inappropriate grounds. It is now time to consider further problems with Baldwin’s deployment of the negative-positive distinction. Chief of these, is the way in which it encourages him to make generalisations which obscure important distinctions between different concepts of freedom. Here, we shift to a third conception of a concept which is the established philosophical understanding of a concept as ‘that which is understood by a term’. This conception of a concept is not found in Baldwin’s paper, it nevertheless helps to highlight fundamental problems with the negative-positive approach.

The main reason for adopting this established philosophical understanding of a concept is that it enables us to see how Baldwin’s dichotomous approach conflates importantly distinct concepts of freedom. For example, once we accept this understanding of a concept, it is clear that Locke’s distinction between liberty and licence involves two very different concepts of freedom. Thus, ‘liberty’ describes a state in which the agent acts in accordance with natural law, whereas ‘licence’ describes a state in which the agent ignores it. To reduce these two concepts to ‘the same basic relation’ and to place them both in the same ‘negative’ camp - as Baldwin does - is to obscure an important conceptual distinction. Indeed, this distinction is central to Locke’s construction of his political theory. One of the reasons why Baldwin conflates these different concepts of freedom is because he accepts, uncritically, the negative-

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208 MTC, p.136.
209 MTC, p.136.
210 NB different conceptions of obstacles arise out of different conceptions of human ends.
211 S. Blackburn, ed. Oxford Dictionary of Philosophy, entry: ‘concept’, p.72. A. Flew, A Dictionary of Philosophy and The Oxford Companion to Philosophy, present similar accounts. Since a single term can be understood in a number of different ways it can denote a number of distinct concepts.
212 Introducing this notion of a concept is a legitimate move because it involves a conception of a concept which is more precise than those currently floating around the freedom debate.
213 Thus, he uses it do distinguish legitimate from illegitimate constraint.
positive distinction. This encourages him to place 'liberty' and 'licence' in the same 'camp' as well as clarify them with the same generic definition. However, as we shall see, this leads him to ignore his own distinction between 'an analysis' and 'a necessary equivalence' in his effort to challenge MacCallum's one-concept thesis.214

This conflation of different concepts of freedom also arises in Baldwin's discussion of positive conceptions. Here, he loses sight of Green's distinction between moral and positive freedom, despite initially accepting it.215 In fact, it is only because of the wider demands of his thesis, that he finds it convenient to describe Green's moral freedom as 'positive'.216 This though, results in an important distinction in Green's thought being obscured. Thus, for Green, positive freedom is 'the goal of social effort' and involves 'the liberation of the powers of all men equally for contributions to a common good',217 whereas moral freedom is 'the state in which [an agent] shall have realised his ideal of himself.'218 This ideal, according to Green, can only be fully realised through one's moral relations with others. In contrast, positive freedom can only be brought about by the action of the state.219 These two kinds of freedom are distinct and should not be confused. Despite this, they are closely related. In particular, positive freedom helps to provide the conditions in which moral freedom can flourish. Indeed, the latter cannot be fully realised independently of the former and this is because Green insists we can only realise our ideal of ourselves by working in communion with others.

In addition to conflating different concepts of freedom, Baldwin's use of the negative-positive distinction means that it is never very clear what kind of freedom he is clarifying. We would assume it to be the conditions of political freedom or social and political freedom, given that he is refining Berlin's dichotomy and responding to MacCallum's thesis.220 However, at no point is Baldwin explicit on this point. Indeed, the examples he discusses early on in the paper to undercut MacCallum's from/to argument are not very often discussing a distinctively political kind of freedom.221 The kind of freedom he is discussing is obscured further by one of his references to Locke, whom he describes as the classic theorist of negative freedom. The quote he uses to support this claim is taken from An Essay concerning Human Understanding rather than Second Treatise, and it is clearly freedom as choice rather than a specifically political kind of freedom that is being referred to. In failing to distinguish these different kinds of freedom, Baldwin has done little to advance clarity in our understanding of freedom.

This failure to specify what kind of freedom he is discussing means that Baldwin fails to recognise when he is discussing a distinctively political kind of freedom. For example, his use

215 MTC, p.133.
216 MTC, p.134.
217 MTC, p. 133. Green’s concept of positive freedom is discussed in his ‘Lecture on Liberal Legislation and Freedom of Contract’ - which edition? It is developed in the context of rejecting policies defended on the grounds of freedom of contract. It therefore arises out of specifically social and political concerns.
218 MTC, p.
219 e.g. laws against worker exploitation.
220 This is what Berlin and MacCallum explicitly claims to be clarifying, respectively.
221 Cf, Bradley (MTC, p.126) and Kant (MTC, p.128).
of MacCallum’s triadic relation to explicate Locke’s meaning of liberty and Green’s notion of juristic freedom leads him to lose sight of their distinctively political content. Thus, he defines both in terms of ‘the non-obstruction of agents by constraints’. As a result, he obscures the fact that for both Locke and Green, not all constraints are seen as a threat to freedom. Indeed, for both, law is seen as a necessary and legitimate obstruction. Baldwin seems to partially recognise this when he claims that Locke’s liberty and Green’s juristic freedom are ‘made possible by legitimate political coercion’. However, he fails to utilise this to make a conceptual point and instead forces these distinctively political kinds of freedom into his generic definition of negative freedom. In the process he further confounds and conflates different concepts of freedom, thereby ignoring his own distinction between ‘an analysis’ and ‘a necessary equivalence’.

Despite his tendency to conflate different concepts of freedom, and despite his failure to specify what kind of freedom he is clarifying, Baldwin’s analysis does lead to some important conclusions about so-called ‘positive’ conceptions of freedom. These conceptions, as Baldwin shows, presuppose a substantive conception of human nature and human flourishing; one in which the agent realises certain ideals. Connecting the idea of freedom to these wider moral and metaphysical assumptions, displays a greater sensitivity to the ‘logic’ of such conceptions. However, as we have seen, in certain respects, it is misleading to describe these conceptions as ‘positive’ for this obscures the fact that theorists are still primarily concerned with the absence of certain kinds of constraint. These constraints may be different to the kind of constraints that concern ‘negative’ theorists, i.e. they may be more concerned with internal rather than external constraints, but it is nevertheless constraints, and their removal, that are central to the idea of freedom being discussed.

Perhaps Baldwin’s most important and lasting contribution to the freedom debate is his claim that ‘positive’ conceptions of freedom are informed and underpinned by a form of ethical naturalism. If this is true - and it is difficult to deny - then it means that ‘positive’ conceptions are more satisfactory than ‘negative’ conceptions, at least in the realm of moral philosophy. This is because they seek ‘to yield a solution to one of the deepest problems of moral philosophy’, namely, the sceptics challenge: ‘why be moral?’. This kind of problem underlines the importance of embracing different concepts of freedom in different forms of discourse. Thus, whilst some formulation of the ‘negative’ concept, may be helpful in descriptive political discourse, it is of limited, if any use, in moral or political philosophy. In these forms of discourse, very different concepts of freedom need to be developed and deployed.

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222 MTC, p.137.
223 MTC, p.140-1.
224 MTC, p.141.
225 The reply of the ethical naturalist is that ‘it is in our interest to be moral ... because we are moral beings.’, MTC, p.140.
226 Note: the negative classification tends to conflate empirical, ideological and normative conceptions of freedom. Unless we keep these distinct, we are unable to assess critically the statements being made in different forms of political discourse.
Although Baldwin’s use of the negative-positive dichotomy to demonstrate a distinction between juristic and moral freedom is arguably unnecessary - given that MacCallum does not deny that there are different kinds of freedom that can be accommodated by his schema\textsuperscript{227} - his analysis clearly has some merit. Indeed, by insisting that positive freedom is not a negative freedom, Baldwin revives an alternative conception of freedom that is worthy of our attention. This is important for positive conceptions had been increasingly sidelined by the ‘negative’ bias of the post-war era. However, despite presenting a dichotomous account of freedom, Baldwin does not conclude that there are two concepts of freedom for he ‘prefer[s] to say that positive freedom is not a negative freedom.’\textsuperscript{228} Here we see how he eventually fudges the issue of whether the there are two concepts of freedom or one, despite this apparently being one of the main aims of his paper.\textsuperscript{229}

Baldwin in keeping with current academic fashion, continues the ‘analytical’ trend of his contemporaries by responding to the shortcomings of post-war accounts. Thus, rather than address the issues that arise out of genuine philosophical problems, he focuses on the tendency of his predecessors to obscure important distinctions. His particular criticisms, however, have been found to be misplaced because they arise out of a misunderstanding of the account he is attacking. Indeed, his own account has been shown to be just as guilty of obscuring important distinctions. The main source of this shortcoming is his failure to question existing frameworks as a reliable starting point for analysis.\textsuperscript{230} This means that he fails to look at the problem of clarification afresh. As a result, he simply absorbs and repeats the mistakes of his predecessors. Indeed, his reflections are bounded by frameworks which have been shown to be of very limited utility. This is because they have been developed for a very specific purpose and stripped of this purpose, they are largely redundant.

(v) Conclusion: moving the debate forward

In this chapter we have considered three attempts to refine or criticise the accounts of freedom that emerged in the preceding period and have found that each provides some fresh insights into the way we think and talk about freedom. In particular, all three display a greater sensitivity to the norms and values that inform our ascriptions of freedom when we use this language in moral and political discourse. This provided a much needed antidote to the purely descriptive accounts which had begun to dominate the field. Indeed, these earlier accounts - in focusing their attention on ordinary, descriptive discourse - had lost sight of or obscured the normative content of the language of freedom when it is used in moral and political discourse. In rectifying this shortcoming, ‘normative’ accounts broadened the scope of the freedom debate and thus paved the way for more fruitful and diverse discussion.

\textsuperscript{227} Of course, there is ambiguity surrounding MacCallum’s account because of the undefined way in which he uses the word ‘concept’. See III.ii above.
\textsuperscript{228} MTC, p.141.
\textsuperscript{229} MTC, p.128.
\textsuperscript{230} i.e. MacCallum’s and Berlin’s.
Despite the merits of these later accounts, they continue to suffer from the same kind of shortcomings as those that precede them. Thus, like their predecessors, ‘normative’ analysts fail to acknowledge the very different concerns and preoccupations that inform the accounts they are criticising. As a result, their criticisms are often misplaced or inappropriate. Similarly, these later thinkers fail to recognise the conceptual limitations of their own accounts. Thus, Benn and Weinstein and Taylor, give the misleading impression that they have said something general and definitive about the concept of freedom when in reality, they have said something about a particular concept of freedom, i.e. an individualistic and a psychological concept, respectively. Baldwin’s claims are more modest. However, in the process of insisting that positive freedom is not a negative freedom, he fails to show why we should accept this dichotomy as an accurate representation of the different concepts of freedom operating in moral and political discourse.

Perhaps more significantly, these analysts continue to appeal to linguistic usage to support their accounts of freedom. This is not an appeal to ordinary language, which as we have seen, is inappropriate for clarifying a distinctively political kind of freedom. Instead, it is an appeal to the use of the language of freedom in practical discourse. Whilst this appears to be a more promising source of insight than ordinary language, conceptual agreement about the political idea of freedom continues to elude them. This is because they appeal to different forms of moral and political discourse. Thus, Benn and Weinstein appeal to the language of freedom in ordinary political debate where grievances are expressed and moral claims are made. Taylor appeals to the practical discourse of popular philosophy, where ideals such as the ideal of self-realisation, are extracted from the wider theoretical framework in which they are defended, e.g. utilitarianism. Finally, Baldwin appeals to the practical discourse of philosophy proper, where concepts are part of a broader moral and political theory. In each the language of freedom is used very differently and unless it is made clear that different concepts of freedom are being clarified, no end of confusion and misunderstanding can arise.

How this ‘practical’ language of moral and political discourse is appealed to and interpreted, seems to depend on the wider concerns and preoccupations of the analyst and sometimes on his own value-preferences. This means that how far the efforts of ‘normative’ analysts push us closer to a distinctively political understanding of freedom, depends on the form of discourse they analyse. Thus, reflecting on how the language of freedom is used in ordinary political discourse is of limited help because here discussants focus on practical rather than explanatory concerns. It is therefore ‘political’ in an ordinary rather than in a philosophical sense. The practical discourse of popular philosophy is similarly limited for it discusses ideals independently of a wider political theory. This leaves the practical discourse of philosophy proper. It is here that political freedom is discussed in the context of other political values and principles. However, Baldwin’s wider concerns prevent him from distinguishing this understanding of freedom from rival understandings.
Many of the shortcomings discussed in this chapter arise because the normative accounts of the 1970s and 1980s are tied in important ways to the concerns and methods of their immediate predecessors. In particular, they seek to address the inadequacies and shortcomings of these accounts and they continue to rely on similar methods of analysis. Thus, like the ‘descriptive’ analysts discussed earlier, normative thinkers appeal to linguistic usage to support their accounts of freedom. Thus, Benn and Weinstein appealed to linguistic usage in practical discourse, Taylor appealed to ordinary language and Baldwin examined the language of freedom used in moral and political theories. This common appeal means that there is no rational way of choosing between competing accounts; all are appealing to linguistic usage, yet all are appealing to different kinds of usage. The result is many different and conflicting accounts of freedom. Linguistic usage then, is not a particularly reliable guide to clarifying what is meant by ‘freedom’ in a political context and this is because this language can be used in a multiplicity of ways. It is only when we specify which use we are clarifying, that clarity is maintained.

Despite their shortcomings, the normative accounts of the 1970s and 1980s did succeed in widening the scope of the freedom debate in a fruitful and encouraging way. In particular, by reminding us how the political idea of freedom is part of a wider set of moral and metaphysical assumptions, these thinkers pointed the way to developing more wide-ranging accounts of freedom. Thus, articles exploring the nature or concept of freedom were increasingly set aside in favour of a more comprehensive approach; one which sought to present a theory of freedom. Usually such a theory entailed explicating how freedom was connected to a range of related concepts. Analytical political philosophers ceased then, to conceive freedom as a concept that could be analysed and clarified in an isolated way. Furthermore, they recognised that the political idea of freedom is ‘embedded’ in a wider set of moral and metaphysical assumptions which themselves have to be explicated and examined. How far subsequent thinkers succeed in this new, more theoretical enterprise, will be discussed in the next chapter.
Chapter V - The Theoretical Concerns of the 1980s and 1990s

(i) Introduction: attempts to construct a theory of freedom

The aim of this chapter is to examine recent efforts to construct a theory of freedom. Theories of freedom began to emerge in the late 1980s and were an attempt, by political theorists, to present a more comprehensive and more rigorous analysis of the political idea of freedom than those currently on offer. One way in which they sought to do this was by explicating the moral and metaphysical assumptions that informed and underpinned their accounts. Whilst this more careful approach signified a definite step forward in terms of explicitness and rigour, these assumptions were not always sufficiently examined and as a result, accounts were advanced that fail to satisfy our standard of philosophical adequacy. These theories also fail to clarify a distinctively political kind of freedom. This is because they focus their attention on the liberal values and assumptions of modern, Western societies, rather than on explaining and justifying the nature of the civil state. They thus clarify an ‘ideological’ or ‘normative’ understanding of freedom, rather than a ‘political’ understanding. This means that their accounts are of very limited philosophical interest.

In order to illustrate the common concerns and shortcomings of this period, this chapter will examine the theories of freedom presented by Flathman, Benn and Swanton. In keeping with the basic form of the post-war freedom debate, these theorists are principally responding to the shortcomings of their analytical predecessors. Since these shortcomings are perceived differently from theorist to theorist, different theories or accounts of freedom emerge. Thus, Flathman believes existing accounts fail to do justice to the notion of action and agency, and seeks to rectify this with his ‘situated’ theory of freedom. Benn seeks to ‘systematise’ his own views of freedom and thereby present a more comprehensive analysis than those previously advanced. He labels this effort a ‘semantic’ theory of freedom. Finally, Swanton seeks to avoid the exclusivity of so many post-war accounts of freedom, especially those which try to advance one conception of freedom at the expense of others. She addresses this problem by constructing a ‘coherence’ theory of freedom; a theory which accommodates ‘a wide variety of incompatible conceptions of freedom’ within a single, unified account.1

The theories of freedom that emerged in the late 1980s and early 1990s display a definite shift away from the predominantly article-based accounts that had previously dominated the freedom debate. These more lengthy inquiries into the political idea of freedom were deemed necessary for two main reasons. Firstly, to accommodate the broader concerns being addressed by these theories. Thus, theorists sought to inquire into the value of freedom, as well as its meaning or nature. Secondly, they sought to ground these accounts in a more effective and rigorous manner. This led them to develop more sophisticated methods of analysis. These common concerns and methods will be briefly discussed, before we consider the general importance and significance of each of the theories to be assessed.

1 FCT, p.191.
In some respects the broader concerns of this period are reminiscent of those shared by the thinkers of the early post-war period. Thus, like Berlin, Hayek and Arendt, theorists of this period sought to clarify the value of freedom as well as its meaning or nature. This former goal had been deliberately ignored by those searching for descriptive precision and generally neglected by those who responded to the shortcomings of descriptive accounts. However, theorists of freedom, by expanding the scope of such inquiries, and in particular, by reintroducing arguments about the value of freedom, implied that linguistic analysis alone could not resolve the dispute about how to understand ‘freedom’. In other words, they assumed that further argument was necessary to distinguish between an adequate and inadequate account of ‘freedom’. To this end, they sought to clarify the place of freedom in Western liberal thought; accounts of freedom that failed to recognise the ‘logic’ of this broader realm of thought were dismissed as partial and incomplete.

In addition to being more comprehensive, these theorists sought to ground their claims on much firmer foundations. In particular, they rejected the simple appeal to ordinary or practical linguistic usage and instead developed - though rarely defended - more sophisticated methods of analysis. They also inferred their accounts of freedom from a deeper underlying theory. Thus, Flathman arrived at his account via a detailed critique of rival accounts of freedom and grounded his claims on Wittgenstein’s notion of a ‘situated’ language. Benn explored the connections between, free agency, free action, and free personality, and grounded his claims on a theory of practical reason, and Swanton utilised Rawls’s method of Wide Reflective Equilibrium and underpinned her claims with a theory of human flourishing. Each of these methods fail to explicate a distinctively political understanding of freedom. Instead they clarify an ideological or normative understanding of freedom. Thus, they are ideological in so far as they express the value-preferences of the theorist, normative in so far at they explicate a criterion of freedom implicit in liberal practices.

Before we consider the common shortcomings of these theories, we need to briefly indicate the importance or significance of each. Flathman’s theory is important then, because it explores the logic of equating freedom with freedom of action. Indeed, he is more explicit than any of his contemporaries, that the ‘proper’ subject of analysis for the ‘purposes of moral and political thought’, is ‘freedom of action’. As we have seen, many of Flathman’s predecessors are implicitly or explicitly clarifying the conditions of freedom of action. However, they fail to make this clear and certainly they do not attempt to explicate the notion of individual action in a careful and rigorous way. Whilst Flathman goes some way towards rectifying this shortcoming, it is important to recognise that in accepting unquestioningly the focus of his predecessors, he fails to clarify and discuss a distinctively political kind of freedom.

