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reply directly that the distinctness of freedom as a political value is best captured by investigating which constraints do, and which do not, inhibit *political* freedom. Headaches may cripple personal freedom. They are not likely to figure amongst the constraints that politicians either impose or could alleviate, but if they do so figure, they limit political freedom, too.

I conclude that, so far as the analysis of the language of freedom is concerned, the criticisms of McCallum and Feinberg must be well taken. Linguistic analysis does not permit us to draw the distinction which Berlin employs. But this is not the end of the matter. McCallum goes further, arguing that the use of analytically unsound labels will lead to confusion and error as we affix them to inappropriate positions. He thinks we should avoid dubbing Smith a theorist of negative liberty or Jones a proponent of positive liberty since most philosophers of historical significance will advance complex doctrines which are best viewed as a combination of the two. I think this caution is timely, too.

However, I don't think that Berlin has made this mistake; despite the grand sweep of the historical materials he surveys, he is remarkably sure-footed. Moreover, I suspect that Berlin is right in his claim that much of the literature on political liberty can be fruitfully placed within one or other of two major traditions within the history of ideas. Berlin's chosen apparatus for identifying the different traditions – distinguishing two leading questions – is certainly clumsy, but the distinction he draws captures a very real difference.

We can pinpoint this difference by considering a problem concerning freedom of action. Take the case of the addict. What I want most now is a cigarette – and so I smoke one. I don't, however, want to be a smoker. When I smoke, do I act freely? On that starkly negative conception of freedom elaborated by Hobbes, my freedom is attested by my getting what I most want. No one has stopped me doing what I please. On the alternative conception of freedom, described above as the first step on the road to positive liberty, I have not acted freely. If I don't want to be a smoker, if I want to be in a condition where I don't want cigarettes, if I view myself as a pathetic appetitive creature whose desires have got out of control, the experience of doing what I most want to do will be the very experience of unfreedom, a personal slavery to obnoxious desires.

What is distinctive here is that I disvalue getting what I want. We shall discuss this view, most familiar perhaps from Kant's moral philosophy, later under Rousseau's rubric of 'moral liberty'.²² This dispute cannot be adjudicated here, but notice how sharp the conflict is. The one example gives rise to diametrically opposed verdicts concerning the smoker's freedom of action and the difference between the two verdicts derives from the applicability to the judgement of whether I act freely of normative considerations concerning whether what I do is best. On the Hobbesian account of free action norms concerning what I ought to do are irrelevant. On the Rousseauian or Kantian view, they are central.

We can shift the discussion towards an analogous political dispute. Do all coercive laws limit my freedom? The coercive instruments of the state, generally the police, may just stop me from getting what I want, but in the usual case the whole apparatus of the criminal law (police, courts, prisons) works by raising the potential cost of illegal activities – a cost specified by the conventional tariff of punishment. There are two views one might take. On the first, I am unfree whenever the criminal law proscribes what I want to do. Suppose what I most want is to eliminate my rival for promotion. The bad news is that since this is illegal, I am unfree to kill her; severe penalties are prescribed for murder. Judging that the possible gains are not worth the risk, I refrain. The good news is that the disvalue of my unfreedom is outweighed by the value to her of her survival.

A very different (positive) analysis of freedom requires that the option variable, what it is that I am not forbidden to do when I am free to do it, is not satisfiable by an action that is morally wrong. Suppose I make a very bad moral mistake and think that all is permissible in love and war and business, including the killing of rivals for promotion. On this positive analysis of freedom, my error is compounded. Since it is wrong to murder rivals, murdering rivals is not the sort of thing one could logically (or conceptually) be free to do. It follows that one's freedom is not impugned by laws that threaten punishment for those who are convicted of murdering their rivals for promotion. Extrapolating from this example to the common case, one's freedom is not limited by coercive laws which prescribe punishment for wrong-doing. It is, in Locke's

phrase, licence, not liberty, that is curtailed. It is not a case of the bad news (my freedom's being limited) being outweighed by the good news (less murder). There is no bad news when I am stopped or inhibited from doing what is wrong in any case. Opportunities to do wrong with impunity do not enhance my freedom. If I am inhibited from doing what I most want by what I believe the state demands of me – and hence resist the temptation to murder the competitor – my freedom will not be abrogated. As we saw above, citizens should welcome the power of a state which constrains them to keep to what they know is the right path. If we think of freedom as the condition of social empowerment canvassed above, almost paradoxically, we can recognize the coercive agency of the state as enabling us to do what we believe to be right, refraining from wrong-doing and pursuing the good life.

I have outlined two opposing positions. Which is best? The question is still open despite my biased exposition of the differing claims they make. A theory of freedom developed in recent years takes a very clear view of the issue.