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2 NB they lacked the broader philosophical/explanatory concerns of Berlin, Hayek and Arendt.
3 i.e. they did not explain why these methods were appropriate for clarifying a distinctively political understanding of freedom.
4 See Chapter I.i on the difficulty of distinguishing an ideological and normative understanding of the political idea of freedom.
5 PPF, p.1.
Whilst Flathman’s theory is important for highlighting the centrality of action in post-war analyses of freedom and for working out the theoretical and practical implications of this, Benn’s theory is significant for its attempt to clarify and recognise the different aspects or elements of freedom in Western liberal thought. Thus, he explores the links between free agency, free action and free personality and insists on their intimate interconnectedness. In the process, he underlines the importance of distinguishing rather than conflating these different aspects of freedom if one is to acquire a clear understanding of the ‘complex-structured concept’ of freedom in a liberal mode of thought. However, like Flathman, Benn fails to clarify a distinctively political kind of freedom, despite being nominally interested in a philosophical understanding of our moral and political relations.

Finally, Swanton’s theory is important because it underlines the need to address methodological questions if an account of freedom is to be rigorously defended. These questions have largely been ignored or neglected by post-war analysts of freedom and the result has been serious shortcomings at the heart of their accounts. In particular, they fail to show why their favoured account is ‘more adequate’ or ‘superior’ and therefore why it should displace others. Whilst Swanton avoids this shortcoming, by explicating the criteria by which competing accounts should be assessed, her analysis begs the question, ‘Why this criteria?’ Indeed, her criteria is explicated in such a way as to favour her own analysis and account of freedom. For example, she insists that an adequate theory of freedom should incorporate as many conceptions of freedom as possible. However, she fails to explain why such incorporation is important and this is because she loses sight of the genuine philosophical problems that the language of freedom can be used to address.

Having indicated the significance of each of the theories to be examined in this chapter, we now need to identify their common shortcomings. To begin then, whilst each of these accounts is presented as a ‘theory’ of freedom, not one explains what is meant or intended by this turn of phrase. This is significant for the phrase ‘a theory of freedom’ implies that there is some fixed phenomena that can be analysed and described in a single, unified way. Yet as we have insisted throughout, the word ‘freedom’ can be used in a multiplicity of ways depending on the concerns of the speaker. This fact is often obscured by those who insist that they are analysing and clarifying the concept of freedom. Indeed, such analysts fail to recognise that they are clarifying a particular conception of freedom which serves their own wider purposes. It is also obscured by ‘theorists’ of freedom who refer to their subject-matter in a similarly misleading way. Thus, Flathman insists that concepts, including ‘freedom’, are “"somethings," not “anythings” or “nothings.” Benn claims to analyse the ‘complex-structured concept of

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6 Flathman does not entitle his work a ‘theory’ of freedom, although he does refer to it in passing as ‘a situated theory of freedom’ (PPF, p.3). He also uses the phrase ‘a theory of freedom’ throughout his book.
7 i.e. it can be used to assert a fact, advance a value, articulate a standard or explain distinctively political relations.
8 PPF, p.8.
freedom', and Swanton refers throughout to 'the freedom phenomena'. All of these phrases suggest that 'freedom' is something "out there" awaiting description, rather than a term that we use to articulate various experiences and aspirations.

Whilst there is some overlap in the subject-matter of these different theories, each identifies a different focus for his or her proposed analysis. Thus, Flathman focuses on the necessary conditions of 'freedom of action', Benn focuses on the necessary conditions of free agency, free action and free personality, and Swanton focuses on the nature of 'political and social freedom'. Despite claiming to clarify that freedom which is central to moral and political thought, all three fail to identify that freedom which is central to a philosophical understanding of political relations. This is because they focus on the freedom of individuals to act, choose, or flourish, rather than on that freedom which is unique to political life and experience. In other words, they fail to reflect on the distinct relations between citizens and government and focus instead on the relations between individuals and various impediments to action. They thus fail to clarify a distinctively political kind of freedom.

This lack of a political focus can partly be attributed to the fact that these theorists are responding to the shortcomings of existing accounts. As a result, they are limited or constrained by the very conceptions they seek to replace. Indeed, in seeking to modify and improve post-war conceptions of freedom rather than construct new ones, they have absorbed the unexamined moral and metaphysical assumptions of their predecessors. Thus, they accept without question the post-war focus on the freedom of individuals, rather than that freedom which is peculiar to political relations. This is in keeping with their own individualistic and liberal assumptions. In responding to existing accounts, these theorists also fail to escape the misunderstandings and confusions of their predecessors and thus simply perpetuate an already fruitless dispute. In particular, they continue the search for a single, unified account of 'freedom' that can satisfy all.

In their effort to establish a single, definitive account of 'freedom', these theorists seek some middle ground between negative and positive conceptions of freedom. The assumption, made explicit by Swanton, was that the more conceptions of freedom that are coherently accommodated, the more adequate the account must be. Thus, instead of advancing one conception of freedom at the expense of the other - and thus perpetuating endless dispute - these theorists attempt to accommodate both conceptions of freedom in a single theory, or at least close or reduce the gap between them. However, this appearance of 'inclusiveness' is misleading for when we examine their accounts more closely we find that they have simply modified the negative conception of freedom to fit in with their own value preferences for autonomy, freedom of choice, and action. Swanton again, speaks for them all when she claims, 'the point of freedom is the value of the absence of limitations inhibiting individuals' potential

9 TF, p.311.
10 FCT, e.g. subtitle of Part IV.
11 CF Flathman's explicit aim, PPF, p.2. Benn and Swanton also accommodate both traditions in their theories.
in their practical rational activity.\textsuperscript{12} This ‘negative’ bias means that positive conceptions of freedom continue to be marginalised and excluded from serious consideration.

Although these theorists accept unquestioningly many of the aims and assumptions of their predecessors, they also acknowledge the limitations of these earlier accounts. In particular, they recognise that when our political concepts are conceived in\textit{normative} terms, i.e. as expressing a standard,\textsuperscript{13} they can only be justified in the context of a wider set of moral and metaphysical assumptions. For these theorists, this meant assumptions about liberal values and human agency. They recognised then, that it was not enough to appeal to linguistic usage - ordinary or practical - to justify an account of freedom. Indeed, as we have seen, such usage points to conflicting conceptions of freedom. The proposed solution to this problem of conceptual dispute was to examine competing conceptions of freedom in the light of our underlying assumptions and concerns. All recognised the distinctively liberal and individualistic perspective from which they wrote, yet none seemed to regard this as a philosophical compromise.

In seeking to clarify a concept of freedom that coheres with the wider beliefs and practices of Western liberal societies, these theorists present a normative or ideological understanding of political relations. Furthermore, they interpret these beliefs and practices differently depending on their wider concerns and preoccupations. As a result, they arrive at very different conclusions regarding the liberal conception of freedom. Since all three theories suffer from some serious methodological shortcomings, no single theory of freedom stands out as definitive. One of the main consequences of this is that these theorists are no nearer to their goal of establishing a shared criterion of freedom; a criterion that enables speakers to make the same judgements regarding whether or not an agent is ‘free’. This shortcoming persists because common judgements are only possible when we are clear about the kind of freedom we are discussing, i.e. moral, political, psychological, etc..

Arguably, the single most important reason why these theories of freedom are so unsatisfactory is because their proponents accept uncritically existing conceptions of philosophy and political philosophy; conceptions which are detrimental to advancing our philosophical understanding of the political. Thus, Flathman conceives political philosophy as an exercise in conceptual analysis and normative theorising, Benn conceives philosophy as principally concerned with assessing reasons for thought and action, and Swanton conceives moral and political philosophy as an inquiry into, and an analysis of, our moral conceptions. All three conceptions restrict our attention to current ways of understanding and conceptualising the political world. Furthermore, all three ignore the explanatory concerns of the Western philosophical tradition; concerns that are central to explicating a distinctively political kind of freedom. Indeed, these theorists, like their predecessors, discuss ‘freedom’ independently of other political values, as if its value is unrelated to these other values.

\textsuperscript{12} FCT, p.99.

\textsuperscript{13} See I.i.
One of the consequences of analysing and conceptualising ‘freedom’ independently of a wider political theory is that these accounts of freedom are explained and justified in terms of ends which are not examined or grounded in some deeper metaphysic. For example, Flathman attributes the value of freedom to satisfying individual interests and desires, Benn attributes its value to establishing the respect due to persons, and Swanton attributes its value to human flourishing. However, not one of these thinkers attempts to connect these values or ends to a wider explanatory framework. As a result, each can be charged with defining or describing freedom in a way that advances his or her own value-preferences and ideological biases.

In sum, many of the shortcomings that characterise these theories of freedom can be attributed to historical ignorance; an ignorance that pervades much of the post-war freedom debate. In particular, there is only a passing acquaintance with the history of political thought and this is drawn on in a selective way to support the claims and assumptions of an account. As a result, these theorists fail to identify genuine philosophical problems connected with the political. Instead, they rest content with responding to the accounts of their analytical predecessors. This means that their accounts are informed by a very narrow and limited set of interests and concerns; concerns that are far removed from the fundamental problems of political philosophy.

(ii) A ‘situated’ theory of freedom: Flathman

In *The Philosophy and Politics of Freedom*, Flathman presents a theory of freedom that is more ambitious, in both aim and scope, than the accounts of his immediate predecessors.\(^\text{14}\) Thus, whilst he shares their concern to clarify the concept of freedom that is ‘salient in our moral and political thinking’,\(^\text{15}\) he also seeks to explain the value of freedom and explicate its principles in modern Western societies. To this end, he engages in conceptual analysis and ‘normative theorizing about freedom’.\(^\text{16}\) On the surface, this more comprehensive effort to clarify the nature and value of freedom, seems to promise fresh perspectives on the political idea of freedom. However, Flathman’s attempt to establish a ‘superior’ account of freedom is beset by some serious methodological problems.\(^\text{17}\) In particular, he fails to justify the proposed focus of his analysis and he fails to maintain the degree of analytical detachment required by our standard of philosophical adequacy. The result is an analysis and an account of freedom that reflects his own ‘liberal’ preferences. In other words, he clarifies an ideological or normative understanding of freedom, rather than a distinctively political understanding.

We will begin our critique of Flathman’s theory by clarifying his view of political philosophy; a view which help to explain his methodological shortcomings. Next, we will consider how the conceptual and normative parts of his inquiry are related. This will underline the lack of detachment that characterises his analysis and account of freedom. Having established some basic problems with the nature and form of Flathman’s inquiry, we will turn to the account

\(^\text{14}\) i.e. those with ‘descriptive’ and ‘normative’ concerns, to which he is directly responding, e.g. Steiner and Taylor respectively. (See *PPF*, Part I).
\(^\text{15}\) *PPF*, p.8.
\(^\text{16}\) *PPF*, p.223.
\(^\text{17}\) *PPF*, p.9.
itself. Here we will discuss the lack of clarity surrounding the subject of his analysis as well its undefended focus. In particular, we will show how Flathman refers to his subject in a multiplicity of ways and how he fails to explain why, ‘[f]or purposes of moral and political thought, our subject should be understood as freedom and unfreedom of action’. Flathman’s failure to justify this latter claim is significant because it is central to maintaining his thesis that freedom is ‘negative, situated and elemental’. Once we have examined and assessed each part of this thesis - a thesis that fails to clarify a distinctively political kind of freedom - we will consider Flathman’s method of analysis. We will find that like his predecessors, Flathman misunderstands the accounts to which he is responding and therefore perpetuates unnecessary confusion and dispute.

To begin then, whilst Flathman refers, early on in his work, to ‘the view of political philosophy that informs these reflections’, he does not make this view explicit. Despite this notable silence, he does preface his work with a quote from Michael Oakeshott which suggests that he shares his view of the subject. This quote is taken from Oakeshott’s essay on ‘Political Education’ (1951), and is edited in such a way as to endorse Flathman’s own conceptual approach. It is printed as follows: ‘Political philosophy cannot be expected to increase our ability to be successful in political activity ... But the patient analysis of the general ideas which have come to be connected with political activity - ideas such as nature, artifice, reason, will, law, authority, obligation, etc. - in so far as it succeeds in removing some of the crookedness from our thinking and leads to a more economical use of concepts, is an activity neither to be overrated nor despised.’

Whilst the above quote seems to explain the motivation behind, and provide some justification for, the conceptual part of Flathman’s inquiry, it does distort Oakeshott’s position. In particular, Flathman ignores the fact that Oakeshott is only justifying the analysis of ideas that perform an ‘explanatory’ function. Since the idea of freedom that Flathman analyses and clarifies does not perform a function of this sort, it can hardly be supported by Oakeshott’s view of political philosophy. Another way in which Flathman distorts Oakeshott’s view is in the way he edits the above quote. Indeed, the edited section is quite revealing for its omission is obviously deliberate. In it Oakeshott claims that political philosophy ‘will not help us to distinguish between good and bad political projects; it has no power to guide or to direct us in the enterprise of pursuing the intimations of our tradition’. Yet this is precisely what Flathman expects of political philosophy in the normative part of his inquiry. Here, he openly endorses the Rawlsian conception; a conception that demands of political philosophy what Oakeshott denies.

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18 PPF, p.1 (my emphasis).
19 e.g. Steiner’s (An Essay on Rights, pp.11-21) and Swanton’s (FCT, p.192) response to the more contentious of his claims.
20 PPF, p.11.
21 Oakeshott, Rationalism in Politics, p.132.
22 Oakeshott, Rationalism in Politics, p.132.
23 Oakeshott, Rationalism in Politics, p.132.
24 PPF, e.g. p.258.
Flathman’s distortion of Oakeshott’s conception of political philosophy is important because it means that it cannot be appealed to, to explain or justify his own inquiry into the political idea of freedom. Indeed, it underlines the need for theorists, in general, to think for themselves about the nature of their inquiry if they are to make a careful and rigorous contribution to an existing debate. Had Flathman thought more carefully about the nature of his inquiry, he may have been more aware of its formal requirements. In particular, he would not have been satisfied with presenting an account which is ‘influenced by [his] own views about how freedom should be understood and about the place it ought to have in moral and political life’.

In ignoring the need for a deeper inquiry into the aims and methods of political philosophy, Flathman is doomed to repeat the mistakes and shortcomings of his predecessors. Mistakes that arise out of an unclear and unexamined conception of political philosophy. It is to some of these mistakes and shortcomings that we now turn.

Arguably the single most damaging aspect of Flathman’s inquiry is his lack of philosophical detachment. This arises because the conceptual and normative parts of his inquiry are intimately interrelated. Thus, ‘the concept of freedom’ is analysed and clarified in such a way as to facilitate his ‘normative theorising about freedom’. This normative theorising, in turn, has a very specific objective which is informed by Flathman’s wider concerns and preoccupations. These are practical rather than philosophical. In particular, he believes that existing views of freedom are unsatisfactory because they ‘leave the major moral and political questions about freedom unanswered.’ For example, they do not tell us ‘how to rank the value of freedom in comparison with other moral and political values, they do not tell us who should be free to do what under what circumstances, and they do not tell us how to achieve and maintain the freedom we value or how to combine various freedoms with one another or with other desiderata.’ One of Flathman’s aims is to address these shortcomings. To do this he has to conceive ‘freedom’ in such a way as to make these questions precise and answerable.

Flathman’s analysis and account of freedom is then, predetermined by these normative concerns or questions. This means that his ‘normative theorising about freedom’ is not based on a detached analysis of what we mean by ‘freedom’ - even though it is often presented in this way. Thus, in the opening pages of his book, Flathman presents his inquiry as ‘thinking that aims to clarify and elaborate upon concepts and ideas’. He does not explain why this is necessary or important, nor what he hopes to achieve by it, and as a result, a ‘neutral’ or ‘detached’ analysis of concepts is implied. This misleading way of presenting his analysis is reinforced by his claim that if he has ‘shown that these analyses are superior (to the available

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25 NB Flathman does not explicitly appeal to Oakeshott in this way, but why else preface one’s work with such a quote?
26 PPF, p.10 (my emphasis).
27 This is how Flathman frequently refers to his subject, PPF, e.g. p.111.
28 PPF, p.223.
29 i.e. answering moral and political questions rather than explaining/understanding our political relations.
30 PPF, p.111.
31 PPF, p.111.
32 PPF, p.9.
 alternatives) by the criteria appropriate to\textsuperscript{33} this kind of thinking, then ‘proponents of alternative views who are engaged in this kind of thinking should give those views up.’\textsuperscript{34} This suggests that there is only one ‘correct’ way of conceiving ‘freedom’ and related ideas. However, as we have insisted throughout, how we conceptualise ‘freedom’ depends on our wider concerns and preoccupations. Furthermore, no two analysts of the post-war era, share exactly the same concerns.

Having indicated the problems that arise from failing to think sufficiently carefully about the nature and aims of his inquiry, it is now time to assess Flathman’s analysis and account of freedom. As we have seen, Flathman believes that ‘[f]or purposes of moral and political thought’, ‘freedom’ should be understood as ‘freedom of action’.\textsuperscript{35} He does not explain why freedom should be conceived in this way, he simply assumes this is an appropriate starting point, and proceeds accordingly. One of the reasons why he overlooks the need to justify this starting point is because of the widespread acceptance of the connection between freedom and individual action in recent moral and political thought. This connection is presupposed by, amongst others, Berlin, Hayek, Arendt, Oppenheim, MacCallum, Steiner, Day, Feinberg, Benn and Weinstein, and C. Taylor. However, this connection has not always been central to this form of thought, as some familiarity with the history of political thought has illustrated.\textsuperscript{36}

Flathman’s failure to recognise the different functions that the language of freedom can perform in moral and political thought, suggests like many of his contemporaries, he is ignorant of the tradition to which he contributes. Indeed, he draws on the history of political thought in a selective way to support his own analysis. In the process, he often distorts and misinterprets the accounts to which he appeals. For example, he refers to ‘the tradition that identifies moral and political freedom as freedom of agency’.\textsuperscript{37} He is not explicit about whom this tradition consists of, but earlier in his analysis he presents Hobbes, Locke, Hume, Bentham, James Mill and ‘classical utilitarians generally’ as conceiving freedom in these terms.\textsuperscript{38} He provides little direct evidence to support this claim which is not surprising given that this interpretation distorts these accounts. In particular, it suggests, misleadingly, that these theorists only use the language of freedom to refer to freedom of agency. However, more often than not, these theorists use the language of freedom in a multiplicity of ways and in ways that are dictated by the ‘problems’ they are addressing.\textsuperscript{39}

One of the reasons why Flathman misrepresents the past is because of his narrow conception of moral and political thought. For him, it does not entail explaining or understanding our distinctively political relations. Instead, it amounts to ‘normative theorising’; to answering

\textsuperscript{33} PPF, p.9.
\textsuperscript{34} PPF, p.9.
\textsuperscript{35} PPF, p.1.
\textsuperscript{36} See I.1.
\textsuperscript{37} PPF, p.224.
\textsuperscript{38} PPF, p.28.
\textsuperscript{39} NB this is not always ‘the political problem of freedom’, i.e. how to remain free whilst coerced, which is the problem that demands/creates a distinctively political understanding of freedom (I.1).
practical questions that arise in moral and political life. It is therefore an exercise in applied philosophy rather than philosophy proper. This focus on the practical, means that Flathman has failed to identify the appropriate context for clarifying a distinctively political kind of freedom. Indeed, as we shall see, there is nothing distinctively political about his account. Despite this, he claims that his work is to be ‘a study that is at least nominally focused on political freedom’.\textsuperscript{40} In failing to distinguish ‘political freedom’ from ‘freedom of action’, Flathman, like his ‘analytical’ predecessors obscures a distinctively political understanding of freedom. Indeed, by accepting uncritically their focus on ‘freedom of action’, he simply repeats their mistakes.

So far we have shown how Flathman’s unexamined focus on ‘freedom of action’ is both contentious and misplaced; it is also vague and imprecise. This is because of the variety of ways in which he refers to his subject. For example, he sometimes refers to it as ‘human freedom’,\textsuperscript{41} sometimes as ‘moral and political freedom’\textsuperscript{42} and sometimes as ‘individual freedom’.\textsuperscript{43} Flathman does not explain these different qualifying terms; nor does he use them to make conceptual distinctions. We can therefore assume that he believes ‘freedom of action’ is equivalent to these other kinds of freedom. This equation is significant for it obscures from view other important conceptions of freedom; conceptions which can arguably be distinguished by these different qualifying terms and which help to articulate very different concerns to those informing Flathman’s account. In failing to recognise this, Flathman’s account undermines clarity of thought. It also implies that his analysis is more far-reaching than it actually is. In particular, it suggests that he has clarified the meaning or the nature of, for example, human freedom, rather than a conception of freedom that illuminates a specific set of normative concerns or questions.

Having shown that there is a great deal ambiguity and confusion surrounding the subject of Flathman’s analysis, it is now time to assess his thesis that freedom is ‘negative, situated and elemental’. The easiest way to do this is to assess each part of his thesis in turn. This is aided by the fact that each part corresponds to one of the three main divisions of his book. Thus, in Part I he criticises existing ‘views’ or theories of freedom and advances a modified version of the negative conception. In Part II he ‘elaborate[s], defend[s] and detail[s] the implications of the thesis that freedom and unfreedom are situated’,\textsuperscript{44} and in Part III he considers why freedom is valuable and how it is to be upheld in practice. These normative and practical concerns lead to some general reflections on its ‘elemental’ status. We will find that each part of this thesis presupposes ‘that “freedom” is a predicate of actions’.\textsuperscript{45} This means that Flathman’s claims are not as far reaching as he assumes. In particular, his claims refer to an understanding of freedom.

\textsuperscript{40} PPF, p.188.
\textsuperscript{41} PPF, e.g. p.31, p.50, p.116, p.129, p.147, p.154.
\textsuperscript{42} PPF, e.g. p. 86, p.215, p.315.
\textsuperscript{44} PPF, p.111.
\textsuperscript{45} PPF, p.2.
that illuminates his own normative concerns. These are not claims about the nature of ‘human freedom’, ‘moral and political freedom’ or ‘individual freedom’.

Flathman begins his critique of rival accounts by identifying five different ‘kinds’ of freedom and unfreedom in the philosophical literature: freedom and unfreedom of movement, freedom and unfreedom of action, autonomy and heteronomy, communal freedom and unfreedom, and fully virtuous freedom and unfreedom. According to him, ‘these different kinds of freedom ... are importantly distinct and each of them can be seen to have an established place in our thought and action. [He goes on] The point is not to give one among them priority but simply to keep them distinct so that thought and action about them can proceed in a clearheaded manner.’

Flathman recognises that ‘[s]uch conceptual pluralism or latitudinarianism has been powerfully resisted by the major writers on the topic of freedom’ but he believes that it can help us to ‘deal with the differences among’ competing accounts.

Despite this initial ‘latitudinarianism’, Flathman spends the next two-thirds of his book dismissing these different kinds of freedom, and “reducing” them to ‘a single concept of freedom’. For example, he argues that the last three kinds confuse freedom with virtue and therefore ‘should not be regarded as kinds of freedom’, and he insists that whilst freedom of movement ‘is genuinely a kind or sense of freedom,... it is of interest to the moral and political theory of freedom only insofar as it is an element in freedom of agency.’ In “reducing” these different kinds of freedom to a single concept of freedom, Flathman obscures from view, conceptions of freedom which have played an important role in moral and political thought; thought which seeks to address the fundamental problems of human existence. The basic motive behind this “reductive” process is the desire for a ‘single concept of freedom that we can hold constant as we debate normative questions such as the rank that should be assigned to freedom among other perhaps competing desiderata.’ Thus, Flathman admits that positions he has taken on the concept of freedom in Part I ‘have quite definite and quite substantial normative implications’.

In order to arrive at this ‘single concept of freedom’, Flathman devotes Part I of his book to criticising and dismissing rival accounts of freedom. Most of this attention is directed at modern analytical accounts, rather than accounts found in the history of political thought. Thus, he accepts uncritically the ‘analytical’ distinction between ‘negative’ and ‘positive’ accounts and directs his attention at each ‘camp’ respectively. Flathman’s dissatisfaction with, and criticisms

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46 *PPF*, p.17 and appendix, p. 322.
47 *PPF*, p.17.
48 *PPF*, p.17.
49 *PPF*, p.16.
50 *PPF*, p.89.
51 *PPF*, p.223.
52 *PPF*, p.223.
53 *PPF*, p.18.
54 *PPF*, p.111.
55 His main target is Charles Taylor, but he also uses the thought of Rousseau, Kant and Hegel to develop his critique of ‘positive’ conceptions ( *PPF*, Part I).
of these accounts, often arises out of a misunderstanding and distortion of their aims and achievements. For example, he rejects the Pure Negative view of freedom by arguing that ‘the subject-matter of the theory and practice of human freedom is not movement, it is action’.\footnote{PPF, p.31.} This though, is to misunderstand the goal of the pure, negative theory, which is descriptive precision rather than a definitive account of ‘human freedom’.\footnote{Admittedly, these theorists often present their accounts as if they have clarified the meaning or the nature of freedom, cf. Steiner.} Flathman also assumes, like his predecessors, that negative and positive theories are competing theories, trying to answer the same questions. However, as we have insisted throughout, negative and positive theories of freedom arise out of different concerns and preoccupations and recognising this is an important part of understanding and assessing them. This suggests that it is not enough to respond to the shortcomings of existing accounts to defend one’s own account of freedom, for these accounts are developed to address very different concerns.

Having dismissed as confused or irrelevant, rival conceptions of freedom in the philosophical literature - albeit it in way that reflects his own wider concerns and preoccupations - Flathman presents his own favoured definition.\footnote{Flathman actually presents this favoured definition of ‘freedom’ in the opening pages of his book. This underlines the fact that this is his preferred understanding, rather than an understanding arrived at through a ‘detached’ form of philosophical analysis.} Thus, according to him, ‘[a]gents and their actions are free insofar as their attempts to act are not prevented by the actions of other agents, unfree insofar as they are so prevented.’\footnote{PPF, p.1. This claim rests on the assumption that freedom should be understood as freedom of action. Once we accept that there is no compelling or overriding reason why freedom should be understood in this narrow, analytical way, such a claim breaks down.} Whilst this ‘empirical’\footnote{i.e. he arrives at it by criticising the accounts of his rivals (PPF, Part I).} understanding of freedom is presented as a ‘detached’ analysis of what we mean by ‘freedom’,\footnote{i.e. it can only be explicated in the context of a wider political theory (I.iii).} it is clearly derived from Flathman’s wider normative concerns. That is to say, ‘freedom’ is defined in such a way as to facilitate the answering of the ‘moral and political questions’ cited earlier. This negative, ‘empirical’ understanding of freedom is far removed from a distinctively political understanding of freedom because it is informed by the practical concerns of political life rather than by the explanatory concerns of political philosophy. In failing to grasp the ‘logic’ of a distinctively political understanding of freedom,\footnote{cf. its similarity to the ‘descriptive’ accounts of the 1960s and 1970s (Chapter III).} Flathman simply advances his own ‘liberal’ preference for freedom of action and choice. It is this ‘empirical’ understanding of freedom that lies at the heart of his tri-partite thesis that freedom is ‘negative, situated, and elemental’.

So far we have indicated certain problems and limitations with Flathman’s ‘negative’ thesis, we now need to assess his thesis of ‘situatedness’. This is one of the most distinguishing features of Flathman’s theory and whilst we do not have room to examine it in any great detail, it is central to understanding his ‘empirical’ understanding of freedom. As we have seen, Flathman defines freedom negatively, as being unimpeded by others. He thus appeals, like Oppenheim and Steiner before him, to our ordinary understanding of freedom. However, unlike these
‘descriptive’ predecessors, he qualifies this ‘negative’ understanding in an important way. That is to say, he qualifies it with his thesis of ‘situatedness’. According to this thesis, it is only a certain range of actions are conceived as unfree or ‘prevented’ by the actions of others. To understand this qualification we need to clarify what Flathman means by ‘situatedness’.

For Flathman then, ‘situatedness involves such elements as shared language, common traditions and beliefs, norms and rules that are more or less settled among persons who make up a community or association’.63 This notion of ‘situatedness’ is understood in ‘the generic, morally indeterminate Wittgensteinian form’, rather than in a morally determinate Hegelian sense.64 Thus, conventions and rules are ‘open-textured and subject to change’65 rather than fixed or ‘closed’. According to Flathman, it is because ‘[a]ctions take their identifications and much of their character from these features of the situations in which they occur’,66 that ‘entire or unrestricted freedom’ as construed by negative theorists is impossible.67 Indeed, he goes further and argues that situated actions are ‘a feature of the use of the concept of freedom’.68 That is to say, ‘situatedness is a condition of talk about freedom’.69 However, this claim is not as far-reaching as Flathman assumes. In particular, it presupposes that we accept his contentious claim that ‘freedom’ is (only) a predicate of action.

One of the motives behind this ‘situated’ part of Flathman’s thesis seems to be his desire to reduce ‘the conceptual distance’ between negative and positive conceptions of freedom.70 In particular, he seeks to establish a more acceptable middle ground between the pure negative theory which insists that any impediment to movement is an obstacle to freedom, and positive theories that insist agents must be virtuous to be free. Thus, he talks of ‘situating negative freedom’ as a way of countering mechanistic theories of negative freedom,71 and he rejects positive theories on the grounds that ‘[i]f there are human beings or human behaviors that are privatized in the deep sense suggested by talk about enslaving passions and desires, neither the human agents nor their behaviors are freedom-evaluable.’72 That is to say, there is no shared criteria or ‘rules’ for ‘evaluating’ whether or not an agent is free. In criticising these rival conceptions in this way, Flathman ignores, once again, the wider concerns and preoccupations that inform them. Indeed, this ‘situated’ thesis simply facilitates his own ‘normative theorising’ about freedom by providing a conceptual framework for identifying obstacles and impediments, interferences and restrictions that are relevant to this form of thought.73

63 PPF, p.112.
64 PPF, p.3.
65 PPF, p.238.
66 PPF, p.112.
67 PPF, p.112.
68 PPF, p.112.
69 PPF, p.113.
70 PPF, p.2.
71 PPF, p.179. In particular, if actions are ‘situated’, then what counts as ‘free’ depends on how agency and action is understood in a particular culture or society (PPF, p.315).
72 PPF, p.2.
73 PPF, p.179.
So far we have shown how Flathman’s claim that freedom is ‘negative’ and ‘situated’ is derived from his undefended assumption ‘that “freedom” is a predicate of action’. His claim that freedom is ‘elemental’ is also derived from this assumption. By ‘elemental’, Flathman means two things. Firstly, that freedom- evaluability and freedom of action are elements in many of the activities that take place in modern Western societies. And secondly, that freedom is ‘assumed, not explicitly attended to or controverted, below the surface of self-conscious acting and interacting.’ Both claims presuppose his ‘empirical’ understanding of freedom as free action and are therefore irrelevant to advancing a distinctively political understanding of freedom. Indeed, Flathman, like his predecessors, effectively ignores the idea of freedom that we are interested in as political philosophers. Instead, he describes that freedom which is valued by Western liberal societies. He believes that given what we profess to value, i.e. agency, freedom should be elemental in societies like our own. Despite this, it is more often ‘minimal’. He believes his analysis of ‘freedom’ helps to illuminate and address this fact.

Although Flathman does not try to disguise the conceptual limitations of his account - indeed, he only professes to be showing that freedom is negative, situated and elemental in societies like our own - this does raise the question of why his analysis should be of any philosophical interest. Indeed, whilst he deploys the techniques of analytical philosophy - albeit in an inadequate way - to reach his conclusions, his conclusions are not designed to establish some philosophical insight into the nature of distinctively political relations. This is not surprising given that his conception of freedom is intimately tied to an empirical and individualistic outlook; one which betrays a peculiarly modern, liberal perspective. Nevertheless, the detached and critical philosopher of the analytical tradition must seek to escape the assumptions and preferences or his or her own society and explicate instead a conception of freedom that is relevant to any political arrangement, not just one that he, or his society, values. Such a conception should ideally help to explain and justify these arrangements, not simply describe them.

Having shown how Flathman’s equation of freedom with freedom of action leads to his thesis that freedom is negative, situated and elemental, it is now time to consider the high value that he attaches to this freedom. This, we will find, is determined by a set of unexamined moral and metaphysical assumptions about human agents and their goals. In particular, it is based on certain ‘empirical generalizations’ about human beings and their circumstances. Thus, he assumes that ‘human beings are desiring, interest-pursuing, end-seeking, purposive creatures.’ Given these characteristics and the environment in which they live, humans must take action to achieve their ends. Since freedom (of action) is ‘necessary to the pursuit and  

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74 PPF, p.2.
75 PPF, p.316.
76 PPF, p.317.
77 PPF, p.9.
78 PPF, p.10-11.
79 See below for further discussion of this.
80 PPF, p.230.
81 PPF, p.227.
satisfaction of a great many interests and desires, the achievement of many ends and purposes, and contributive to the satisfaction and achievement of yet many more, it is ‘a good of great general value’. Whilst Flathman acknowledges that this account of human beings is not acceptable to everyone, nor complete in itself, he believes that it is ‘a modest elaboration upon, thinking that is widely received in modern Western societies.’

There are least two problems with these claims. Firstly, Flathman assumes that just because a view of human nature is widely received, it is reliable and can be used as a basis for inferring certain moral and political values and principles. However, such a view could be widely mistaken; it could for example, accurately describe the way we currently are, but this is not the same thing as describing what we should be if we are to fulfil our potential as human beings. Secondly, and relatedly, even if this view of human beings is correct, it does not mean that it is one that we want to endorse. Thus, we may decide that this materialist view of existence is shallow and uninspiring and fails to tap into our search for the morally good life. Of course, Flathman’s description of human ends is sufficiently vague to allow this to be a goal of human endeavour but this ignores the fact that the morally good life may depend on an environment conducive to that life and may be unobtainable in other forms of life. In other words, it may demand considerable restructuring of existing forms of social and political life; something which is not compatible with freedom of (individual) action.

It only remains to clarify and assess Flathman’s method of analysis. This, as we shall see, fails to satisfy our standard of philosophical adequacy. According to Flathman then, his ‘conclusions are based on interpretations and elaborations of an array or constellation of concepts and ideas that are salient in our moral and political thinking’; concepts such as action, agency, desires, interests, virtue, rights, justice and the good. Whilst he accepts that alternative interpretations and elaborations of these concepts and ideas are possible, he does not regard this as a shortcoming with his approach. Indeed, he is upfront about the fact that there is no methodological procedure that could underwrite his claims. This though creates a problem for Flathman, for he assumes there can be ‘better as opposed to worse accounts’ of freedom. However, he provides no criteria of adequacy according to which these varying accounts can be assessed. He assumes that such a criteria exists, but he fails to make it explicit. Whilst then, Flathman believes his ‘accounts are improvements upon those that [he] argue[s] against’, we have no criteria for agreeing with this claim.

82 PPF, p.228.
83 ‘the factual generalizations I advance may be only true of some cultures and societies.’ PPF, p.230.
84 PPF, p.230.
85 Cf. for example, the thought of Rousseau and T. H. Green.
86 PPF, p.8.
87 PPF, p.8.
88 PPF, p.8.
89 PPF, p.8.
90 Except of course, a very general criteria of rigour, as in the standard of philosophical adequacy being used in this thesis.
91 PPF, p.9.
92 PPF, p.8.
Another problem with Flathman’s method is that it is developed from a particular philosophical perspective, rather than in response to a genuine philosophical problem associated with the political. Thus, he believes that ‘fresh perspectives on issues about freedom’ are promised by recent work concerning language and meaning, action, agency and personal identity, and philosophical and empirical psychology. These issues, upon which he focuses, are as we have seen, the result of extracting the language of freedom from its wider linguistic and historical context. Furthermore, Flathman’s account is inherently ideological, for it is extracted or implied from existing beliefs and practices, rather than arrived at through philosophical reflection upon the political. It is therefore an account that is difficult to justify on philosophical grounds. Indeed, it “interprets and elaborates” liberal moral and political thinking, rather than philosophical moral and political thought. Despite these criticisms of Flathman’s method, his approach is arguably appropriate to the ‘normative’ task he has set himself, even if it difficult to conceive this as a philosophical task.

In sum, Flathman’s theory of freedom is of very limited philosophical interest and this is because he focuses on how freedom is conceived in modern, Western societies rather than on how it is conceived in the context of a wider political theory. As a result, he fails to clarify our distinctively political understanding of freedom. If he has succeeded in anything, it is in clarifying the idea of freedom of action and its role in modern Western societies. However, in presenting his analysis as a more satisfactory or a more correct account of ‘freedom’, Flathman gives the misleading impression that he is engaging in the same project as his fellow contributors. That is to say, he presents his account of freedom as if it is discussing the same “something” as his predecessors, but in reality he is clarifying “something” which fits in with his own particular concerns and preoccupations; concerns and preoccupations that are often different to those that inform the accounts he is criticising. Once again then, we witness a dispute being perpetuated, because a contributor has not fully understood the accounts to which he is responding; accounts which are themselves of limited philosophical interest.

(iii) A ‘semantic’ theory of freedom: Benn

Like Flathman, S. I. Benn in A Theory of Freedom, seeks to clarify the concept of freedom that sits at the heart of modern liberal thought. However, whereas Flathman’s aim is to defend the thesis that freedom is ‘negative, situated and elemental’, Benn’s aim is ‘to trace the broad outlines of a theory that will exhibit the coherence of a concept of freedom which meshes into a

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93 PPF, p.20.
94 This can be done. In particular, the philosopher would have to show why existing beliefs and practices are more authoritative than ones arrived at through abstract or philosophical reasoning. Flathman provides no such reasoning, he simply assumes a liberal starting point and proceeds accordingly.
95 His method allows that an alternative account could be just as acceptable (See above - problems with his method).
96 PPF, p.8.
97 Thus, he claims that his account will be informed by a ‘web of belief ... which readers of this book are likely to be familiar, and to which they will find themselves broadly committed by still other beliefs that they hold.’ (TF, p.124) This quote is ambiguous for whilst initially he appears to be addressing all, it soon becomes apparent that he is only addressing Western liberals.
web of beliefs about personality, action, and personal relations'. This 'semantic' theory of freedom is, in part, the product of Benn's earlier writings on freedom and related topics; writings which he believes benefit from being placed within a single 'embracing theory'. However, as we shall see, it is not clear what this theory actually achieves, for whilst it helps to illuminate these conceptual connections, they are connections that are peculiar to liberal thought and assumptions. In other words, the account, as Benn himself admits, is inherently 'ideological'. This means that no attempt is made to defend or explain the 'liberal' assumptions that inform and underpin it. Indeed, these are simply asserted as an acceptable starting point for 'philosophising' about the political. The result is an analysis and account of freedom that is of very limited philosophical interest.