The republican theory of freedom

The republican theory of freedom has its recent origins in the work of Quentin Skinner and has been developed in some depth by Philip Pettit and Jean-Fabien Spitz.²³ The republican theory has classical foundations in the ideal of liberty proposed for the Italian city-states of the Renaissance. Historically, it was an aspiration for both states and citizens, celebrating both their independence from potentially dominant neighbours and a constitution which was republican, with citizens (generally, some portion of the adult male population) taking up public offices and living under the rule of law. Such a constitution contrasts notably with despotic or monarchical regimes; citizens have a robust moral and civic standing – they are not slaves or the ethical subordinates of arbitrary rulers. This way of thinking about liberty is the product of a distinctive tradition, with respectable classical sources. It incorporates a specific conceptual analysis and is claimed to present an attractive political ideal.

It is glossed by Pettit as 'non-domination':

someone dominates or subjugates another, to the extent that

1. they have the capacity to interfere
2. on an arbitrary basis
3. in certain choices another is in a position to make.²⁴

Non-domination is to be distinguished from non-interference, from self-mastery and from that collective self-mastery which is exhibited in participation in directly democratic decision procedures. It is a *status* concept, expressive of the equal comparative moral and legal standing of all citizens. So, against those theorists who value negative liberty, it is claimed that one can be subject to dominion without interference. If a woman has a gentle master, a master, perhaps, who is susceptible to her wiles, if he will not interfere so long as, like Sheherazade, she can spin out his entrancement, she is free according to the negative theory, but not on the republican account. As a dancing girl, *raconteuse* or slave, or, in modern times, a clever wife with a doting husband but no legal rights against his possible molestation, she is unfree even if, *de facto*, in charge.

Further, we may be subject to interference but not dominated, by just coercive laws. These will be laws that are not arbitrary – and non-arbitrariness comes in two forms: the laws are enacted by the processes of a proper constitution and they are in accordance with citizens' interests as informed by their values. In the first form, we have the 'empire of laws, and not of men'.²⁵ This wonderful slogan is more perspicuous for what it excludes rather than designates. It excludes the caprice of monarchs and the whim of suspicious dictators. It includes (probably) a host of constitutional devices intended to protect the innocent citizen from this sort of unpredictable intervention in her daily business. Laws must be enacted by the citizens or their representatives, promulgated widely and comprehensible universally; offices should be open to all on the basis of ability and popular endorsement.

Second, the laws which direct citizens' conduct and legitimize sanctions against criminals should be fully in accordance with their interests and values. It is possible that laws which are ideal in point of their provenance can still get it wrong. In which case, an aberrant majority, say, will still prescribe arbitrarily. Such laws,

impeccable in point of their source, will infringe freedom. So, we may conclude that arbitrariness in two distinct fashions must be absent if laws (or other coercive social instruments) are to leave freedom intact.

This is a complex and wide-ranging theory of freedom; what holds it together is the idea of non-domination. I have my doubts about this. Non-domination is an important and central personal and political value, and the republican theorists deserve great credit for giving it new life. It is related in clear ways to liberty. The difficulty, to my mind, is that the theory gives the concept of non-domination too much work to do. Non-domination can be understood narrowly, embracing differences of status or quasi-moral authority; here what is vital is a *capacity* to interfere in the actions of others solely on the grounds of differential status. Slave-owners best exemplify this model of domination. Their interference in the lives of the slave will be arbitrary in that the slave will have to do *whatever* the slave-owner wishes. His demands may be more or less onerous in fact, but it is clear who is the master and who is dependent on the master's requirements.

The slave's debilities are twofold: she is subject to the master's commands and dependent on his graces. She is both biddable and vulnerable. For Rousseau, dependency was the great vice of economic systems which foster inequality; differences in property holdings are soon magnified into differences of social status which are then entrenched as differences of political power. Strikingly, dependency becomes symmetrical. Everyone suffers, though not plausibly in equal measure, when the masters become dependent on their slaves.²⁶ In *The Phenomenology of Spirit*, Hegel amplifies this criticism of human relationships which are marked by domination and subordination.²⁷ In disbarring the possibility of mutual recognition, they distort the self-images of the protagonists to the point where they are both incapable of fulfilling their potential as equally human self-consciousnesses. This material, which stresses the psychological damage inflicted in unequal power relationships, has been used to criticize all manner of social dependencies: men/women, husband/wife, employer/employee, imperial power/colony. At its heart is a thesis concerning the personal and social importance of reciprocal, mutual recognition and the necessity of various forms of equality in achieving this.

I concede that this thesis has strong implications for politics; it calls directly for some version of equal citizenship, most evidently that of equal participators in a democratic decision-making procedure. Non-domination, thus construed, amplifies that strand of thinking about liberty which stresses self-control in both its personalized and social versions – important elements in the positive conception as described by Berlin. It is hard to see how non-domination, identified in this narrow fashion, can be used to place limits on a sovereign power which comprises a body of equally powerful citizens.