Whilst this 'semantic' theory of freedom may satisfy Benn's personal desire to systematise his own thoughts about the 'liberal' idea of freedom, it is questionable how far his efforts are of more general interest. Indeed, as we will see, much of his theory rests on unexamined and untenable metaphysical assumptions about the nature and language of freedom. For example, he assumes without question that there is a 'semantic reality' of freedom which can be unveiled by analysis. This in turn leads him to assume that a single, unified account of freedom can be established. As well as failing to examine and justify these underlying assumptions, Benn presents an account of freedom that is misleading. In particular, he begins his analysis with an apparently neutral account of practical reason and then uses this to inform and underpin his account of freedom. The upshot of this is that the grounds of his account appear to contain no ideological or value-bias. However, as his analysis proceeds, it becomes clear that he is clarifying the idea of freedom central to the liberal tradition. In failing to make the conceptual limitations of his account explicit from the outset, Benn’s theory appears to be more far-reaching than it actually is. That is to say, he seems to be saying something about that freedom which is unique to human beings, rather than that freedom which is valued and presupposed by liberal thinkers.

The aim of this subsection is to discuss these shortcomings as well as those that prevent Benn from clarifying a distinctively political kind of freedom. We will begin by examining his conception of philosophy as this is central to his theoretical approach to freedom. We will then consider the method by which he arrives at his account of freedom. This will include a critique of the unexamined metaphysical assumptions mentioned above. Next, we will question the goals of Benn’s theory. In particular, we will show how his 'semantic' theory of freedom is of limited philosophical interest. Finally, we will show how Benn’s account of freedom is informed by 'liberal' assumptions about the nature of human agents and their societies. Indeed,
it is these individualistic assumptions that arguably prevent him from clarifying a distinctively political kind of freedom.

Benn begins his inquiry with some general remarks about the nature of philosophy. Thus, according to him, '[p]hilosophy is about what, if anything, can count as a reason in appraising beliefs, arguments, actions, and proposals to act, for valuing or disvaluing activities, situations, objects, characters, and so on.' 103 This rather narrow conception of philosophy fits Benn’s underlying project which is to explicate and assess reasons for action. He postulates two main types of reason for action: person-centred reasons and value-centred reasons. 104 The former constitute principles of action such as freedom, justice, equal respect for person’s rights, and fidelity to truth, 105 and the latter constitute axiotima or ‘things to be valued’ such as human beings. 106 These reasons provide the basic materials for Benn’s theory of practical reason or rational action. 107 This theory in turn informs and underpins his analysis and account of freedom. 108

Before we consider how Benn’s account of freedom is related to his theory of rational action, we need to assess critically his conception of philosophy. This is important for although Benn assumes he is engaging in a philosophical enterprise, there are some fundamental problems with his conception that render his efforts less ‘philosophical’ than they first appear. In the first place then, Benn endorses a narrow, analytical view of philosophy. This conception, whilst dominant in the post-war era, is far removed from the more synoptic view of the Western philosophical tradition. 109 As we have seen, the emphasis of this more recent conception is on analysing how we think and reason rather than on addressing genuine philosophical problems that arise from general reflections about our physical and moral experiences. Indeed, these reflections, which seek to explain our experiences in a coherent and well-grounded way, have been widely dismissed as misguided and undeserving of philosophical attention. 110 The irony of this view is that these arguably genuine problems that arise out of a genuine desire to understand our experiences in a coherent way, have been displaced by ‘problems’ of the philosopher’s own making. This is clearly illustrated by the freedom debate, that we have been examining. 111 This suggests that a purely analytical approach to philosophy, including political philosophy, is severely limited in its aims and achievements. 112

103 TF, p.1.
104 Benn acknowledges that there may be other reasons, including symbolic reasons. (TF, p.15).
105 TF, p.8.
106 This is the term that Benn uses (TF, p.8).
107 There appear to be some serious problems with Benn’s theory of rational action. For example, it is not clear how the theory applies to the public sphere of decision-making. However, these problems go beyond the scope of this thesis.
108 See below for a fuller discussion of this.
109 See I.iii.
110 See in particular the influence of Wittgenstein, who believed it was the philosophical desire to generalise which created so many of these traditional problems.
111 i.e. its attempt to clarify the nature of freedom.
112 See I.iii for a more detailed discussion of this point.
Perhaps more significantly, Benn accepts a view of philosophy that abandons the search for truth and instead assesses claims in terms of the less demanding criteria of logical consistency and coherence. This is not surprising given his focus on reason-giving - and assessing these reasons - in practical and theoretical forms of discourse. However, this view of philosophy entails abandoning one of the central and most important goals of the philosophical enterprise. This is to explain why the world should be conceived one way rather than another; why for example, we should believe A rather than B, or why we should value X rather than Y. Benn in effect displaces the concept of truth with the concept of reason. This is arguably inevitable once philosophy is conceived as chiefly concerned with appraising beliefs and actions in terms of their consistency and coherence, rather than in terms of their truth, i.e. in terms of how things are.

This general conception of philosophy informing Benn’s account of freedom is difficult to defend. Indeed, it undercuts the basic project of philosophy which is to distinguish truth from falsehood. Once this project is abandoned there is no check on what we can think, believe and value, for as long as we maintain consistency and coherence our thoughts, beliefs and values are deemed to be acceptable. The main reason why this position is untenable is because it implies that we have no common criteria, such as truth, by which to assess competing theories and claims. This means that we can be faced with several competing accounts between which we cannot rationally choose. This position undermines one of the most important objectives of philosophy which is to establish the most reasonable or most true set of beliefs. That Benn’s account of freedom is informed and grounded by an inadequate and undefended conception of philosophy, helps to explain why it is beset by some serious methodological problems.

Having shown how Benn’s theory of freedom is informed and underpinned by a narrow and untenable conception of philosophy, we now need to consider his analysis and account of what he terms ‘the complex-structured concept of freedom’. As we will see, Benn mainly deploys the logical and linguistic techniques of the Western, analytical tradition to arrive at this account. This is not surprising given his narrow conception of philosophy. However, despite this supposedly detached approach, Benn produces an account of freedom that contains certain ideological biases. In particular, his account reflects the liberal biases of modern, Western society. This needs to be illustrated before we assess critically his method, for only with this account in hand will it be clear that it is not simply the product of logic and linguistic analysis.

113 TF, p.1. Less demanding because several compatible theories can be consistent and coherent. The more difficult task is to show which theory is ‘true’.

114 TF, p.1.

115 There is a concept of truth operating in Benn’s theory but it is agent-relative (TF, e.g. p.79).

116 Identifying ‘how things are’ is of course one of the chief philosophical problems, and is not one that can be dismissed without dismissing the whole philosophical enterprise of the Western tradition. To cease to grasp such problems is to cease to be a philosopher in the traditional sense; it is to confine this field of inquiry to the narrow concerns of a generation rather than the diverse concerns of a civilisation.

117 i.e. it is grounded in a theory of practical reason which in turn is informed by a narrow conception of philosophy. NB ‘right reasoning’ depends as much on content (including one’s assumptions) as much as form (e.g. coherence).

118 TF, p.311.
Benn then, believes that there are three principal constituents of the complex concept of freedom: freedom of action, autarchy, and autonomy.\textsuperscript{119} Freedom of action is conceived in a negative way as the 'non-restriction of options'. It thus expresses the liberal preference for non-interference with the choices of the individual. 'Autarchy' is a term used by Benn to describe a free, decision-making agent and embodies a liberal conception of agency. Thus, the free agent is conceived as an atomistic individual who thinks about and pursues his own projects and goals.\textsuperscript{120} Finally, the personality ideal of autonomy expresses the liberal vision of one who continually assesses his beliefs in the light of new experiences in an effort to make his beliefs consistent and coherent.\textsuperscript{121} This ideal, according to Benn, is 'available only within a plural tradition'\textsuperscript{122} and 'comes close to one idea of freedom as positive'.\textsuperscript{123} Each of these liberal conceptions are asserted rather than defended. Indeed, they are presented as reports of how an agent's freedom is conceived in the Western liberal tradition. However, at no point is it explained why this liberal tradition should be accepted or endorsed. It is assumed, rather than shown to be an acceptable starting point for philosophical reflection.

Benn, in keeping with his narrow conception of philosophy, arrives at this tri-partite account of freedom by a process of mainly logical steps. He begins then, by deriving his 'negative' conception of freedom from a theory of rational action. According to this theory, freedom is a principle; a person-centred reason for action. More specifically, it 'has to do, in the first instance, with not interfering with someone's actions'.\textsuperscript{124} This principle is derived from the principle of respect for persons which in turn is grounded in the concept of a natural person.\textsuperscript{125} Here then, we see how Benn infers his account of freedom of action from an underlying theory of practical reason. However, this underlying theory is, as we have seen, informed by a narrow conception of philosophy and this leads Benn to describe 'freedom' from a very partial perspective.\textsuperscript{126} Furthermore, this theory contains certain unexamined assumptions about persons and their moral relationships and this places a serious question-mark over conceiving freedom in the 'negative' way Benn favours.

To see how these grounds fail to support Benn's account of freedom of action, we need to consider each of them in turn. Firstly then, it is because Benn conceives philosophy as principally concerned with reasons for action and belief, that he presents practical reason in these narrowly instrumental terms. Thus, practical reason is conceived as a means of weighing up competing goods and competing reasons for action, rather than as a means of ensuring right (moral) conduct.\textsuperscript{127} The idea of freedom is fitted into this 'practical' framework by being conceived as a reason for action. However, this is not the only way 'freedom' can be

\textsuperscript{119} TF, p.311-2.
\textsuperscript{120} See TF, Chapter 8.
\textsuperscript{121} TF, p.182.
\textsuperscript{122} TF, p.182.
\textsuperscript{123} TF, p.312.
\textsuperscript{124} TF, p. 11.
\textsuperscript{125} See TF, chapter 5.
\textsuperscript{126} i.e. from a liberal perspective and from a perspective that reflects his own concerns and preoccupations.
\textsuperscript{127} Thus, practical reason can also be conceived in an Aristotelian way as indicating right (moral) conduct.
conceived. Indeed, one need only look at the accounts of freedom of the post-war era to see that Benn is describing freedom from a very specific perspective, to fit his particular concerns and preoccupations. This perspective is not one that can elucidate the concept of freedom, despite Benn presenting his account in this way. Such talk, as we have seen, is misleading for it obscures other important ideas or concepts of freedom.

The second problem with Benn’s theory of rational action as a ground for his account of freedom of action is the unexamined assumptions that it contains. Thus, Benn assumes that we are ‘committed’ to respecting others by virtue of recognising them as natural persons with their own valued projects. This leads him to argue for a principle of non-interference. The problem with this inference is that at no point does Benn offer an adequate explanation of why we have such a commitment. That is to say, he fails to ask the logically prior question of why mutual recognition necessarily points to certain substantive principles of action. This is important for if the principle of non-interference cannot be derived from Benn’s theory of rational action, then there is no reason why freedom should be understood in the negative way that Benn proposes.

There are then, significant problems with Benn’s attempt to derive his account of freedom of action from a particular theory of rational action. However, this is not the only method he uses to defend his account. Thus, Benn also analyses ‘the way in which the concept of freedom of action functions in practical discourse’. This, as we saw in his earlier joint paper with Weinstein, leads him to conceive freedom as ‘a thought-token’; as ‘a counter for expressing grievances, claiming rights, and defending interests.’ This supports his claim that freedom is a principle or reason for action. However, as argued in IV.ii above, this amounts to clarifying an ideological or normative understanding, rather than a philosophical understanding. It therefore fails to illuminate distinctively political relations.

From this ‘negative’ account of freedom of action, which is used to identify the objective choice conditions facing the agent, Benn turns his attention to the subjective choice conditions. He believes this is necessary because ‘a person’s practical decisions depend on his beliefs, [therefore] his actions can be determined by someone else if the latter can shape those beliefs.’ To take account of this fact, Benn introduces the model of a free decision-making agent; an agent who is a minimally rational chooser, or autarchic. According to him this concept is ‘deeply embedded in our moral thinking’. Whilst this may be true, its

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128 TF, p.98.
129 TF, p.129.
130 TF, p.307.
131 TF, p.133. See Chapter 7 and earlier joint paper with Weinstein (IV.ii).
132 i.e. what counts as an interference, e.g. coercion, threats, and therefore need to be justified: the principle of non-interference does not proscribe interference, ‘it only places a burden of justification on the interferer and puts certain constraints on what can serve as a justification.’ (TF, p.156).
133 TF, p.154. See earlier joint paper for a fuller discussion of this (IV.ii).
134 TF, p.154.
135 TF, See Chapter 8.
136 TF, p.155.
137 Thus, it may be true of ‘ordinary’ moral thinking, but is it true of ‘philosophical’ moral thinking?
incorporation into Benn’s account of freedom reflects, once again, a concern with practical rather than philosophical issues. Indeed, recognising this aspect of an agent’s freedom is only important if we share Benn’s wider concerns with, for example, manipulatory techniques. Such concerns, as we have seen, are far removed from the traditional and fundamental problems of political philosophy.

Having clarified the concept of freedom of action, as well as the concept of autarchy, Benn next shifts his attention to the third constituent of his account of freedom: the personality ideal of autonomy. Benn claims that this third element of his account is drawn from an ‘ancient tradition’.\(^{138}\) However, he also claims that ‘the semantic roots of autonomy’ lie in ‘the lack of impediment to self-initiated movement’.\(^{139}\) He thus implies that the concepts of autonomy and freedom of movement are logically and linguistically connected. The purpose of forging this link is not made particularly clear. It also obscures the fact that the semantic roots of autonomy are as much historical as logical or linguistic. Thus, the word ‘autonomy’ has Greek origins and means living under one’s own laws or self-government.\(^{140}\) This concept may logically presuppose ‘the lack of impediment to self-initiated movement’ but the more important and interesting questions surrounding the concept of autonomy remain to be raised. Indeed, by focusing on the conceptual connection between autonomy and freedom of movement, Benn loses sight of the fundamental moral questions that the concept of autonomy helps to illuminate in the Western philosophical tradition.\(^{141}\)

According to Benn, the three main constituents of the ‘complex-structured concept’ of freedom that he is analysing, are intimately connected. Thus he argues that, ‘[f]ree action is more than just undetermined behavior; it requires that the agent knows what he is about and understands his action under some description which gives it a point; that is, he must have some reason for acting.’\(^{142}\) He also claims that, ‘one chooses freely when one grasps, and acts in accordance with the action-commitments implied by one’s beliefs.’\(^{143}\) In this way, Benn forges a close link between freedom and rationality; a link which he believes is justified by his semantic theory of freedom. However, as we have seen, this link rests as much on his practical concerns as on his use of logic and linguistic analysis. It is also informed by his ideological preferences. This becomes clear when he refers, in the latter half of his book, to ‘the core liberal commitments to respect persons and autarchy and to value autonomy’.\(^{144}\) In other words, the concepts of freedom of action, autarchy, and autonomy may be intimately related in liberal thought, but this does not imply a necessary link between these concepts. Indeed, each can quite feasibly be discussed independently of the other.

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138 See *TF*, Chapter 9.
139 *TF*, p.308.
141 See in particular, Kant’s use of it in the *Groundwork of the Metaphysic of Morals*.
142 *TF*, p.309.
143 *TF*, p.310.
144 *TF*, p.215.
It is clear from the above that Benn’s method of analysis is not as neutral and detached as it first appears. Indeed, his analysis and account of ‘freedom’ is riddled with his own ideological and value-preferences. Furthermore, by focusing his attention on the conditions of freedom of action, autarchy and autonomy, he fails to clarify a distinctively political kind of freedom. This is significant given that Benn is centrally concerned with how the idea of freedom informs and regulates our moral and political relations. However, this now raises the question of why a semantic theory of freedom, of the sort being proposed, should be of any philosophical interest. That is to say, why is such a theory important or ‘required’ in the field of ‘practical philosophy’? To answer this we first need to clarify what Benn means by a ‘semantic’ theory of freedom. Only then, will we be in a position to establish its general important or significance.

Whilst Benn claims to be presenting a theory of freedom - indeed this is the title of his work - we are at least one third of the way through his book before we get an inkling of what kind of theory he is advancing. This lack of clarity is important for it obscures the point of the earlier chapters. As we have seen, these are concerned to explicate and defend a theory of practical rationality; a theory which he explicitly claims, ‘occupies a core position’ in his theory of freedom. However, the ‘core’ position of this theory is not made clear until Benn has clarified the content of his complex-structured concept of freedom. This is mainly undertaken in Chapters 7, 8 and 9. Prior to explicating this content, Benn introduces, for the first time, the idea of a ‘semantic theory’ of freedom. It is to the assumptions and claims of this theory that we now turn.

Benn then, begins his analysis of his complex-structured concept, by postulating ‘a genuine semantic connection’ between different uses of the language of freedom. Thus, he argues that ‘it would be misleading to say that the concept of freedom in “free fall” was quite different from that in “freedom of speech.”’ The reason why Benn postulates these ‘semantic connections’ is because he wants to ‘explain why diverse subjects are characterized as free or unfree’. Indeed, he believes there are many theories which ‘try to delineate the structure of this complex concept, to find room for the many ways in which freedom is intelligibly attributed to persons and things.’ Furthermore, he believes the success of such a theory rests on exploring ‘the way in which the understanding moves from conditions of one application to conditions for another’. Benn’s analysis and account of freedom is then, an attempt to advance this understanding.

145 TF, p.123.
146 This is the phrase Benn’s uses to characterise his inquiry, TF, p. 112.
147 TF, i.e. p.123/Chapter 7.
148 TF, Preface, p.x.
149 TF, p.123.
150 TF, p. 123.
151 TF, p.309. It is not clear that this is the aim of rival theories of freedom. Benn’s reference to Rousseau’s The Social Contract in this context suggests that he has difficulty in recognising the distinct concerns of his rivals.
152 TF, p.307.
There are two main problems with Benn’s goal. Firstly, it is not clear why - philosophically speaking - we would want to understand these aspects of our language. That is to say, Benn does not explain what he is illuminating by such claims as, ‘the freedom of a pendulum to swing is not semantically unrelated to the freedom of a person to choose.’  

Thus, even if there were some underlying connection between uses of the language of freedom, we still need to ask why the philosopher, rather than the linguist or the philologist, should be concerned to unveil this connection. Silence here is significant for such inquiries lose sight of the genuine philosophical problems that we seek to address with the language of freedom. Secondly, Benn’s inquiry rests on unexamined and untenable metaphysical assumptions about the nature and language of freedom. For example, Benn assumes that ‘[f]reedom is a subsystem of a total structure which so organizes reality that it is accessible to the rational, conscious mind.’ He goes on, ‘[t]o be comprehended and thought about’ uses of the language of freedom need to be understood ‘as instances of universal ideas or forms, themselves constituents of a pattern or web’. These ‘metaphysical’ claims obscure the many disparate ways in which we use the language of freedom. Indeed, they assume rather than demonstrate an underlying connection.

Having indicated the aims, content, and grounds of Benn’s semantic theory of freedom, it only remains to explain why Benn fails to clarify a distinctively political kind of freedom. First though, we need to recognise from the outset that Benn never sought to clarify a distinctively political kind of freedom. Indeed, as we have seen, he rejects the idea - at least implicitly - of different kinds of freedom. Instead he postulates a single concept of freedom, albeit a ‘complex-structured’ one. In this, Benn’s language is misleading, for it is clear from the focus of his discussion that he is only interested in how the language of freedom is used in practical discourse, i.e. in moral and political discourse. This means that he is explicating particular kinds or concepts of freedom and not a single, generic concept as he seems to assume. In terms of our own classification of freedom concepts, he can be described as clarifying an interpersonal concept, an individualistic concept, and an ethical concept of freedom.