And yet Mill, famously, and Pettit, latterly, insist that it must. To be fully non-dominating on the republican account the laws must track the interests and values of the citizens.²⁸ Legislation, however non-dominating its source in democratic institutions, must be non-arbitrary in its content as well. Mill's solution was to insist that legitimate legislation should respect the harm principle – 'the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others'.²⁹ Other philosophers have stressed the role of human rights in delineating the proper competence of the sovereign power, howsoever democratic it may be. These are issues we shall broach later. For the moment, let me conclude simply that I cannot see how such restrictions on the content of law-making can be derived from non-domination in the narrow sense that I have sketched. Perhaps a wider one will serve, but we should be wary of losing the clear content of the concept of non-domination as we extend its application. The real lesson we should learn from the republican theory of liberty is the necessary complexity of any persuasive account of the value of political liberty.

The value of freedom

In what follows, I shall attempt to give such an account. First though, let us review our progress so far. We have on the table versions of the ideals of positive and negative liberty charted by Berlin, together with an example of how (and how not) to construct a hybrid theory. All three are candidates for our philosophical allegiance; they have sound analytic credentials. How do

we select between them? My suggestion is that we accept as an anchor the thought that political liberty is a value and endorse that account, or construct a fresh one from the assembled ingredients, which best explains why it is precious to us, *in extremis*, why so many have been prepared to die in its cause.

This approach requires us to strike out negative conceptions which stress the intrinsic value of our being able to get what we want without being stopped. Unless what we want is itself of some value, the freedom to pursue it is just about worthless. Contrariwise, and this is the lesson of one way of thinking about positive liberty, the value of liberty is the instrumental value of whatever worthwhile opportunities liberty grants. So, freedom of thought and discussion is valuable because thought and discussion is valuable. Freedom of worship is valuable because religious worship is valuable. And so on. These would be poor liberties, though, if their exercise was compulsory. We would value being able to speak up at Hyde Park Corner a good deal less if we were required to do so once a year. So the *whole* value of liberty cannot be instrumental. In the most impressive recent work on freedom, Joseph Raz suggests that freedom is of value since it is defined as a condition of personal autonomy.³⁰ But personal autonomy turns out to be a very complex personal and social condition. Whilst acknowledging my debt to Raz's work, I want to develop from scratch – or at least from more classical philosophical material – an elaborate account of freedom which does justice to a range of persuasive views about the value of the condition. In so doing we shall interweave some of the doctrines that have been outlined above.

A theory of freedom is no doubt tidier if it can encompass the traditional problems of free will and free agency as well as the issue of political liberty. Theorists who attempt a unifying theory – Hegel, amongst the great dead; Stanley Benn in modern times³¹ – are ambitious, but for many, including John Stuart Mill, confusion and muddle are the intellectual cost of this synthesizing ambition. I have no brief for tidiness against truth, but I do believe that those strands of the positive liberty tradition which emphasize the link between freedom of action, generally considered, and political liberty contain an important insight. To make this point, I need to outline in more detail that strand of thinking about the nature of free action which I mentioned as the first ideal of positive liberty

and labelled 'self-control'. Readers who are properly sceptical about my conclusions are invited to pursue the literature on these difficult issues. Readers who are knowledgeable of the literature on free will will recognize what follows as a tendentious gloss.

Freedom of action

We do not act freely when nothing or no one stops us getting what we want, if we have no control over these wants. For many, as we have noticed, the experience of unfreedom is most acutely felt when one pursues the satisfaction of desires he despises himself for suffering. If I know my hands are clean, accept that no good purpose is served by washing them for the umpteenth time this morning, recognize that my obsession disables me from other, better, projects, and still find myself going to the hand-basin – since that, it appears, is what I most want to do, for reasons that are unfathomable to me, I get what I want, but act unfreely. To act freely, reason, in some fashion must be brought to bear on my desires. At its simplest, I must want to want what I try to get, appraising the first-order desires which assail me in the light of second-order desires which operate on them.³² But not just any second-order wants will serve to establish my freedom. What if I am uncritical, a 'wanton', in respect of my second-order desires?³³ True freedom is realized when actions are determined by desires which are ordered in the light of some conception of the good or are expressive of qualities of character (virtues) produced by strong evaluations of how it is best to live.³⁴

This account of free action is not new, although it is certainly fashionable. Important elements of it can be traced in Locke, Rousseau, Kant and, most thoroughly, in Hegel's *Philosophy of Right*. It captures one strand of thinking about autonomous action – we are free when we are in control of what we do, acting against what, phenomenologically, are our strongest desires when this is called for by reason or morality or the ethical demands of communities we recognize as authoritative.

This ancient and modern way of thinking about free action raises many difficult questions which I shall sweep aside for present purposes. There are two central points which I want to lift from

these discussions: the first can be expressed in positive or negative fashion; I act freely when I am the author of what I do, when my actions issue, in recognizable fashion, from my own deliberations. Reversing the coin, my freedom is evinced in actions that are not the product of brute nature working through me by prompting desires which I blindly follow. Further, if I follow rules or ordering principles when I oppose, control or select amongst the heteronomous forces that assail me, these are rules which *I* select or endorse. They must pass some test or filter imposed by my capacity for reason, most famously the Kantian rule of the Categorical Imperative. Negatively, they are not alien impositions. They may have been taken on board at the command of some superior authority, be it parent, priest or politician, but such commands will be legitimate only if the commands directly or their putatively authoritative sources have passed some test of rational legitimation. (Some have asked, concerning Kant's Categorical Imperative: Where is the freedom in following rules which are the product of quasi-algorithmic calculation? One answer to this hard question is that the rules which pass the test are not the commands of anyone else.)

The second point we should notice is that freedom of action, far from being constrained by rules or principles of conduct, requires their positive endorsement and efficacious employment. There is a danger that this point may look overly restrictive and overly moralized. Do I not act freely when I select the colour of toothbrush I wish to use? What rules or principles are in play here? Most choices that we make can be effected absent of any moral considerations. When did *you* last take a decision that hinged on scrupulous moral deliberation?

A plausible response to this objection is to claim that free actions must be *sensitive* to appropriate moral considerations when these are in play. The free agent has a moral gyroscope, finely balanced and firmly set. He will be alert to circumstances in which principles of conduct may impact. Suppose there has been trouble and strife in the family caused by careless use of toothbrushes (and what issue is in practice too trivial to disturb domestic harmony?). If Fred has promised that he won't buy a pink one again, alarm bells should ring as he approaches the supermarket shelf. If he is insouciant and thinks only of what colour would match his razor,

something has gone wrong. If the alarm bells *never* ring for Fred – and this sort of moral blindness is chronic – we have a case of someone who is not fully in control of his actions. Contrariwise, if Fred thinks through what colour toothbrush to buy in the light of the agreements that he has made and the principles which dictate fidelity to those agreements, his actions are not unfree simply because they are constrained by his moral scrupulousness.

I don't think an acceptable account of political liberty can be *derived* in any thoroughgoing fashion from insights such as these concerning freedom of action. But they are suggestive. They are likely to colour the story told by one who accepts them. They may delineate the contours of the favoured account, as we shall see.

Autonomy

A different starting point can take us towards a similar conclusion. On the starkest conception of negative liberty, that of Hobbes, we act freely when we are not hindered in getting what we want, given that this is physically achievable. Mill, in a careless moment, endorses this account: 'liberty consists in doing what one desires.'³⁵ The value of freedom can be swiftly inferred. It is the value of getting what we want, doing as we please. Thus put, the value of freedom is instrumental; it amounts to the value of whatever we want, which our freedom is instrumental in enabling us to get. If we are unfree in a given respect, we either cannot get, or can get only at too great a cost or risk (of punishment, generally) whatever is the object of our desire. This account of the value of freedom has the great virtue of being simple and straightforward. Moreover it enables us to rank freedoms in respect of their value to us. This will be a function of the value of the activities that freedom permits. The more important is the object of desire, the more important the freedom to get it, the more serious the restriction in cases where we are made unfree.

The weakness of this account should be evident from our consideration of freedom of action. Although I am prepared to admit the general importance of getting what we want and, *a fortiori*, the freedom that permits us to achieve it, we cannot assume that this is true across the board. What the agent wants may be plain evil – the

thrill of causing pain and suffering to someone else – or harmful to the agent himself. In such cases, since the satisfaction of his desire is not itself a good, neither is the freedom to achieve it. We should conclude that freedom is an instrumental good only where there is some positive value to the agent's satisfaction of his desire. If freedom is an intrinsic good, good *per se*, its goodness must be at least, in part, independent of the value of the opportunities it makes available. So even where the choice is that of doing something evil or refraining, the news is not all bad, since there is some positive value to the agent in being able to actively select amongst the options available.

This idea has to be treated very carefully, since it has great intuitive appeal. What is the value of choice? Minimally, choice is just plumping, going for one alternative rather than another with no grounds to guide one's selection. Do I choose heads or tails when you toss a coin, do I put my chips on the red or the black at the roulette table? No doubt I would feel (and be) deprived if you were to both toss the coin and choose heads for me. It would be a funny roulette table were the croupier to place the bets! So the value of choice even in this minimal situation is not negligible. Nonetheless, the value to me of just plumping is not great. The lottery punter who goes for the Lucky Dip rather than selecting her own six numbers has forgone little of value.