Whilst these three concepts of freedom are no doubt connected in the form of discourse that Benn analyses, it is not clear why they - or their connectedness - should be of any general philosophical interest. Indeed, these concepts reflect Benn’s own wider concerns and preoccupations as well as his own moral and metaphysical assumptions. Together, these lead him to conceive freedom in a particular way; a way that prevents him from discussing a distinctively political kind of freedom. This is partly because of the manner in which he approaches the political. Thus, Benn arrives at his conception of the political through an analysis of individuals and their moral relations to each other, rather than through philosophical

153 TF, p.307.
155 TF, p.308.
156 TF, p.308.
157 Cf. general claims of his semantic theory.
158 See I.i and appendix.
reflection on the common concerns of the civil state. This means that the political is seen as the sum total of individual interests, rather than as a unique and distinct state of affairs that raises its own philosophical problems.

Illustrating this is not difficult. Thus, agents are conceived as primarily ‘planners and project-makers’ who are free in so far as they choose their own projects and goals. Benn is upfront about this, claiming that the ‘model of personal interaction I have taken as standard postulates individuals pursuing their own projects, each acting on his own understanding of what it is worthwhile or appropriate to do, given his structure of beliefs and values.’ In presenting human interaction in this way, Benn loses sight of the distinct nature of political relations. For him, common concerns - the distinctive feature of political life - are simply the sum total of individual interests. Thus, like many other modern thinkers, Benn assumes that politics is about managing conflicting interests rather than advancing a vision of the political right and the political good. Like them, he fails to distinguish political activity from political thought. As a result, he is oblivious to the distinct concerns and problems of the political philosopher.

In failing to reflect philosophically about the political, Benn inevitably advances a theory that expresses his own value-preferences. In particular, he describes physical and moral relations as he believes they are, and infers from this how he thinks they should be. This means that, it is not always clear whether he is describing how we think, or prescribing how we should act. This distinction is important for his theory could have substantive implications. Indeed, the principles of right conduct that he advocates, such as principles of respect and concern, articulate a particular vision of the civil state. As we have seen, these principles are very poorly grounded and favour a negative conception of freedom of action. Such a conception is far removed from the political idea of freedom that forms an integral part of traditional theories of the civil state. In fact, the main function of this negative concept of freedom is to identify areas of legitimate complaint about specific interferences with an individual’s action. Such a concern is practical rather than philosophical; concerned with political activity rather than political thought.

This brings us to the end of our critique of Benn’s theory. We have found that due to his oblique aims, it is not clear what problem he is seeking to address with his theory, or what his efforts actually achieve. The source of Benn’s shortcomings arguably reside in his attempt to systematise thoughts that he has developed over a number of years and out of a range of different concerns such as the problem of persuasion, freedom of action, practical rationality, autonomy and the grounds of moral agreement. His semantic theory of freedom then, is a response to a variety of concerns, which are more obviously practical than philosophical. Benn died before revising his book which may help to explain some of its shortcomings and

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159 TF, p.2.
160 TF, p.118.
161 TF, p.259.
162 TF, p.8-9.
163 See TF, Chapter 7.
164 See TF, preface for a list of his earlier papers that are central to his theory.
weaknesses. However, given that he authorised publication, we must assume that he believed it to be a fairly accurate representation of his views.

(iv) A 'coherence' theory of freedom: Swanton

So far we have seen how Flathman's 'situated' theory of freedom and Benn's 'semantic' theory of freedom, reflect the particular concerns and preoccupations of the theorist. Thus, Flathman seeks to address the shortcomings of existing accounts, whereas Benn wants to systematise his own reflections about the subject of freedom. Neither attempts to explicate the general criteria with which 'a theory or freedom' should be assessed. Indeed, both open the gates to thinking about freedom in whatever way one chooses. We are thus, faced by competing 'theories' each of which adds something to our understanding of the subject of freedom - at least in liberal thought - but none of which clarifies a distinctively political kind of freedom. Swanton's theory is a far more disciplined approach to the subject. She explains and justifies her particular method of proceeding and thereby attempts to show why her account or theory of freedom is more satisfactory than the efforts of her rivals.

Swanton has two interrelated aims in Freedom: A Coherence Theory. The first is to elucidate the nature of 'political and social freedom' by uncovering 'the structure of our conception of freedom'. The second is to accommodate, within a single theory, a wide variety of incompatible conceptions of freedom. These two aims are interrelated for it is by uncovering the structure of our conception of freedom, that Swanton is able to provide a rationale for accommodating incompatible conceptions within a single theory. This theory provides 'a unified account of the nature of freedom'; one which Swanton believes is superior to the accounts of her predecessors. Before considering these aims in some detail, we need to clarify the subject of this analysis. This is important for like many of her predecessors, Swanton fails to specify her subject in a sufficiently precise way.

Swanton begins then, by identifying her subject as 'political and social freedom'. However, she does not clarify what she means by this qualifying phrase nor is it used in the subsequent analysis. Instead, Swanton talks in an unqualified way about the nature of freedom. This leads her to confound many different kinds or concepts of freedom. More importantly for our purposes, she fails to clarify a distinctively political kind of freedom. This lack of clarity is underlined by the way Swanton refers to her subject. Thus, she shifts from speaking of the

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165 Flathman refers vaguely to 'the criteria appropriate' to 'thinking that aims to clarify and elaborate' (PPF, p.9) but admits there is no 'meta-theoretical or methodological principle or procedure that could underwrite [his] claims.' (PPF, p.8)

166 There is no reason why a different theorist could not produce an equally plausible alternative. There is no independent criterion for choosing between accounts because they are no longer constrained the 'facts' of history or linguistic usage, but only by coherence and consistency.

167 FCT, 15. What Swanton means by this will be discussed below.

168 FCT, p.32.

169 Cf. the opening statement of her introduction, FCT, p.vii.
nature of freedom,\textsuperscript{170} to speaking of the ideal,\textsuperscript{171} the concept,\textsuperscript{172} the conception,\textsuperscript{173} the property,\textsuperscript{174} and the phenomena\textsuperscript{175} of freedom. Each of these reference terms is used interchangeably and as a result, it is difficult to pin-down what Swanton is actually trying to clarify. This is important, for how one conceives ‘freedom’ at an ontological level, will influence how one analyses and clarifies it.

To illustrate, if one conceives freedom as an ideal, one will analyse and clarify human aspirations.\textsuperscript{176} If one conceives it as a concept, one will analyse how the language of freedom is used in a particular form of discourse.\textsuperscript{177} If one conceives it as a conception, then one implies there are alternative ways of conceiving a particular kind of freedom. If one conceives it as a property, one presupposes a subject to which it can be attributed and must therefore analyse and clarify this subject. Finally, if one conceives it as ‘phenomena’, one must explain how this phenomena is to be perceived. Only then, will one be in a position to analyse and clarify it. Swanton’s failure to make these distinctions suggests that there is some underlying confusion about what it is that she is trying to analyse and clarify.

Having established the lack of clarity surrounding Swanton’s analysis, it is now time to return to her aims. In order to understand and assess these aims we need to clarify her wider concerns and preoccupations for these help to explain both her focus and her approach. Swanton’s opening remarks then, suggest that she is concerned with how to address ‘the problem of apparently intractable dispute’.\textsuperscript{178} For Swanton, the freedom dispute has persisted because previous theorists of the nature of freedom have ignored methodological questions. Thus, according to her, they offer ‘yet another definition de novo, without attempting to discover sensible features in rival conceptions or the point of such conceptions.’\textsuperscript{179} Swanton seeks to avoid this ‘defect’, by presenting and defending a coherence theory; one which ‘can perceive the strengths of, and reconcile, a wide variety of competing conceptions of freedom’.\textsuperscript{180} In this way, she believes a superior account of freedom can be established; one that is more inclusive than the accounts of her predecessors.

Swanton’s aims rest on two assumptions that are diametrically opposed to the ones that inform and underpin this thesis. Thus, firstly she assumes that contributors are all trying to clarify the

\textsuperscript{170} FCT, e.g. p. vii, p.8.
\textsuperscript{171} FCT, e.g. p.1, p.6.
\textsuperscript{172} FCT, e.g. p.vii, p.23.
\textsuperscript{173} FCT, e.g. p.22, p.24.
\textsuperscript{174} FCT, e.g. p.viii, p.15, p.17, p.36.
\textsuperscript{175} FCT, e.g. p. 16-7.
\textsuperscript{176} Presumably what people claim to aspire to, but possibly what they should aspire to if they are to realise their full potential.
\textsuperscript{177} Conceiving it as a concept can lead to confusion, unless one recognises that a single term can denote a wide range of different concepts. There may be a ‘family resemblance’ between these different concepts, but they are not equivalent. Thus, physical freedom is not the same as moral freedom and social freedom is not the same as individual freedom. To confound these different kinds of freedom is to encourage confusion rather than clarity.
\textsuperscript{178} FCT, p.vii.
\textsuperscript{179} FCT, p.ix.
\textsuperscript{180} FCT, p.ix-x.
same ideal\textsuperscript{181} of freedom and secondly she assumes that a single, unified account of the nature of freedom is possible. These assumptions are partly informed by her aims. In particular, she has to assume that her predecessors are all trying to clarify the same ideal of freedom,\textsuperscript{182} if she is to show that she provides a superior account of this ideal.\textsuperscript{183} However, as the above critique suggests, it is not clear or obvious that analytical political philosophers \textit{are} trying to clarify the same ideal.\textsuperscript{184} Indeed, some of them are not trying to clarify an ideal at all. For example, we saw in Chapter III how Oppenheim, MacCallum and Steiner are clarifying a physical relation between agents, or agents, obstacles and ends, rather than a moral or political ideal.

Even those who are clarifying a moral or political ideal, such as Berlin, Arendt, Hayek, Benn and Weinstein, Taylor and Baldwin, are arguably clarifying very different ideals. Thus, Berlin is clarifying the competing ideals of political freedom implicit in the ideological divide of the Cold War, Arendt is clarifying an ideal of metaphysical freedom, Hayek is clarifying an ideal of ‘liberal’ freedom, Benn and Weinstein are clarifying an ideal of individual freedom, Taylor is clarifying an ideal of personal or psychological freedom and Baldwin is clarifying an ideal of moral freedom found in Western political thought. None of these ideals are very similar in content.\textsuperscript{185} Of course, all are explicating and advocating an ideal which they believe political society can and perhaps should aspire to - but this is not the same ideal.

To assume then, as Swanton does, that discussants are talking about the same ideal is to obscure important differences in these competing accounts of freedom. Once we see that disputants are advancing different ideals, we are forced to admit that they are not engaged in a genuine contest; they are talking at cross purposes and are therefore engaging in a pseudo-dispute. This places a serious question mark over Swanton’s attempt to justify a favoured conception, for different concepts are useful depending on one’s wider concerns and preoccupations. Indeed, the above suggests that Swanton has failed to carefully examine the claims and concerns of her predecessors. As a result, she has misunderstood the debate to which she is contributing.

Although Swanton acknowledges the ‘temptation - bowed to in this thesis - to downgrade the contestedness of ideals by speaking of ambiguity and disparate conceptions’,\textsuperscript{186} she believes this temptation should be ‘yielded to as a last resort, rather than be an obvious starting point in analysis.’\textsuperscript{187} However, Swanton does not explain why she takes this stance, despite it being central to her project. Indeed, unless she can demonstrate that contributors \textit{are} discussing the

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\textsuperscript{181} This is Swanton’s language, Cf. \textit{FCT}, p.1, p.10.

\textsuperscript{182} \textit{FCT}, p.6.

\textsuperscript{183} This would be a pointless exercise if the contestants are “not in the same event.” (\textit{FCT}, p.6). This charge of ‘pointlessness’ is one of the central claims of this thesis. Thus, we are only in the same event when we agree on what kind of freedom we are analysing and clarifying.

\textsuperscript{184} That is to say, there is nothing in the literature to support Swanton’s assumption and certainly she makes no effort to defend it. (See below).

\textsuperscript{185} See explication of these different concepts in Chapter I.i and Appendix.

\textsuperscript{186} \textit{FCT}, p.29. This approach reflects the position of this thesis and has been made to help us see the limited utility of conceptual debates in the field of political philosophy.

\textsuperscript{187} \textit{FCT}, p.29.
same ideal, then her project fails to get off the ground. This is because, it presupposes that a
favoured conception of freedom can be justified over rival conceptions. Such justification
though, is impossible unless the competing conceptions can be shown to refer to the same
ideal.\textsuperscript{188}

Whether or not contributors can be interpreted as discussing the same ideal will depend on what
is meant by 'a moral and political ideal'.\textsuperscript{189} Swanton is not explicit about what she means by
this phrase, which is significant because her vagueness on this point allows her to present the
freedom debate as genuine, despite contrary evidence. Presumably what she means by an ideal
is that which to which we aspire. Thus, since the majority of contributors are clarifying a
freedom that we do or should aspire to,\textsuperscript{190} there seems to be some common ground for
discussion. However, closer inspection suggests this common ground is an illusion. Indeed, as
we have seen, the kind of freedom a theorist discusses, depends on his or her wider concerns
and preoccupations. Thus, the freedoms being discussed are moral, psychological, social,
metaphysical, personal, physical, etc. Clarity demands that we recognise this, rather than
impose an underlying unity where none exists.

Swanton attempts to deal with this diversity by claiming that 'freedom' may be 'deemed to refer
to one ideal by virtue of the existence of agreement on what counts as the endoxa of the one
thing - freedom.'\textsuperscript{191} Endoxa are conceptions of the many or the wise and Swanton believes
these can provide an important insight into the nature or concept of freedom. However, it is
difficult to see how these conceptions refer to the same ideal. Indeed, sometimes they are not
referring to an ideal at all. Thus, the endoxa, 'He who is a slave to his passions (e.g. the
compulsive gambler) is not free', describes the state of being unfree in a psychological sense,
whereas the endoxa, 'A person cannot be unfree to do something he actually does' is simply
making a statement about the logic of 'being free' in a physical sense. Similarly, the endoxa,
'In New Zealand, a person is not free to commit acts of murder', does not describe a moral and
political ideal, but a legal state of affairs. Indeed, the list of endoxa that Swanton appeals to,
helps to support the argument of this thesis that there are many different kinds of freedom being
discussed and that any attempt to present some unifying theory will lead to these competing
concepts being confused and conflated.

Swanton then, clearly has difficulty in demonstrating that disputants are discussing the same
ideal. This places a serious question mark over the way she interprets existing accounts; it also
undermines the force of her own agenda, for as we have seen, this presupposes that disputants
are all discussing the same ideal. Once this is denied, so too is the value of her efforts.

\textsuperscript{188} Even if we accept that there is some kind of 'contest' going on between philosophers of freedom, it is
misleading to present it as a 'contest' over the same ideal. Instead, it is a contest between different moral and
political visions that embody different conceptions of freedom. These wider visions are often implicit rather than
explicit, but they nevertheless inform and underpin the conception being advanced.
\textsuperscript{189} FCT, p.2. Swanton refers to ideals as 'moral and political', the rest of the time she speaks simply of
'idels'.
\textsuperscript{190} Perhaps even the 'descriptive' analysts of the 1960s and 1970s are clarifying the form, if not the content of
this.
\textsuperscript{191} FCT, p.21.
Recognising this underlines the importance of making it clear what previous theorists have achieved, if one’s own inquiries are not to be misguided. If Swanton had recognised the point of these competing accounts, rather than imposing her own point, she would have realised the limitations of trying to defend a favoured conception of freedom. In particular, she would have realised that different accounts or conceptions throw light on different concerns. This means that no single account can do justice to all of our concerns.

It is because Swanton assumes that disputants are discussing the same ideal that she searches for a single, unified account of that ideal. Thus, she assumes - mistakenly - that just because a range of phenomena are described with the same term, they have something in common. However, as we have seen, this assumption is mistaken and obscures the importantly distinct ways in which the language of freedom can be used and understood. It is these differences that need to be kept sight of, if clarity of meaning is to be maintained. This thesis then, questions the very assumptions that inform and underpin Swanton’s analysis. Thus, one of the objectives of the above critique has been to show how analysts are clarifying different concepts of freedom depending on their wider concerns and preoccupations. It is therefore misleading to suggest that they are all engaged in the same dispute and therefore a mistake to search for a consensus by justifying a favoured conception that apparently accommodates these competing conceptions. Indeed, whilst Swanton is right to criticise ‘theorists of the nature of freedom’ for ‘offering yet another definition de novo, without attempting to discover sensible features in rival conceptions or the point of such conceptions’, she fails to realise herself that the point of these new accounts is usually to address very different concerns and preoccupations. Some ideological, some descriptive, some normative, and some theoretical.

Having examined the underlying assumptions that inform and underpin Swanton’s aims, we now need to consider why she believes her account of freedom is superior to existing ones. This demands an inquiry into Swanton’s method. This method structures her analysis of freedom and provides a criterion for distinguishing superior accounts of freedom from inferior ones. Assessing this method is important for if we find it is poorly defended or inappropriate, then we have good reason to question the grounds of Swanton’s account, as well as her claims regarding its superiority.

Swanton then, undertakes her analysis of ‘political and social’ freedom by deploying the method of Wide Reflective Equilibrium (WRE), or rather a version of it. WRE, as Swanton

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192 i.e. that they are all trying to clarify the same ideal of freedom.
193 Thus, Berlin’s account throws light on the ideological dispute of the Cold War era, Oppenheim’s account throws light on the conceptual tools need to construct a political science, and Taylor throws light on the shortcomings of negative conceptions.
194 FCT, p.32.
195 Hence Swanton’s search for the point of collocating a heterogeneous set of phenomena as ‘freedom’ (FCT, p.30). See discussion below.
196 FCT, ix. (my emphasis).
197 Thus, she discusses endoxa concerning freedom rather than “considered convictions” (FCT, p.23) and she supplements the method with ‘standards of appropriate coherence’ (FCT, p.27). It is important to realise that Swanton uses the method in a rather idiosyncratic way. Thus, she uses it to establish a coherence between
understands it, involves “pruning and adjusting” the conflicting views of freedom held by
the many or the wise. These, as we have seen, represent the endoxa concerning freedom.198
Swanton’s aim is to form a coherent conception of freedom out of these conflicting endoxa.
This coherence is achieved by a background theory which explains the underlying rationale or
point of the endoxa.199 According to Swanton, this background theory allows us to recast the
endoxa so that they no longer contradict each other, and in a way that preserves their point.200
WRE is thus a method or device for ensuring that the judgements of the many or the wise are in
equilibrium - or cohere - with the background theory and with each other.

There are no doubt many ways in which this coherence method could be criticised. However, I
want to concentrate on two of its most obvious shortcomings. Namely, its undefended appeal
to the endoxa concerning freedom and the ideological bias of the background theory. Once we
have criticised these elements of the method, we can assess its general suitability for clarifying a
distinctively political kind of freedom. We will find that Swanton fails to clarify this idea of
freedom because she fails to restrict her attention to specifically political conceptions of
freedom. Instead, she focuses her attention on all conceptions, irrespective of their original
context or point.