But not all choices are as experientially bereft as these. Mill himself dwelt on the value of choice to the chooser. He described what he called 'the distinctive endowment of a human being' as 'the human faculties of perception, judgement, discriminative feeling, mental activity, and even moral preference' and claimed that these 'are exercised only in making a choice'.³⁶ What sort of choices did Mill have in mind? Clearly it was not choices of the 'heads or tails' variety, nor even more challenging ones, concerning the texture of the anaglypta wallpaper, perhaps. He was concerned rather with choices amongst alternative plans of life.

Again, this is a point which must be advanced carefully. It is not sufficient that we have in mind something like big moral decisions. This is the Kantian value of autonomy. It is realized when human agents deliberate about the right thing to do. They apply the rational will, a transcendental capacity to employ reason to test or generate moral principles in the light of which they thereupon act.

We can grant that Kantian autonomy is exercised under conditions of freedom which permit agents significant opportunities to work out what is the right thing to do, but if this is the core value of freedom we may find that freedom does not provide the best circumstances in which autonomy may be developed. In the aptly named 'Kantian Gulag',³⁷ Flint Schier points out that

autonomy can flourish under the most oppressive and despotic regimes. Poets like Mandelstam and Akhmatova continued to produce their own poetry even in the darkest moments of Stalinist terror and repression. Bruno Bettelheim has told us how communists and priests in particular were able to maintain their moral gyroscopes even in the grotesquely convulsed circumstances of Nazi concentration camps.

Schier noticed how survivors of the camps could *fear* freedom, anticipating that the free life would not have the moral density experienced in surroundings where daily life was fraught by decisions concerning how best to live a life of moral integrity. It can be a hard decision that one should look one's captors in the eye. And to do so continually can be a hard and risky policy. It is no surprise that those who left the camps, especially those who took up a comfortable life in the USA, Western Europe or Israel, were prone to deplore the superficiality of the culture they embraced, contrasting it unfavourably with the horrors they had escaped in respect of the opportunities it afforded for a life of deep moral seriousness.

What is missing from life in the Gulag is the freedom to live one's life in accordance with goals of one's own choosing.³⁸ Mill's notion of a plan of life is central here, so long as we do not read his prescription in too literal a fashion. Encouraged by talk of agents as authors of their own life, constructors of their own life-narrative, one may construe this ideal in implausibly dramatic terms. Politicians, writing their autobiographies, encourage us to do so when they portray the happenstance of a successful climb up the greasy pole as the successful implementation of youthful designs executed on the back of an envelope. We can write the story for them. Success at school is to be followed by an Oxford Scholarship. Stunning reviews for her role of Portia in a garden

production of Merchant of Venice will accustom her for future glory as President of the Union. After a few years in the city or at the bar, having earned a fortune, she will stand for Parliament in a by-election. Swift promotion will see her as Prime Minister at the door of 10 Downing Street – and out come the family photographs of her posing with policeman and proud parents in the same doorway, thirty years before.

This should *not* be our model of an autonomous life. Mostly, autonomous agents will see their lives as a muddle, but their *own* muddle, a series of advances and withdrawals meeting with moderate success and some (perhaps frequent) failure. Far from being a blueprint resolutely followed, the autonomous life will be identified retrospectively as the agent claims *responsibility* for the courses she has followed and the streams down which she has drifted.

We must not make the autonomous life too heroic an aspiration. The modest measure of autonomy I have described requires a societal framework where pathways are available for exploration even if the traveller is likely to take a wrong turn or get lost. Negatively, gates must be open; positively, capacities must be developed as agents are empowered to select amongst realistic or challenging options. We know well the sort of blocks to autonomy that our fellows can meet. Parents may project their own ambitions on to a docile child and go to their grave unsuspecting that their doctor son hates his patients and his profession. Schools may go about their business educating their charges to be the workforce of the mine or mill, long after the mills and mines have closed, unsuspecting of the talents they ignore and so fail to foster. The conformist traditions of a well-disciplined community may induce social paranoia in otherwise generous and outgoing souls. And states, following the middle road to electoral success and hence pandering to perceived majorities, may suffocate what Mill called experiments in living. The widespread achievement of a sufficient measure of even that modest variety of autonomy I have described requires a tolerant public ethos as well as strong liberal institutions. It should not be authority's grudging tribute to mankind's natural bloody-mindedness.

'A poor life, but mine own' characterizes the sort of autonomy a society can realistically aspire to on behalf of its members. It need

not educate them to be career planners of business school proportions. Does this do justice to the generous liberal ideal? Is this a morally worthy goal?

It must be confessed that it falls short of one well-known model – that of the life organized around an individual ideal.³⁹ Ideals of the sort I have in mind may be thought to give meaning to the lives of their proponents and hence, though they do not prescribe universal ends, they do have a moral tinge to them. Any account of the phenomenon of ethics which ignored them would be incomplete. Thus we might admire a life devoted to public service or religious devotion. We may recognize as worthy practices of asceticism and stoical self-discipline. A life devoted to art, as practitioner or as connoisseur, may command a similar respect in many quarters. And we should not ignore the value of loyal domesticity. Such ideals fade into pursuits which may be equally demanding but are barely ethical except perhaps for their display of executive virtues – intelligence, foresight, resolution, indeed many items on Mill's list of distinctive human endowments. Thus one may be fully committed to a career or a club, or both together in the case of political advancement. We see the shadow of asceticism in the pursuit of good health, organic vegetables, personal trainers and the like. We are well used to the idea of lifestyle choices, having glossy embodiments of them paraded daily in newspapers and magazines.

Respect for autonomy demands acceptance of others' devotion to a range of moral ideals to which one may not subscribe – and to which one may be hostile. (I shall discuss the issue of toleration later.) But the pursuit of an autonomous life need not involve such all-consuming aspirations. Self-realization need not be so strenuous an exercise as liberals have portrayed it.⁴⁰ An autonomous life single-mindedly engaged in the pursuit of a great ideal evidently requires appropriate freedoms – but so does that species of autonomy which is displayed in less exalted enthusiasms, stamp-collecting or bird-watching, perhaps, or a range of enthusiasms conducted by Jack-of-all-trades. So, too, does the unsettled and wide-ranging pursuit of fancy, trying this and that as a means of occupying leisure time, a different evening class every winter, none producing true mastery. In each case we find humans balancing, compromising or sacrificing conflicting demands on their active attention and fashioning a life out of the debris.

On my account freedom is justified as instrumental to the worthy activities it permits and as the necessary precondition of an autonomous life. Why is autonomy a good? We shall have more to say on this question when we discuss rights in the next chapter. But as a hint to my way of responding to it, I invite readers to consider whether or not, after due deliberation, they desire it and believe, in consequence, that the demands of others for it should be respected. If this question seems too abstract, focus on the denial of autonomy, and consider whether you are averse to that in its characteristic manifestations. If your philosophical temperament inclines to a more ambitious and more soundly anchored way of thinking, you will see autonomy as a *jewel*, as expressive of mankind's rational will, the transcendent capacity to reach beyond the trammels of our natural state towards a spiritual, even Godlike facility of self-creation.

If so, a *Philosophical Health Warning* should be issued. Think of the man who is mistaken. He believes that humans should adopt something akin to the sexual lives of pygmy chimpanzees. He accepts the Freudian story about infantile sexuality and believes that children are a legitimate target of his desires. He accepts that his community excoriates his attitudes and so takes them underground. Gathering appropriate degrees and diplomas, he works his way into positions of responsibility, say, manager of a children's home, and expresses his sexuality by the physical and mental abuse of the children in his care. He then lives a life of appropriate, careful, pleasure. Absent of any considerations about the sources of his sexual appetites, this is an autonomous life – indeed it is unusual in respect of the cleverness and forethought that has been invested in its plan. Is this a model of the good life?

It would be, if the executive virtues were all that is necessary for its success. A denser exhibition of the executive virtues would be hard to find, excepting the prescient politician I described above. Still, we should accept that autonomy, without its Kantian overtones of sound moral judgement, may be the source of the greatest evil. There are two ways forward here: either we can *moralize* the notion of autonomy so that the autonomous agent does no wrong (the Kantian route) or we can accept the possibility of autonomous evil.

We should stick fast to the insight that freedom is a good. In

which case, we should modify our understanding of autonomy or accept that its connection with freedom is contingent. If autonomous action can be evil, freedom cannot be vindicated as the expression of an autonomous will. If we take the Kantian route, we need to say more about autonomous action to disbar the possibility of autonomous wrong-doing. Why not return to our sources in Rousseau, try to work out what moral liberty requires and develop a more robust theory of positive liberty?

Moral freedom

On Rousseau's account, this is the freedom which is attained by those who can control their own desires. It is developed further in Kant's account of autonomous willing which stresses how we bring to bear our resources of rational deliberation in the face of our heteronomous desires, those desires which we are caused to suffer by the nexus of our (internal) human nature and (external) nature. If we follow reason's guidance we shall act freely, willing actions which it must be possible in principle for all to accomplish, laws which all must be able to follow. Kant's account suggests to many a strenuous form of moral athleticism; actions of moral worth are the product of a continuing internal struggle wherein agents wrestle with temptation. 'Do with repugnance what duty commands'⁴¹ is one caricature of this style of morality.