According to Swanton, the endoxa or the "common conceptions" on a subject acceptable to "the
many or the wise",201 'are a much more reliable guide to our conceptions than are the ordinary
language intuitions of any individual philosopher.'202 To defend this view she cites
Nussbaum’s claim that the endoxa “record our usage and the structure of thought and belief
which usage displays.”203 Although Nussbaum’s claim is true, it is not clear or obvious why
this structure should be of any philosophical interest. Indeed, our ordinary thoughts and beliefs
do not display an underlying structure that is consistent and coherent, nor a structure that points
to some truth. This is because our ordinary thoughts and beliefs merely reflect and record our
interests and concerns in a random and haphazard way.204 Swanton, of course, recognises this
insofar as she seeks to ‘prune and adjust’ the conflicting endoxa by recourse to her background
theory. Yet this still does not explain why we should use the endoxa in the first place for
theorising about the nature of freedom and more specifically, ‘political and social’ freedom.

Swanton defends her appeal to the endoxa by claiming that they give us access to the ideal of
freedom.205 However, we have already seen how endoxa concerning freedom do not

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198 Here, she follows Aristotle.
199 In other words, the background theory explains why apparently diverse phenomena can all be described as ‘free’.
200 FCT, p.25.
201 FCT, p.7.
203 FCT, p.24, n. 22, Nussbaum, “Saving Aristotle’s Appearances.”
204 In contrast, our philosophical thoughts and beliefs seek to present our interests and concerns in an organised
and coherent way.
205 FCT, p.21.
necessarily refer to a moral and political ideal. Thus, they can refer to the logic of ‘being free’ or describe a legal state of affairs. Others describe physical freedom or freedom of choice. This suggests that they cannot elucidate the distinct nature of political and social freedom. Indeed we will find that Swanton, like her predecessors, fails to distinguish this freedom from other kinds of freedom such as moral, psychological, physical, or legal freedom. These simply form part of her account, despite their importantly distinct features.

Another problem of appealing to the endoxa as a starting point in one’s theory is that it attributes far more weight and authority to the views of the many and the wise than can be reasonably sustained. Thus, if one’s aim is to elucidate the nature of social and political freedom, one must arguably examine the relations that manifest this freedom rather than random uses of the language of freedom. Furthermore, there is the persistent danger with this method that the theorist can smuggle in his or her own favoured conceptions of freedom as a view of the many or the wise. For example, Swanton’s claim that ‘[a]n all-consuming desire to complete a great work of art does not limit an agent’s freedom, even though it renders the option of wasting time very difficult to entertain’, arguably falls into this category. Thus, most people, even the wise, would see that this great work of art does limit an agent’s freedom, especially her freedom of choice. This suggests that Swanton’s method is not as neutral as it first appears.

So far we have considered the problems of using the endoxa as a starting point for theorising about the nature of freedom. This though is only the raw data of a coherence theory; the main content is provided by the background theory. This background theory is constructed in such a way as to accommodate as many of the endoxa as possible. It is designed to enable the theorist ‘to see the rationale of the endoxa’, i.e. the point of collocating a heterogeneous set of phenomena as ‘freedom’. It also explains why freedom is of value. For Swanton, this background theory must be ‘independently satisfying’. In other words, it must not simply be ‘tailored’ to accommodate as wide a range of endoxa, as possible. One of the problems with coherence theories of this sort is that they allow the theorist to smuggle unexamined moral and metaphysical assumptions into the background theory. This is significant since it is the background theory that dictates how the endoxa are to be recast so that they provide a coherent conception of freedom. Of course, this is a two-way process. Thus a satisfactory background theory is one that will accommodate more endoxa rather than less. Within this remit though,

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206 See above.
207 FCT, Appendix, p. 193, e.g. endoxa 8, 9 and 10.
208 FCT, Appendix, p. 193, e.g. endoxa 15, 16 and 17.
209 FCT, p. 25.
210 FCT, p. 22.
211 FCT, p. 30.
212 FCT, p. 29.
213 Rawls’s background theory was less subject to this criticism for his consisted of a rational choice situation which was supposed to represent impartial - and therefore philosophically acceptable - reasoning conditions. Of course, there is much debate about whether this reasoning scenario is as impartial as Rawls suggests.
there is scope for the theorist to advance his or her own value-preferences, via the background theory.

There are two main parts to Swanton’s background theory. The first part (T) clarifies a view of freedom which provides a ‘single rationale’ for collocating a set of heterogeneous phenomena as ‘free’. The second part (T₁) explains the point of collocating phenomena in this way. We will find that each part of the background theory is based on certain unexamined moral and metaphysical assumptions; assumptions that must be defended if Swanton’s favoured conception of freedom is to be justified. Starting then with (T), Swanton claims that, ‘[t]he freedom phenomena are constituted by the absence of various flaws, breakdowns, and restrictions on human practical activity, namely, those which limit the potential of human beings as agents.’ This view of freedom is sufficiently vague to allow diverse endoxa to be accommodated by it. It is also supported by (T₁) which is an hypothesis about the value of freedom. Thus, according to (T₁), ‘[t]he perceived value of freedom lies in the value of realizing the various aspects of individual human potential in agency, for the actualization of potential in this area contributes to individual flourishing.’ This hypothesis places the idea of individual flourishing at the centre of Swanton’s theory. Indeed, for her, conceptions of human flourishing underpin the value of freedom.

Although Swanton admits that ‘flourishing is a normative notion’, she believes it can be described in fairly uncontentious terms. Thus, according to her, ‘[i]ndividual flourishing is constituted by the satisfaction and development of those needs and capacities which, under good conditions, human beings characteristically desire to satisfy and develop, and whose development and satisfaction they enjoy under those conditions.’ Swanton admits that ‘the notion of good conditions in terms of which flourishing is defined is not value-theory-independent’. However, she fails to recognise that her theory is value-laden in another important sense and this is because of the way she links freedom to individual flourishing. Thus, for Swanton, ‘the point of freedom is the value of the absence of limitations inhibiting individuals’ potential in their practical rational activity.’ This individualistic view of the value of freedom, is far removed from a distinctively political understanding of freedom and implies that individuals can realise their potential independently of others.

In connecting individual flourishing to freedom in the above way, Swanton reflects her own ideological preference for non-interference with the individual. This ‘liberal’ conception of freedom ignores other prominent ways of connecting the idea of freedom with individual

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214 *FCT*, p.36.
215 *FCT*, p.33.
216 *FCT*, p.38, this hypothesis ‘provides the basis’ of (T).
217 *FCT*, p.38.
218 *FCT*, p.45.
219 *FCT*, p.41.
220 *FCT*, p.42.
221 *FCT*, p.45.
222 *FCT*, p.99.
flourishing such as through common interests or a communal form of activity.223 Here, a necessary condition of individual flourishing is a particular kind of political life rather than unimpeded practical rational activity at a more private level. In other words, Swanton accepts, unquestioningly, an individualistic view of human flourishing advanced by, for example, J. S. Mill,224 rather than a more communal or political view of human flourishing advanced by, for example, T. H. Green.225 To put this another way, Swanton smuggles into her background theory an unexamined moral assumption. Namely, that it is of value not to interfere with individual potential in practical activity, unless there are compelling reasons for doing so.226

One of the problems that arises when flourishing is conceived in these individualistic terms is that the idea of freedom with which it is associated, conflicts with other sources of human or individual flourishing. For example, love, security and direction from others are just as important in developing individual capacities and propensities as non-interference. However, these three factors are inimical to the kind freedom favoured by Swanton. Indeed, rather than requiring the absence of interference, they involve the guidance and protection of others, as well as self-restraint, as a means of realising one’s potential. Freedom then, understood as the absence of interference, is not a sufficient condition of individual flourishing. This suggests that if the value of freedom is to be associated with human flourishing then it must be conceived in more communal or political terms. Where such a conception is absent, the theorist is forced to endorse an implausible conception of human flourishing.

As we have seen, Swanton’s metaphysical assumptions about the nature and source of human flourishing are introduced into her background theory without explanation or justification. This lack of argument is significant because this theory is central to justifying her favoured conception of freedom over rival conceptions. Thus, if it reflects her own, or her own society’s value-preferences, then this is a serious shortcoming. Indeed, such a conception can only be philosophically justified if it rests on detached and rigorous argument rather than on the unexamined assumptions of the theorist.

So far we have suggested that the endoxa concerning freedom are not a reliable starting point for theorising about ‘political and social freedom’. We have also shown how the background theory underpinning this account smuggles in certain unexamined moral and metaphysical assumptions about what is of value and the conditions of human flourishing. It is now time to assess the general suitability of Swanton’s method for theorising about the nature of freedom and in particular for presenting her conception of freedom as superior to rival conceptions. This will lead to some concluding remarks regarding what Swanton’s analysis has actually achieved.

223 Cf. the theories of Rousseau and T. H. Green
224 Individual Liberty.
225 Lectures on the Principles of Political Obligation.
226 FCT, p.39: ‘the value of the expansion of an individual’s capacity to bring about states of affairs is more or less easily overridden if the alternatives are evil, stultifying, or otherwise undesirable, or if the factors blocking off those alternatives are legitimate in various ways.’ FCT, p.41: freedom can be interfered with for other societal goods; FCT, p.47: freedom does not always have value.
In order to assess the appropriateness of using WRE in theorising about the nature of freedom, it is helpful to contrast its use in Swaton's theory with its use in Rawls's *A Theory of Justice*. In theorising about justice then, Rawls use the method of WRE to check that the principles of justice chosen in the original position, coincide or *cohere* with our considered judgements about what is just. Its purpose is to show that principles worked out in philosophical abstraction (the Original Position) are not too far removed from our considered convictions. The method also ensures that we understand the premises from which our principles are derived. By contrast, Swaton does not use the method of WRE to arrive at substantive moral principles. Indeed, her aim is far more modest than this. Despite this, the two theorists seem, at least initially, to be engaged in a similar enterprise. Thus, just as Rawls seeks to reach a consensus about the nature of justice, so Swaton seeks to reach a consensus about the nature of freedom. Swaton presents these as analogous exercises for she sees them both as 'uncovering the structure of our value conceptions.'

However, closer inspection of these inquiries reveals that it is misleading to compare them in this way. This is because Rawls is uncovering a conception that can provide a standard for assessing and evaluating the basic structure of society, whilst Swaton is uncovering a conception for purely theoretical reasons. This conception does no critical work. That is to say, it does not equip us to assess the freedom of the basic structure, it simply equips us to 'sort out superior conceptions [of freedom] from inferior' ones. In particular, it is designed to show why Swaton's account of freedom is superior to those offered by her predecessors. Thus, according to Swaton's criteria, an account that accommodates more of the endoxa rather than less and one which renders these conflicting endoxa coherent, is superior to an account that fails in this respect.

In order to defend this criteria for assessing competing accounts of freedom Swaton needs to show that rival accounts are, like her, trying to uncover the structure of this value conception. Otherwise she can be charged with assessing them on inappropriate grounds. Indeed, as insisted throughout, the adequacy of an account can only be judged in terms of its own particular concerns and preoccupations and not with some criteria appropriate to a very different concern. Since Swaton has failed to show that her predecessors *are* engaged in the same enterprise as herself, she can hardly judge them with criteria appropriate to her particular enterprise. Once again, we find a political theorist interpreting and judging preceding accounts in terms of her own concerns; concerns which are very different to those informing earlier accounts. She thus helps to perpetuate a pseudo-dispute about the nature of freedom.

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227 Its role is actually more complicated than this for Rawls claims that it is used to construct the original position and thereby *ensure* that the principles are not too far removed from our considered convictions. (*FCT*, p.20/1).

228 *FCT*, p.14.

229 See below.

230 *FCT*, p.10.

231 *FCT*, p.27-8.
In addition to providing an inadequate criteria for assessing existing accounts, Swanton arguably uses an inappropriate method for theorising about the nature of freedom. This is because, as we have seen, ‘freedom’ is a term that can be used in many different contexts. It is therefore misleading to suggest there is some underlying unity to these different uses. Indeed, this obscures the very different concepts of freedom being deployed. Thus, Swanton’s insistence there is some underlying point \((T_1)\) common to all conceptions of freedom is simply mistaken, for the point of freedom depends on the wider concerns and preoccupations of the language user. For example, the point of Berlin’s conception is nothing to do with human flourishing, rather it is designed to illuminate an ideological dispute.\(^{232}\) Conversely, the point of Oppenheim’s conception is to provide a precise vocabulary for the purposes of political science. This list could be extended indefinitely. The point is that there is no underlying point of ‘freedom’, despite Swanton’s claims.\(^{233}\)

It only remains for us to establish the importance or significance of Swanton’s account. Thus, the above comparison of Swanton’s aims with Rawls’s helps us to grasp the limited achievements of her coherence account. In particular, we have found that the consensus that she seeks is not designed to provide a standard of political judgement, rather it is designed to show how an intractable dispute can be approached. Yet this is hardly an achievement, if it is accepted that this debate “dissolves” once one recognises the different concerns and preoccupations informing competing accounts. In other words, Swanton’s account is informed by mistaken assumptions about the nature of this debate. Namely, that ‘contestants’ are all discussing the same ideal. These purely theoretical concerns are far removed from the original impetus behind the post-war freedom debate which was to illuminate the ‘totalitarian’ threat. Swanton then, is another, in a long line of analytical political philosophers, who have become too far removed from the political life upon which they should be reflecting. That is to say, her analysis, like others, has been informed by the analyses that preceded it,\(^{234}\) rather than by the philosophical puzzles that arise out of reflecting on the political.

This brings us to the end of our critique of Swanton’s coherence theory of freedom. We have found that in a number of important respects, Swanton fails to satisfy our standard of philosophical adequacy. Despite this, her theory is far more rigorously defended than either Flathman’s or Benn’s. In particular, she does not simply rely on her own linguistic intuitions regarding freedom, rather she utilises a method that appeals to the views of the many or the wise. The result is a framework that can accommodate a wide range of competing conceptions of freedom - conceptions which we feel ought to be accommodated in an adequate account of freedom. However, it remains to be shown why such a framework is important, for it can neither inform our practical judgements nor help us to explain and justify our social and political arrangements - arguably the two most important tasks of the political philosopher.

\(^{232}\) II.ii, ‘ideological’ in a political and a philosophical sense.
\(^{233}\) FCT, p.43: ‘the particular point of freedom is related to individual flourishing.’ NB there may be some underlying point to its use in political thought, e.g. to establish the conditions of legitimate rule, but Swanton does not qualify her claim in this way.
\(^{234}\) Analyses which themselves are of dubious worth.
Conclusion: the misplaced goals of political theorists

The theories of freedom discussed and assessed in this chapter underline the extent to which the political idea of freedom has become a subject of serious and extended inquiry. As we have seen, these theories attempt to clarify the value and nature of freedom and present this in the form of a single, unified account. However, the success of these theories is limited in that they only clarify the value and nature of freedom in Western liberal societies. Furthermore, how this freedom is analysed and described, depends on the wider concerns and preoccupations of the theorist. The result is a set of theories which are of limited philosophical interest and lacking in philosophical detachment. Indeed, like the accounts of their predecessors, these theories fail to clarify a distinctively political kind of freedom. This is a serious shortcoming, given that these theorists believe themselves to be contributing to a debate that is concerned to clarify that freedom which is central to understanding political relations.

These theories of freedom help to illustrate what happens when a debate becomes self-perpetuating, i.e. when new accounts are offered as a means of rectifying the shortcomings of existing accounts. In particular, contributors lose sight of why their predecessors were seeking clarification. As we have seen, clarification is usually sought for a specific purpose, even though it is often misleadingly presented as doing something more, i.e. saying something about the concept or the nature of freedom. In failing to recognise or acknowledge that the language of freedom can perform many different, equally valid functions: descriptive, appraisive, evaluative and explanatory, theorists perpetuate, unnecessarily, a dispute about the meaning or the nature of ‘freedom’. Indeed, when they lose sight of these different functions and the specific context in which the language of freedom is used, they are in danger of reifying freedom and treating it, mistakenly, as something that can be described with a single, unified theory or account.

Our critique of these theories has reinforced our central claim that a distinctively political kind of freedom cannot be clarified and conceptualised, independently of a wider political theory and independently of a wider set of political values. This group of theorists recognise, in a way that their predecessors failed to, that a wider theoretical context is necessary for reflecting on the political idea of freedom. However, they fail to identify the appropriate context. Thus, whilst these theorists are more upfront about the assumptions and values informing their respective accounts, they fail to justify these assumptions and values in a philosophically rigorous way. It is not enough then, to specify the role, the meaning, or the value of freedom in Western liberal societies, for this reflects a particular vision of the political; one that rests on an unexamined metaphysic. Instead, the political philosopher must seek to explain and justify distinctively political relations and in the process, arrive at a conception of freedom that fits this wider philosophical project.

By directing their attention to how freedom is conceived in Western liberal societies, recent ‘theories’ of freedom are unavoidably ‘ideological’. That is to say, they are informed and underpinned by the moral and metaphysical assumptions of modern liberalism; in a word,
individualism. This individualism prevents theorists from identifying a distinctively political kind of freedom. Instead they focus on the necessary conditions of freedom of (individual) action. Flathman, Benn and Swanton do not deny that they are starting from liberal assumptions. Furthermore, they do not regard this as a philosophical compromise. However, this ignores the fact that the political philosopher should be interested in careful argument rather than in expounding the value preferences or ideological biases of a particular society. The only way to escape this ‘liberal’ viewpoint is to develop a synoptic view of philosophy - one which connects political relations with a general view of nature.

In focusing on the subject of freedom of action, these theorists lose sight of the fundamental problems of political philosophy. Indeed, they are more interested in the content of law rather than its source; yet it is its source that determines its legitimacy and authority and which is of traditional philosophical interest. Instead of reflecting on these more fundamental issues, theorists base their arguments for freedom on a principle of respect for persons. It is this principle which is supposed to justify non-interference with the projects of individuals. However, as Taylor insists, such theories fail ‘to set out just what makes human beings worthy of commanding our respect’. In other words, they lack a deeper metaphysics. Although Swanton provides a deeper metaphysics than either Flathman or Benn, her theory is still wedded to liberal assumptions. Thus, whilst she bases her arguments on a concept of human flourishing, she does not connect this to a broader view of nature and our place in it.

The main lesson to be learned from these theories is that the analytical approach limits us to explicating how we currently understand and conceive freedom. This is because such an approach lacks an historical perspective. It thus prevents us from acquiring new perspectives on political life, especially if we accept - rather than question and criticise - our existing (liberal) assumptions and values. Since this ‘liberal’ understanding of freedom has evolved because of a bias towards ‘negative’ accounts, arising - if we believe Taylor - from fear of the Totalitarian Menace, it is far removed from presenting a distinctively political understanding of freedom. This failure to clarify a distinctively political kind of freedom is mainly due to the philosophical attempt to clarify the political idea of freedom independently of a wider political theory. It is only when freedom is explicated in the context of a wider political theory that it avoids an ideological bias. This is because its concerns are explanatory in a deep philosophical sense.