Rousseau, writing before Kant, believed that this stern conception of duty expects too much of us. We are weaker creatures than Kant believes us to be, not least because our moral natures have been corrupted by the degenerate society which is the product of human history. We do not have the personal resources to consistently act well. Perhaps weakness of will, exhibited through our knowledge of what is right and our inability to achieve it, has become a social malaise. We recognize that social remedies are needed to cure what has become a social problem. This is the third ideal of positive liberty canvassed above. The state, making laws in accordance with the general will (of which more in Chapter 7) provides the collective resource we require. In a society where subjects endorse the rules of the sovereign – for Rousseau, a direct democracy – and accept that these should be backed by sanctions,

citizens force themselves to be free by subjecting themselves to a common discipline. They give themselves additional (prudential) reasons to behave well, recognizing their (and others') susceptibility to go astray.

We can see this sort of reasoning at work in the case of laws which prohibit theft. Grant that I believe it is wrong to steal, right to respect the private property of others. But I also believe that I, along with many others would be severely tempted to steal if I were hard pressed and could escape with impunity. On these assumptions, I should have no objection to such a law, indeed may welcome it as improving the likelihood that I shall act well. Furthermore, I recognize, as a property holder, that my freedom is enhanced by the restrictions which such a law places on others. It makes them less likely to interfere with the use I may make of the property I own. My freedom is protected by laws which guard a domain where my own decisions and choices are decisive. Self-interested agents will look for a beneficial trade-off between the surrender of their own powers to take or use the property of others and the augmentation of their own powers of self-protection which the authority of the state can effect. Moral agents will see no loss. Of course they welcome the limitation of the powers of others who would inhibit their freedom but the surrender of their own powers to do wrong is something they equally endorse.

This story, of autonomous agents, willingly and rationally subjecting themselves to the coercive powers of the state, will be explored in Chapter 6, where we examine the grounds of political obligation. For the moment, the lesson to be taken is that laws which keep us and our fellow citizens on what we recognize to be the straight and narrow path of duty do not infringe our liberty.

As Berlin saw clearly, this is a dangerous argument, and the danger comes from two different quarters. First, there is the obvious threat that *others* may determine what our duty requires and then regiment us to perform it. This danger is avoided so long as we insist that the moral liberty which is achieved by state coercion be the product of political liberty, of democratic institutions. The second threat is that democratic majorities may get it wrong, proscribing under penalty of imprisonment and like measures of punishment activities which are innocent. Since the decisions of democratic bodies do not of themselves constitute verdicts on

what is or is not morally acceptable, this is a permanent possibility. The pursuit of moral liberty may land us in political chains.

There are a number of complementary answers to this problem. The first is that we should buttress our specification of the institutions which promote political liberty with some condition that sets limits on the competence of the democratic decision procedures. Mill's harm principle sets out to do this, as do declarations of human rights which are embedded in the constitution of the state or which operate as supra-national conventions. The second, an explicit implication of Mill's principle, is a public recognition that the wrongs which may be prohibited consistently with liberty do not include wrongs which citizens may do to themselves alone – this is the issue of paternalism. Both of these questions will be taken up in what follows. The third issue is difficult and concerns the problem of toleration.

Toleration

If there can be such a thing as a liberal virtue, it is toleration. But, as one commentator has said 'it seems to be at once necessary and impossible'.⁴² Toleration is necessary because folk who live together may find that there are deep differences between their moral beliefs which cannot be settled by argument from agreed premisses. It is impossible because the circumstances of deep conflict which call for the exercise of toleration are all too often described in terms of the obtuseness and stubbornness of the conflicting parties. These differences, historically, have been of a kind that causes savage conflict. The point of disagreement may seem trivial to a neutral observer – is the bread and wine consumed at the Eucharist the real body and blood of Christ transubstantiated in the ritual or is it a representation? (I use this example because I heard it used *recently* by an extreme Protestant bigot to establish the metaphysical foundations of his duty to provoke and assault Roman Catholics, kicking them for preference, especially after soccer matches!) From disputes as arcane (to non-believers) as this, moral disagreements swiftly follow. Moral disagreements are *always* serious – I would say, by definition.

I want to approach the problem of toleration obliquely by

looking briefly at what I believe is a cognate problem – that of weakness of will. There are severe (and ancient) philosophical problems created by the phenomenon of weakness of will. How can people *know* what is the best thing to do and then do something else? The problem of toleration has a similar structure: How can people know what is the wrong thing for someone else to do and not stop it? Philosophers divide in respect of the problem of weakness of will. Some dissolve the difficulty by insisting that there are no such cases. If you *really* knew what was the right thing to do, you would do it. If you don't do it, you don't really know. Or you really know, but somehow your knowledge is not engaged in the decision you take. Your knowledge is overwhelmed by the power of your emotions, by your passionate commitments. Or there is some other story (e.g. you were drunk at the time) to explain why your knowledge of what is best didn't motivate you – and philosophers are imaginative in coming up with the sort of stories necessary to defend their theses.⁴³ Opponents insist that it is still possible, once we have discounted those cases where plausible stories may be told, that a moral agent may recognize the right thing to do – and then do something else.

Exactly the same structure of dispute can be unearthed with respect to toleration. Toleration is appropriate when we cannot expect to persuade someone with different views of the rights and wrongs of an issue. No matter how strong our beliefs or convictions, no matter how deep our feelings of certainty, no matter how articulate or eloquent our pleadings or how forceful our arguments, when we try to convince others we hit a brick wall. They are wrong – but we don't seem to be able to do anything about it. They're truly, madly, deeply, wrong but, as with the best of friends who fall in love with absolutely the wrong person, we can't get them to see their error. In which case why don't we just stop them doing wrong? The doctrine of toleration insists that there are cases where, for all our belief that others are acting wrongly, it would be wrong for us to stop them. But what, other than a belief that others are doing wrong, can *ever* be legitimate grounds for our stopping them?

Historically, doctrines of toleration developed as a response to the wars of religion in seventeenth-century Europe. It was discovered, the hard way, that whilst threats of death, torture,

imprisonment and the rest may serve for a time to get people to behave in ways they would otherwise resist, no amount of coercion can command others' beliefs. The very model of a ludicrous public policy is that of 'forced conversion'; read Browning's poem 'Holy Cross Day', the most sardonic poem in English, for an account of the sentiments of Jews forced to attend an annual Christian sermon in Rome and watch a dozen of their company converted publicly to the true faith. (The Jews regularly surrendered up their thieves and vagabonds to this silly ritual, on Browning's account.)

We know that disputes of this order of seriousness generally have their origins in religion. Or religion and ethnicity. Or religion and sexuality. The modern form in which such problems arise is often cast as the problem of multicultural citizenship.⁴⁴ To my knowledge, neither individuals nor tribes fight about the permissibility of murder, though the religious doctrines to which they subscribe may permit or require the death of unbelievers.

Toleration, as I have described it, requires one not to interfere in conduct which one believes to be morally wrong. Why do we not leap to the conclusion, in cases where we do not think that we should interfere with the conduct of others, that we don't really believe it to be wrong? This thought, I believe, captures the liberal instinct. Let us look at some standard cases.

Think of a state with majority and minority religions, or more generally, one with religious divisions and where the power to legislate is in the hands of one religious community alone. Should the state tolerate those who do wrong in the minds of the legislators by breaking the dietary laws their religion prescribes? At least one dimension to this issue, which can go proxy for many other differences of religiously sanctioned morality, is whether the question is a truly moral one at all. Briefly, it may be argued that morality has a universal dimension which is belied by one who conceives its source to be an authoritative religious text. Of course, the believer will affirm the universal authority of the prescriptions – one can't expect such problems to be so swiftly settled – but the direction of the liberal argument can be easily grasped. The question of toleration does not arise, it is suggested, since the activities up for proscription are not truly wrong.

Consider similarly proscriptions on the travel or opportunities to earn a living of some ethnic group. Again the problem does not

arise for one who believes that one does no wrong who sits at the front of buses or on park benches designated for others. Exactly the same issue arises with respect to areas of sexual conduct. Homosexuals, for example, will protest that it is an error (and worse) to regard permissive legislation as tolerance since they do no wrong.

In other areas of conduct, again, it may be mistaken to speak of tolerance, with the clear implication that the permitted behaviour is wrong. The point here may not be that one can confidently deny the immorality of the actions some would prescribe, but that the moral issues are not clear. If one can see two sides to a question, as may happen where one accepts that the moot behaviour is often wrong but may sometimes be justified, we may have instances of doubt inhibiting firm moral judgement. For many people, the rights and wrongs of abortion are clouded in just this fashion. If one does not believe firmly that such activities are wrong across the board, one's hesitancy may lead one to deny that toleration is at issue. This is especially true where the complexities of the circumstances afford a privileged perspective on the immediate circumstances to the agent who proposes to behave in the controversial manner. In judging that it is best to leave the decision on how to act up to the agents concerned, since they are in the best position to work out the implications of what they are doing, again one is claiming that tolerance is not an issue here.

Finally, and cases of this sort are akin to those where paternalism is an issue, there may be issues where the rights and wrongs of the matter just are a matter of personal decision. It is not a matter now of modesty, of leaving a decision to the person who can best decide the question. Rather the point is that the individual agent who is faced with the choice is the *only* person who can settle the matter. It is not easy to find examples which are not tainted by extraneous considerations (or marked by the tracks of some other philosophical agenda), but perhaps suicide and voluntary euthanasia are like that. Although in some cultures marriages are arranged, the liberal is likely to believe no wrong is done by the obstinate child who will not accept her parents' directions, since at bottom the right marriage partner is the one who is accepted or selected by the aspirant bride. If we distinguish, in the manner of Strawson, social morality and the individual ideal, we may be