In the next chapter, we will consider how the liberal bias of these theories has encouraged a response from some influential ‘republican’ thinkers. These ‘republican’ accounts of freedom - which emerged in the mid-1990s - tend to reduce the freedom debate to an ideological dispute. Thus, it ceases to be presented as a ‘detached’ conceptual inquiry and, in the process, loses any of its remaining philosophical credentials. As we shall see, these ‘republican’ thinkers adopt a

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235 i.e. the value of satisfying individual needs/interests and individuals being the main subject of political inquiry.
236 See I.iii.
237 Taylor, Sources of the Self, p.77.
238 See I.i and I.iii.
more historical approach to understanding freedom and this prevents their accounts being restricted to our current understandings. However, they create new difficulties for themselves for the question inevitably arises, why should a conception of freedom developed at an earlier stage of our history be relevant to current concerns and preoccupations. Their inquiries also raise the question, once again, of what political philosophers should be analysing and discussing if they are to satisfy our standard of philosophical adequacy, and if they are to address the fundamental problems of political philosophy.
Chapter VI - Summary and Conclusion: Where to Next?

(i) Introduction: a summary overview of the debate so far

Our critical history of post-war, analytical accounts of freedom is drawing to a close. In this concluding chapter we have a number of tasks that remain before us. Chief of these is to review what has been achieved and what can be achieved, in terms of analysing and clarifying the political idea of freedom, independently of a wider political theory. We will start by tracing the different ways in which this analytical approach has been deployed. This will remind us of what post-war, analytical political philosophers have achieved. Next, we will consider some recent additions to this debate; accounts which help to underline the limits of the analytical approach. Once we have examined and assessed these accounts, we will review the generic shortcomings that have been identified and discussed above. This review will pave the way for some general reflections on how these shortcomings might be addressed. In particular, we will suggest that closer acquaintance with the history of political thought is necessary if we are to grasp the nature of a distinctively political kind of freedom.

Before we trace the various ways in which the analytical approach has been deployed, we need to remind ourselves of what is involved in this approach. Firstly then, it entails analysing and clarifying an idea or concept of freedom independently of a wider political theory. This, as we have seen, limits us to analysing and describing what we currently think and believe, unless of course the analyst draws on past conceptions of freedom. Whilst the analysts of the immediate post-war period relied heavily on the resources of history and tradition to clarify the political idea of freedom, this was deemed to be unreliable by their ‘descriptive’ successors. This is because it allowed the analyst to select conceptions of freedom according to his or her own value-preferences. To avoid this bias, the ‘descriptive’ analysts of the 1960s and 1970s appealed to ordinary language usage. They believed this could provide a value-free descriptive, definition of freedom which was acceptable to all.

In its most ‘pure’ form, the analytical approach entails analysing and clarifying the language that we use to communicate to others. However, this approach is problematic when applied to the language of ‘freedom’ because this term can be variously and inconsistently used. Furthermore, no single use is more legitimate than any other. Thus, whilst ordinary language usage served the purposes of ‘descriptive’ analysts, ‘normative’ theorists believed this language omitted much and failed to articulate what we mean by ‘freedom’ in a moral and political context. To address this shortcoming, they focused on the language of freedom used in practical discourse. It is because these analysts appealed to different forms of this discourse that they produced very different accounts of freedom. This suggests that the language of freedom is, in itself, an unhelpful resource for improving our understanding of freedom - political or otherwise - unless we specify the sense in which the language is being used. Only with this sense specified, is it clear what kind or concept of freedom, we are clarifying.

1 e.g. its use in ordinary or scientific discourse is different to its use in moral or political discourse.
Once political theorists realised that an analysis of the language of freedom could provide no definitive result concerning *the* meaning or *the* nature of freedom, they began to modify the analytical approach. The main problem they faced was that appeals to linguistic usage produced a multiplicity of accounts, none of which stood out as definitive and each of which had a rationale that depended on the wider concerns and preoccupations of the analyst. This meant that these efforts failed to satisfy the philosophical quest for an account of ‘freedom’ that could satisfy all. Some theorists dealt with this problem by analysing concepts which they believed were central to *the* concept of freedom. Thus, in the last chapter, we saw how Flathman focused on the concept of action and how Benn focused on the concepts of free agency, autarchy and autonomy. By sharpening their focus in this way these theorists believed they could narrow the range of the discussion and in the process distinguish superior accounts of freedom from inferior ones. The problem with this approach though, was that there was no way of demonstrating which concepts were central to the concept of freedom. Until this was agreed, the problem of multiple accounts simply reestablished itself in a different form.

Another approach, this time developed by Swanton, was to ‘cohere’ competing conceptions into a single, unified theory or account. However, this presupposed that such unity was possible as well as illuminating. Both assumptions were questioned above.

Perhaps the most significant shortcoming of these recent ‘theoretical’ efforts was that they were constrained, by the analytical approach, to explicating modern ‘liberal’ conceptions of freedom. This is because they focused their attention on the concepts and assumptions of liberal thought. In analysing these concepts and assumptions, ‘theorists’ of freedom could not escape the ideological biases inherent in the way we currently think about freedom in Western liberal societies. What was needed, to avoid this ideological bias, was an entirely new approach, one which challenged the underlying assumptions of the piecemeal, analytical approach and its focus on current ways of thinking. The most obvious way to challenge this approach was to draw on the resources of history and this is in fact the approach favoured by Skinner and Pettit, whose ‘republican’ accounts we will be examining in the next subsection. However, these contributors were no better on this ideological front for they simply challenged a ‘liberal’ ideology with a ‘republican’ one. In this respect they failed to move the inquiry forward. The debate simply shifted to a more explicitly ideological level.

This brief survey of the debate so far, underlines the need to develop an entirely new approach, if we are to ensure philosophical detachment and thus satisfy our standard of philosophical adequacy. Indeed, it is not enough to simply ‘analyse concepts’ since this allows theorists to *select*, and thus smuggle into their accounts, their own ideological or value preferences. One way to escape this bias is to turn to history as a way of creating some critical distance from our current values and assumptions. However, an appeal to history is not enough on its own, for as

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2 See the previous chapter.
3 This was more obviously Swanton’s concern. Nevertheless, Flathman and Benn also displayed dissatisfaction with a purely linguistic approach.
4 i.e. different accounts emerged depending on what concept was seen as central.
we have seen, this can itself support an ideological position. This shortcoming can be avoided by returning our attention to the fundamental problems of political philosophy. In particular, the explanatory concerns of this tradition can provide ‘detached’ insights into a distinctively political kind of freedom. Before we outline ways of utilising this ‘traditional’ approach, we need to consider some recent contributions to the freedom debate. We will then remind ourselves of the generic shortcomings of post-war accounts. This will underline the need for a new approach if our political understanding of freedom is to be advanced and improved.

(ii) The limits of history: the ‘republican’ accounts of the mid-1990s

The final class of accounts that need to be briefly considered and assessed, before we conclude this critique, are the recent ‘republican’ accounts of Quentin Skinner and Philip Pettit. These analysts seek to clarify an understanding of freedom that is seen as missing or obscured in the post-war philosophical debate about the political idea of freedom. In particular, they seek to challenge the predominance of the negative ‘liberal’ conception of freedom in Anglophone political philosophy. This is characterised as ‘the absence of coercive impediments’ by Skinner, and as the absence of ‘actual interference’ by Pettit. In challenging this ‘liberal’ conception, these analysts provide a much needed antidote to a view that has often dominated the freedom debate. However, in the process, they remove from the freedom debate, any of its remaining philosophical credentials. Indeed, they reduce this dispute to an ideological dispute.

Skinner and Pettit challenge the negative ‘liberal’ ideal of freedom by drawing on the resources of history. More specifically, they revive the ‘republican’ conception of freedom found in the history of political thought. Of the two, Pettit presents a clearer and more lucid account of this conception. Thus, according to him, the ‘republican’ understanding of freedom hinges on the idea of ‘freedom as non-domination’ or ‘freedom as antipower’. He infers this from the ‘republican’ assumption that the antonym of liberty is slavery and subservience rather than actual interference. This means that liberty requires the ‘absence of mastery by others’, rather than the absence of impediments or constraint. In his later writings, Skinner utilises this distinction between freedom and slavery and indeed, claims to be ‘deeply indebted’ to Pettit’s analysis of this contrast. Thus, Skinner argues that ‘republican’ freedom depends on the

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5 See Chapter II and next subsection.
6 See I.i and I.iii.
7 These more recent thinkers also advance a ‘negative’ conception but one which they believe is more adequate than the liberal conception.
8 Skinner, LBL, p.112-3.
10 NB recent theories of freedom claim to incorporate element of positive conceptions but one basically negative in form (V.i); Taylor (IV.iii) and Baldwin (IV.iv) display a greater understanding of the distinct logic of positive conceptions, i.e. the need to realise a substantive moral ideal.
11 REP, p.21.
12 This is the title of one of his papers which explicates this conception.
14 REP, p.22.
15 LBL p.37, fn 114.
absence of 'personal exploitation and dependence' and the absence of 'arbitrary' rule.\textsuperscript{16} According to Skinner and Pettit, this negative 'republican' conception of freedom needs to be explicatied if fresh light is to be thrown on social and political thought and practice.

Despite their tendency to undermine the philosophical standing of the freedom debate, Skinner and Pettit's appeal to history is important for our purposes, because it constitutes a rejection of \textit{current} ways of understanding and conceptualising freedom. It also marks a return to the insights of the past - insights that had been appealed to by the 'ideological' theorists of the immediate post-war period. No lessons though, have been learned. Thus, like their 'ideological' predecessors, Skinner and Pettit fail to use the past to advance a distinctively political understanding of freedom. That is to say, instead of using it to identify and respond to genuine philosophical problems arising from the political, they use it to illuminate problems with post-war, analytical accounts. Whilst this focus prevents them reflecting on the fundamental problems of political philosophy, they still come close - by accident rather than by design - to explicating a distinctively political understanding of freedom. It is because they arrive at this understanding in a selective and unrigorous way, that their analyses are 'ideological' rather than 'philosophical'.\textsuperscript{17} That is to say, their understanding of freedom reflects their own value-preferences and commitments, rather than an attempt to explain the nature and value of the civil state.

The aim of this subsection is to assess briefly, the common concerns and shortcomings of these 'republican' accounts of freedom.\textsuperscript{18} To do this we will trace their origins and evolution, as well as their connection to each other. This will help to underline the distinct character and significance of each. Both Skinner and Pettit then, have been contributing to the freedom debate since the 1980s\textsuperscript{19} and both have published works in recent years that summarise their findings or conclusions.\textsuperscript{20} Skinner's importance lies in him being the earlier of the two to formulate a 'republican' challenge to the dominant negative idea of freedom as 'the absence of impediment to the pursuit of one's chosen ends.'\textsuperscript{21} Thus, in his two papers, 'The idea of negative liberty: philosophical and historical perspectives' (1984), and 'The Paradoxes of Political Liberty' (1986), he argues that there is more than one coherent way of thinking about political liberty. In particular, he believes that, contrary to current belief, the 'negative' idea of freedom can be connected to virtue and public service without incoherence and he uses Machiavelli's ideas to demonstrate this.

\begin{itemize}
\item \textsuperscript{16} \textit{LBL} p. 119. NB Skinner prefers to label this conception 'neo-roman' for reasons discussed below.
\item \textsuperscript{17} It is a 'normative' understanding in so far as it describes a norm or principle of political practice; 'ideological' in so far as it expresses the theorist's own value-preferences. (See I.i on the difficulties of distinguishing these).
\item \textsuperscript{18} It is sufficient for our purposes, that these accounts are briefly outlined and assessed.
\item \textsuperscript{21} 'The Paradoxes of Political Liberty, p.185.
\end{itemize}
The main problem with these earlier papers is that Skinner misunderstands the aims of his predecessors and thus criticises their accounts on inappropriate grounds. In particular, he focuses his attention on what he perceives to be the underlying assumption of these accounts which is ‘that the only coherent idea of liberty is the negative one of being unconstrained’. According to Skinner, this assumption is implicit in MacCallum’s analysis, and implicit or explicit in those who accept this analysis, such as Benn and Weinstein, Oppenheim, Feinberg and Rawls. Skinner seeks to challenge the underlying assumption of these accounts with his analysis of Machiavelli’s thought. Thus, he shows how the ‘negative’ idea of freedom can be connected to virtue and public service without incoherence. However, in the process he confuses ‘analytical’ reflections on the meaning of freedom with Machiavelli’s reflections on the institutional practices necessary to secure freedom. This confusion and lack of rigour means that his contribution to the freedom debate is of very limited philosophical interest.

Another problem with these earlier reflections is that Skinner implies that Machiavelli’s understanding of freedom is important and relevant to the modern world, yet he fails to explain how or why. This is an important shortcoming given that Machiavelli’s concerns are not our concerns and therefore the relevance of his thought is not obvious. Thus, according to Machiavelli, both virtue and public service are necessary if a community is to preserve its freedom. By this he means freedom from the arbitrary rule or enslavement of another. He believes this threat can come from within or without: from the nobles who abuse their powers to dominate the rest of the community or from foreign invaders. Since such forces no longer threaten a community’s existence, it is not surprising that this ‘republican’ understanding of freedom has ceased to be relevant or of interest to the modern world. It is thus imperative for Skinner to show how such threats manifest themselves in this world, if he is to revive this conception. His silence on this point means that his analysis is of very limited interest.

Skinner’s most recent contribution to the freedom debate, Liberty before Liberalism, was published in 1998. This lecture is largely a reworking of his earlier reflections on the political idea of freedom. In it, he consolidates his view that the republican conception of freedom - which he had earlier extracted from Machiavelli’s political writings - can help to illuminate the limitations of the ‘negative’ conception which predominates Western political thought. However, in this later work, he focuses his attention on the ‘neo-roman understanding of civil liberty’ which ‘rose to prominence in the course of the English revolution of the mid-seventeenth century.

22 ‘The idea of negative liberty: philosophical and historical perspectives, p.194.
23 ‘The idea of negative liberty: philosophical and historical perspectives, p.195.
24 See the conclusion of ‘The Paradoxes of Political Liberty’.
25 Discourses, especially, Book I, Sections 16-8.
26 The essay is an extended version of Skinner’s Inaugural Lecture, delivered in the University of Cambridge, on 12 November 1997 (LBL, ix).
27 In this later work, Skinner refers to the ‘neo-roman’ rather than the ‘republican’ theory of liberty on the grounds that the latter usage is ‘liable to mislead’. LBL, p.11, n.31.
29 LBL, Preface, ix.
of the day, written by ‘republican’ thinkers such as Harrington, Milton, Neville, Sidney and Nedham. Skinner believes these ‘theorists ... generally make it clear that they are thinking of the concept in a strictly political sense. ... They concern themselves almost exclusively with the relationship between the freedom of subjects and powers of the state.’

Whilst this later work clearly has a distinctively political focus, Skinner draws on the writings of political ideologues and propagandists, rather than the theories of political philosophers, to develop his conception. Indeed, he is upfront about the fact that the writers on whom he focuses, provide an ‘analysis of civil liberty [that] marks them out as the protagonists of a particular ideology’. Such writings are far removed from the traditional concerns of political philosophy because they focus on the practical political concerns of the day, rather than on the general philosophical problems associated with ‘ruling and being ruled’. These ‘ideologues’ are especially concerned with the ‘practical’ problem of arbitrary rule. This concern leads them to come very close to identifying a distinctively political kind of freedom. However, they do so by accident rather than design. This is because it is not the result of careful philosophical reflection on the political, but a pragmatic response to a political problem.

As with his earlier analysis of Machiavelli’s thought, Skinner does not explain why the practical political concerns of the English Revolution, are still relevant. That is to say, he does not identify a parallel threat in modern society. This is necessary because it is widely assumed that democratic institutions and the rule of law prevent the use of such arbitrary political power. However, despite the apparent irrelevance of this earlier debate to contemporary concerns, Skinner believes understanding the past is important if we are to think critically about our moral and political values. More specifically, he believes we can use history to reappraise our current assumptions and beliefs. He even seems to imply an alternative political vision in which there is greater participation in the political process and greater public vigilance of the use of political power. Such claims are far removed from the traditional philosophical project of explaining and justifying the nature of the civil state and seem to merely reflect Skinner’s own value-preferences.

Although Skinner is important for initiating the ‘republican’ challenge to the liberal ideal of freedom, it is Pettit who has done most to refine this conception and introduce it to mainstream, normative political philosophy. Unlike Skinner, who presents himself as an ‘intellectual historian’, Pettit conceives himself as a ‘political theorist’ or political philosopher. This helps

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30 See Part 1 for a discussion of these writings. As Skinner points out (fn. 67, p.22-3), not all of these writers ‘were republicans in the strict sense of repudiating the institution of monarchy’. This is why he prefer the adjective ‘neo-roman’ to describe these thinkers.
31 LBL, p.17.
32 LBL, p.23 (my emphasis).
33 Compare Hayek who identifies the command economy as the modern threat.
34 LBL, p.116-8.
35 LBL, p.112.
36 See, in particular, the concluding remarks of ‘The Paradoxes of Political Liberty’.
37 Skinner, LBL, p.101; Pettit, REP., p.2. Pettit does not make a distinction between a political theorist and a political philosopher.
to explain his very different approach to the ‘republican’ conception. Thus, whereas Skinner is content to identify a rival conception of negative liberty found in the history of political thought; one which seems to challenge modern liberal assumptions, Pettit is more interested in exploring the conceptual and substantive issues associated with this conception. In particular, he seeks to sharpen the conceptual distinction between liberal and republican accounts of ‘negative’ liberty. Thus, in both ‘Negative Liberty, Liberal and Republican’ (1993) and ‘Freedom as Antipower’ (1996), Pettit develops and explores this distinction and shows how it can have policy implications. These distinctions and implications are further developed in his most recent work, Republicanism: A Theory of Freedom and Government (1997). Here he attempts to present a republican vision of political life that rivals liberal and communitarian visions of the state. More specifically, he seeks to offer a viable alternative to liberal theories of justice.

Pettit explicitly takes his cue from Skinner.38 Thus, he appeals to the ‘republican’ thought of the past to develop his distinct understanding of freedom. In particular, he appeals to the thought of Cicero, Machiavelli and Harrington to develop his conception.39 However, unlike Skinner, he uses this ‘republican’ understanding of freedom to construct a ‘political ideal’;40 one which can illuminate the ‘experience of subordination [which, according to Pettit] is so widespread’ in our society.41 He is especially keen to highlight the dominating and exploitative relationships that characterise certain social and economic relations in the modern world.42 From this concern, it is clear that Pettit is not discussing a distinctively political kind of freedom. Indeed, rather than focus on the distinctively political relations of ‘ruling and being ruled’, he focuses on the dominating power that can arise in the realm of the family or in the workplace, etc.. He is thus far removed from discussing the fundamental problems of political philosophy. Despite this, he has succeeded in outlining an alternative ideal to liberalism, for, as he himself argues, ‘non-interference and non-domination are different ideals.’43

The principal significance of Pettit’s analysis lies in his attempt to forge, like Flathman before him, a direct link between analytical political philosophy and normative political philosophy; between conceptual analysis, and reflection on the principles that should govern political practice. However, in the process, he allows his own ideological preferences to creep in. He thus fails to maintain the degree of philosophical detachment one would expect of this type of inquiry. Furthermore, in shifting his attention to substantive as opposed to purely conceptual concerns, he compromises the philosophical enterprise, analytically understood. That is to say, he helps shift the freedom debate to a new, more ‘ideological’ level of discussion and debate. This shift was arguably inevitable once it was recognised that linguistic analysis alone, could not settle the dispute about the meaning or the nature of freedom and that more substantive

38 Pettit openly acknowledges his debt to Skinner in developing this ‘republican’ conception, REP, p. 7; p.27 n.
39 REP, p.5.
40 REP, p.12.
41 REP, Preface, viii.
42 See in particular, ‘Freedom as Antipower’ and REP, Chapter V.
43 REP, p.23.
argument was required. Indeed, once theorists began to self-consciously explicate a liberal conception of freedom, it was only a matter of time before this conception would be challenged by a rival ideology. This compromise in the philosophical standing of these inquiries underlines the need to radically rethink the aims and methods of political philosophy, if political philosophy is to remain a philosophical form of inquiry.

This brief survey of how ‘republican’ accounts have evolved and how they have begun to inform contemporary debates, underlines how important it is to introduce a more ‘philosophical’ approach to political philosophy, if it is not to become a sophisticated form of ideology. A more detailed critique of these accounts is unnecessary given their largely ‘unphilosophical’ agenda. However, it is important to recognise that, despite their more historical focus, these contributors still accept many of the underlying assumptions of the analytical approach. In particular, they assume, like their predecessors, that the political idea of freedom can be analysed and clarified independently of a wider political theory. Nevertheless, they come far closer than their predecessors, to clarifying a distinctively political kind of freedom. This is because they take their bearings, at least initially, from the political theories of the past.

(iii) Review: the generic shortcomings of analytical accounts

We have now come to the end of our survey and critique of analytical accounts of freedom. Our critical history of these accounts suggests that analytical efforts to clarify the political idea of freedom are beset by some serious methodological problems. In particular, they fail to satisfy the standard of philosophical adequacy to which they aspire, they fail to address the fundamental problems of political philosophy, and they fail to clarify a distinctively political kind of freedom. There are a number of reasons for these shortcomings, chief of which is that philosophers of freedom fail to think sufficiently carefully about the nature of their inquiry. As a result, they advance accounts that are of very limited philosophical interest. In this subsection we will briefly review some of these shortcomings and thus pave the way for our proposed remedy. We will find that whilst these accounts may be of some practical interest - for example, in improving communication in certain areas of discourse - they fail to make the conceptual limitations of their accounts clear. This has resulted in a great deal of unnecessary confusion and dispute.

To begin then, whilst analytical political philosophers are self-consciously a part of the analytical tradition, they fail to satisfy its standards of clarity, precision, explicitness, and rigour. In particular, they base their accounts on unexamined moral and metaphysical assumptions about the value and nature of freedom, and they fail to specify what kind of freedom they are clarifying. This leads them to conflate different concepts of freedom, in their search for a single, unified account. At the same time, they fail to address the fundamental

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44 Cf theories of freedom discussed in Chapter V.
45 In an analytical and a synoptic sense.
46 Barring Hayek (II.iii).
problems of political philosophy. Indeed, their inquiries are informed by a very narrow range of concerns and preoccupations. For example, analysts have sought to illuminate an ideological threat, establish descriptive precision, or clarify the norm or criterion of freedom shared by a particular community. Not one has attempted to show why such inquiries are of philosophical interest; they have assumed that they are and have proceeded accordingly. In the process, they have failed to clarify a distinctly political kind of freedom. Instead, they have clarified the necessary conditions of, for example, physical freedom, freedom of choice and even metaphysical freedom.

We need to review some of these shortcomings in a little more detail if we are to grasp the requirements of a more satisfactory account. In the first place then, the lack of clarity surrounding the aims of post-war accounts, and in particular, the failure of analysts to specify the philosophical significance of their inquiries, leads to a lack of clarity in their results. Thus, it is not always clear what an account has actually achieved. Indeed, whilst some analytical political philosophers are explicit about their wider concerns and preoccupations and thus the conceptual limitations of their account, others, as we have seen, give the misleading impression that they are clarifying the meaning, the nature or the concept of that freedom which is central to Western political thought and practice. This aim is further implied by the fact that analytical political philosophers often claim to be presenting a more adequate account of freedom than their predecessors. This presupposes that it is possible to present a better or worse account of ‘freedom’. However, this assumption is mistaken for we need different accounts to address different concerns.47

This pseudo-debate about the meaning or the nature of ‘freedom’ has been encouraged by the generic failure of analysts to specify their subject-matter in a clear and precise way and their related failure to distinguish different kinds of freedom. It has persisted because contributors add to it without first understanding the claims of their predecessors. This is partly the fault of their predecessors who often present their accounts as more far reaching than they actually are. However, in misunderstanding the claims of their predecessors, analysts often criticise and attempt to ‘replace’ existing accounts on inappropriate grounds. Others, such as MacCallum, Steiner and Taylor, fail to identify the target of their criticisms in a clear and precise way. This leads them to criticise rival accounts on inappropriate grounds. It is because these contributions are not careful enough, that they perpetuate unnecessary dispute. Until such shortcomings are recognised, analysts will continue to add to the debate and perpetuate a dispute that is of limited philosophical interest.

The methods or approaches underpinning these analytical accounts are similarly limited. Thus, some explicate the ideas and traditions of freedom found in the history of political thought, some examine the various ways we talk about freedom in ordinary and practical forms of discourse, whilst others clarify the necessary and sufficient conditions of free action and free

47 Often political philosophers are clarifying an empirical concept of freedom and reject other uses (i.e. appraissive and evaluative concepts) because they are inherently value-laden. This ignores the linguistic need for concepts that express and advance our values.
agency. Whilst all three approaches can throw light on the different ways we understand and conceptualise the political idea of freedom, all share a common shortcoming. This is that they fail to clarify a distinctively political kind of freedom. Indeed, whilst these accounts may throw light on the different ideas of freedom that can be discussed in a political context, they fail to clarify that freedom which is unique to political experience. One of the aims of this thesis has been to consider how such a freedom might be explicated. In particular, it has been argued that we need to reflect philosophically on the political, rather than appeal to history or tradition, ordinary language, practical discourse, etc..

This failure of analytical accounts to clarify a distinctively political kind of freedom arises then, out of various methodological problems. The most important of these is that analytical political philosophers discuss the idea of freedom in isolation of a wider political theory. This means that their accounts are often developed and presented independently of a wider conception of the political. Indeed, instead of being rooted in a conception of the political, accounts arise out of the narrow concerns and preoccupations of the philosopher. In diluting the political focus of post-war analyses, these wider concerns prevent analytical political philosophers from clarifying a distinctively political kind of freedom. Instead, they have variously clarified an ideological, a normative, or an empirical understanding of freedom. Since analytical accounts are of limited philosophical interest, we need to apply caution if we seek to develop them further.

Many of these problems arise out of a narrow conception of political philosophy. Thus, some conceive it as a conceptual inquiry, some conceive it as a normative inquiry and some conceive it as a combination of the two. None conceive it as an explanatory enterprise. Generally speaking accounts have become less and less reflective about the aims and methods of political philosophy as the debate has evolved. This means that accounts are increasingly informed by the assumptions of the present, rather than by assumptions arising out of the subject of politics. Analysts have also become further and further removed from addressing genuine philosophical problems. This is because they are responding to accounts of their predecessors rather than genuine philosophical problems.

One of the main contentions of this thesis is that if contributors had stepped back from the debate to question its underlying aims and assumptions, they may have recognised these problems. Instead, they have accepted unquestioningly the aims and assumptions of their predecessors, and proceeded accordingly. This tendency underlines the dangers of responding to philosophical fashion rather than philosophical problems. Thus, fashions take on a momentum of their own, even if the grounds of the inquiry are questionable. Indeed, the grounds are rarely, if ever, examined when the response is to a dominant fashion. By contrast, philosophical problems may rest on some confusion, but this can at least be removed or addressed by philosophical reflection.

48 See in particular, I.i and I.ii.
49 For a fuller discussion of this, see I.iii.
Remedy: identifying a genuine philosophical problem

Before we consider a possible alternative to the analytical approach to understanding and conceptualising 'freedom', we need to remind ourselves of the underlying assumptions that inform and underpin this thesis. Throughout then, we have insisted on the need to recognise the different kinds or concepts of freedom that can become subjects of discussion and debate. These reflect different ways of understanding political life and political relations. To conflate these different kinds of freedom is to encourage confusion rather than understanding. It is also to lose sight of the different reasons why analysts are discussing 'freedom'. The above critique suggests that these reasons can be many and various. This means that unless we specify, why we are clarifying 'freedom', and what kind of freedom we are discussing, we are likely to talk at cross purposes. Indeed, theorists who insist that there is “something” that the word 'freedom' denotes are confusing words with concepts. They are failing to recognise that the word 'freedom' can denote many different concepts of freedom and that some of these concepts are of more philosophical interest than others.

Whilst the ‘different kinds of freedom’ approach favoured by this thesis utilises analytical techniques, it is not constrained by them. In particular, this ‘pluralist’ approach does not restrict our attention to analysing current ways of conceiving ‘freedom’. Indeed, it insists that how we conceive ‘freedom’ depends on our wider concerns and preoccupations. This means that new conceptions of freedom can be developed according to our linguistic and intellectual needs. Given the multiplicity of ways in which the idea of freedom can be conceptualised, it is essential that philosophers shift their attention to addressing genuine philosophical problems and concerns, rather than become bogged down in analysing terms that can have no single, definitive sense or meaning. In other words, they need to identify a ‘problem’, before they attempt to clarify the terms with which this problem is to be addressed. One of the principal mistakes of analytical philosophers was their failure to take traditional philosophical problems seriously.50 Thus, they assumed that these problems arose out of the way we used language, rather than out of genuine philosophical concerns regarding human existence.

In dismissing all philosophical problems in this way, analytical philosophers turned philosophical inquiry into conceptual inquiry. However, conceptual inquiry proved to be problematic because concepts can only be fully grasped in the context of their use. This is particularly true of political concepts. Indeed, to strip political concepts of their wider linguistic and historical context, is to strip them of any fixed meaning. They become tokens to advance interests, describe relations, or articulate ideals rather than to address genuine philosophical problems. We need then, to focus on genuine philosophical ‘problems’ not ‘concepts’. These problems are not created by our concepts, but by our beliefs and practices or experiences. Concepts are tools of thought and only become a subject of analysis and confusion when we lose sight of the specific problems they are designed to address, i.e. the beliefs and practices.

50 Ayer is the most obvious and influential exponent of this view, in Language, Truth and Logic. For the application of this approach to political thought, see T. D. Weldon’s, The Vocabulary of Politics.
they seek to explain. ‘Concepts’ also become problematic when we try to make generalisations about them. This occurs when we fail to distinguish words from concepts; when we reify, for example, ‘freedom’.

In addition to insisting on the need to distinguish different kinds of freedom, this thesis has insisted that a distinctively political kind of freedom can only be clarified and discussed in the context of a wider political theory. This is because it is a concept that answers to the problems specific to political theorising or political philosophising.\(^{51}\) In no other form of discourse is such a concept required. As we have seen, analytical philosophers fail to discuss a distinctively political kind of freedom, despite being nominally interested in political relations. This is because they conceive these relations in ideological, empirical, or normative terms, rather than in philosophical terms. This leads them to clarify, legal, metaphysical, moral, physical and social kinds of freedom rather than a distinctively political kind. The result is a debate about ‘the nature of freedom’ which is both endless and confused.

One way of sidestepping the interminable disputes surrounding the idea of freedom, is to conceive freedom as a linguistic tool.\(^{52}\) Thus, the language of ‘freedom’ can be used to express ideals and aspirations as well as describe various relations: physical, moral, legal, psychological, social, etc. Once this is conceded, there is no need to claim that one account of freedom is better or more adequate than another. Rather each is adequate in terms of its own aims. In other words, it is a mistake to search for a more adequate or more satisfactory account of ‘freedom’, political or otherwise. Indeed, such a search betrays mistaken assumptions about the ontological status of ‘freedom’. This thesis then, rejects current ways of thinking about the political idea of freedom. It also believes the analytical approach is severely limited. For this reason, it believes a new approach to analysing and conceptualising ‘freedom’ is needed. In particular, it suggests we need to focus on genuine philosophical ‘problems’ not ‘concepts’. How this might be achieved will be briefly discussed in the next, concluding subsection.

\textit{(v) Conclusion: future work and future prospects}

In this concluding section, we need to consider future work and future prospects. What these amount to will depend on the persuasiveness of this thesis. Insofar as its main claims are accepted, then it is clear that current approaches to understanding and conceptualising the political idea of freedom are in need of some serious revision.\(^{53}\) As we have seen, post-war accounts of freedom have failed to clarify a distinctively political understanding of freedom. The main reason for this is that they are informed by the narrow concerns and preoccupations of the analyst rather than by the puzzles and problems peculiar to political philosophy. This has resulted in analyses and accounts of ‘freedom’ which are only as illuminating as the concerns being clarified and addressed. Thus, whilst the debate began with accounts that focused on genuine problems arising out of our political experiences, it gradually became further and

\(^{51}\) In this context, these phrases are interchangeable.

\(^{52}\) The metaphor is Wittgenstein’s, \textit{Philosophical Investigations}, para. 11, p.6.

\(^{53}\) Alternatively, the conceptual limitations of analytical accounts need to be made more explicit.
further removed from such problems. Indeed, the ‘problems’ became more and more the product of the analyst’s own making and the product of misinterpreting and misunderstanding the accounts of his predecessors.

An acquaintance with the history of political thought suggests that the shortcomings of these accounts arises because the political idea of freedom is being clarified and discussed independently of a wider political theory. This suggests that these shortcomings can be remedied by reviving a more traditional approach to political philosophy; one which is more sensitive to the philosophical problems associated with the political. Future work then, needs to be directed towards developing a more rigorous approach to political theorising; one which is more sensitive to the metaphysical underpinnings of this form of thought. In the absence of such theorising, philosophical reflection upon the political is impossible; instead theorising is dominated by current ideological interests and preferences. Escaping such bias is only possible by reflecting at a much deeper level on the nature of the political.

The most obvious way of encouraging a more philosophical approach to political theory is by developing a closer acquaintance with the tradition of Western political thought. The object of this acquaintance should be to develop this tradition rather than reject it. Such development requires a firm grasp of the fundamental problems or questions that concern these thinkers. Some of these concerns or problems will be peculiar to a particular time and place; others will be informed by a desire to understand the place of human beings in a natural or cosmic order. It is the latter concern which makes this form of thinking distinctively philosophical; to lose sight of this basic concern, is to lose sight of the purpose or function of these theories. Closer acquaintance with the tradition of Western political thought is especially important for those interested in the political idea of freedom, because it will help them to identify the distinct kind of freedom that manifests itself in the civil state. This can be variously understood and conceptualised; the important point to recognise is that it is a freedom that can only be secured in the civil state and is peculiar to that state.

The need to reflect on the nature of political philosophy before engaging in it, is arguably the single most important conclusion to be reached by this thesis. Such reflection is necessary because the subject-matter of political philosophy is not settled and the conceptions of the twentieth century are arguably reacting to, rather than developing, the Western tradition of political thought and inquiry. Herein lies the source of our current philosophical troubles. We are rejecting a tradition of thought that has existed and endured since the beginnings of Western thought. Given this long heritage, it is arguably incumbent upon us to try and understand, rather than reject lightly, the problems that these philosophers tried to address. In particular, the tradition should not be rejected because of political experiences such as totalitarianism, or because of a philosophical ideology, such as logical positivism. Neither reason does justice to the body of thought that it attacks and seeks to revise. The limited achievements of recent

54 Compare Locke and Rousseau (I.i).
'analytical' inquiries is enough to suggest that an older, more illuminating tradition cannot be dispensed with, without considerable loss.

In the future then, political philosophers should attempt to show how their efforts advance the ends of political philosophy rather than simply offer up responses to existing debates which are themselves of questionable philosophical interest. It is only when a political philosopher thinks about the goals of political philosophy more generally and is self-conscious about his own contribution to an inquiry, that clarity rather than confusion can characterise the debates within it. Where accounts lack a clear direction and purpose, they can only be of very limited philosophical interest. To put this another way, political philosophers need to know the past before they attempt to philosophise in the present. Only in this way, can they escape the intellectual fashions of the moment. Acquiring this knowledge of the past is no easy task and underlines the difficulty of political philosophy as a distinct form of inquiry. However, unless political philosophers acquire this acquaintance with the history of their subject, their reflections cannot escape the narrow assumptions and values of a particular time and place.

The future prospects of political philosophy are bleak if political theorists continue to add to existing debates without prior reflection on the underlying aims and assumptions of these debates. The narrow and largely unphilosophical content of these debates will simply become more narrow and more unphilosophical as contributors become further and further removed from the questions or problems which initially prompted the discussion. These shortcomings are easier to detect and address, if the theorist acquires a closer acquaintance with the history of political thought. This can provide him or her with the tools to challenge modern debates and open up new regions for discussion and debate. The future prospects of political philosophy then, depends on recognising its distinct nature and character and encouraging future contributors to recognise this. Only then, can debates be of genuine political and philosophical interest.
Appendix: A Taxonomy of Freedom Concepts

The different concepts of freedom being discussed or alluded to by post-war analysts:

Descriptive concepts:

1. The ordinary concept - ‘physical’ freedom (e.g. Steiner) ‘the absence of external obstacles or impediments’
2. The behavioural concept - ‘interpersonal’ freedom (e.g. Oppenheim) ‘the absence of agential constraints’ (agents can be individuals or groups)
3. The juristic concept\(^1\) - ‘legal’ freedom (e.g. Berlin on ‘negative’ freedom) ‘the absence of legal constraints’

Appraisive/Evaluative concepts:\(^2\)

4. The democratic concept - ‘political’ freedom\(^3\) (e.g. Hayek) ‘participation in the political process’
5. The individualistic concept - ‘personal’ freedom (e.g. Benn and Weinstein) ‘making one’s own choices’
6. The mental concept - ‘psychological’ freedom (e.g. C. Taylor) ‘the absence of internal constraints’ (e.g. conscience, habit/being self-determined)
7. The anthropological concept - ‘social’ freedom (e.g. Flathman\(^4\)) ‘the absence of normative constraints’ (i.e. shared norms, customs, traditions)

Explanatory concepts:

8. The ethical concept - ‘moral’ freedom (e.g. Berlin on ‘positive’ freedom) ‘the rule of right reason’
9. The philosophical concept - ‘metaphysical freedom’ (e.g. Arendt) ‘action that is undetermined’, (i.e. not arising from necessity).
10. The normative concept\(^5\) - ‘civil’ freedom (Hayek and Skinner comes closest) ‘the absence of arbitrary constraint’ (i.e. from political institutions)

\(^1\) This kind of freedom should not be confused with T. H. Green’s account of juristic freedom, which comes closer in meaning to ‘civil’ freedom.
\(^2\) Whether a concept is appraisive or evaluative depends on the degree of analytical detachment involved in clarifying the concept.
\(^3\) This phrase will be used in this thesis to refer to a distinctively political kind of freedom.
\(^4\) Flathman discusses this kind of freedom implicitly rather than explicitly.
\(^5\) This constitutes a distinctively political understanding of freedom and should not be confused with a normative understanding. The main difference here is that the normative concept of freedom is informed by standards that are implied in nature or in some divine order, rather than in a particular community, e.g. natural law, General Will.
There are no doubt other kinds of freedom that can be identified, but these are the central and most influential ones.

Freedom then, always implies the absence of some kind of constraint - but only certain kinds of constraint are of interest to the political philosopher, i.e. illegitimate legal/political ones.
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