



Freedom: Different Concepts or Different Values

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INTRODUCTION

Of all the concepts in contemporary political philosophy none has a greater claim to centre stage than that of freedom. It is an idea that has dominated political thought for well over two centuries, and is a word that is banded around constantly in political life. It is a concept which has found itself a home in everyday language as an ideal we all value and want protecting. Yet despite the concept's ubiquitous presence in modern society, what it is we actually speak of when political thinkers and laymen alike talk of freedom is anything but settled upon.

In contemporary political philosophy, the liberal tradition has rather consistently held the negative concept of liberty to be the concept of freedom that we should be concerned with. They argue that the concept of freedom that we should value, and that must be guaranteed and protected by the state is freedom from interference. Negative freedom, as it is commonly formulated, is the freedom from constraint by others and by the state. Defenders of this concept of freedom argue that the state or other individuals have no right to constrain you in so much as you don't place a constraint on the freedom of them or others. In other words, negative freedom dictates that I should be free to do as I want as long as I do not infringe the freedom of others.

The case made by liberal philosophers for negative freedom as opposed to positive freedom is perhaps most famously made by Isaiah Berlin in his *Two Concepts of Liberty* (1969). In this work, Berlin defines positive freedom as "freedom to-- to lead one prescribed form of life" and as freedom as "self-mastery."¹ In a sense, this concept of freedom is not concerned with external constraints, but internal constraints - the constraints of rationality and the ability to master your desires to be in-line with the 'good-life.' Berlin believes that advocacy of this type of freedom is dangerous, this is because it can be used by states to impose or prescribe what they see as the 'good life.' It can allow, Berlin argues, the state to heavily interfere in the lives of private citizens in the name of promoting the good life, or rational self-mastery. It is in this way that Berlin sees positive liberty as being in conflict with negative freedom - that a state may place external constraints in the name of promoting positive liberty.

¹ Isaiah Berlin, "Two Concepts of Liberty," *Four Essays On Liberty*, (Oxford, England: Oxford University Press, 1969), p. 126

However positive freedom has also been conceptualised in different ways by different scholars. Some scholars, such as G.A.Cohen, hold that positive freedom refers to having freedom to certain resources and opportunities, such that “lack of money, poverty, carries with it lack of freedom.”² In this sense positive freedom is far more about external constraints than Berlin gives it credit for. Whilst Christman has argued that positive freedom is in fact just concerned with *how* we form our desires and preferences, so that freedom is about not facing internal constraints to our preference formation.³ Nelson on the other hand has in fact argued that in this way negative and positive freedom both seem to simply be expressions of a freedom from constraint, whether external or internal, and therefore are both fundamentally negative expressions of freedom.⁴

One reason that philosophers choose one claim over another is in large part due to the relationship freedom has with theories of justice. It is uncontroversial to say that the concept of freedom plays a central role in contemporary theories of justice, for example a very pure version of negative freedom (or libertarian freedom) was employed by Robert Nozick to construct his Entitlement Theory of justice.⁵ Essentially Nozick argues that justice is solely concerned with the protection of ours and others negative freedom.⁶ In other words, justice is done when actions are freely made and in accordance with the rights of others. What consequences these actions produce are not of significance for justice, unless the consequence of an action is the unjust hindrance of another's freedom. Also for Rawls, the protection of basic, negative liberties took first place in his lexically ordered principles of justice, meaning that for Rawls justice is first and foremost the protection of negative liberties.⁷ Therefore although the exact dynamics of the relationship between freedom and justice are up for debate - such as what came first the concept of freedom or a theory of justice? - It appears clear that there does exist an interdependent relation between freedom and justice.

John Christman frames this relationship by arguing that concepts of liberty embody answers to question of values such as justice.⁸ I believe that by this Christman is alluding to the idea that the reason why someone chooses a particular concept of freedom, for example negative over positive, is because of their ideas of justice. In other words, political philosophers care about freedom mainly because they believe that their

² Gerald A. Cohen, "Freedom and money." *Revista Argentina de Teoría Jurídica*. Vol. 2, n. 2, (June. 2001), p. 90

³ John Christman, "Liberalism and Individual Positive Freedom." *Ethics* 101, no. 2 (1991): p. 346

⁴ Eric Nelson, "Liberty: One concept too many?", *Political Theory*, Vol. 33 (1): (2005) p. 64

⁵ Robert Nozick. *Anarchy, state, and utopia*. Vol. 5038. New York: Basic Books (1974), p. 151

⁶ There is of course more to Nozick's Entitlement Theory, such as its retributive aspect amongst others, but the basis for these parts of his theory also spring from his concept of freedom and its application. In any case, it appears uncontroversial to say that Nozick's theory of justice is centrally concerned with his concept of freedom.

⁷ John Rawls. *A Theory of Justice*. Cambridge, Mass: Belknap Press of Harvard University Press (1971), p. 60

⁸ John Christman, "Saving Positive Freedom", *Political Theory*, Vol. 33, No. 1 (Feb., 2005), p. 79

chosen concept of freedom aligns with certain ethical commitments. These commitments more generally relate to an overarching theory of justice. For example, an obvious ethical claim that Nozick wishes to make is that of the connection between property rights and justice. As Nozick sees property, or more precisely ownership of property as an extension of ownership of oneself⁹, then Nozick is sure to include the sanctity of property rights in his theory of justice, and in turn will choose a concept of freedom which aligns with this commitment. Hence why Nozick holds a negative account of freedom, as it promotes property rights by placing at its heart the lack of external interference on individuals and thus by extension the lack of external interference on individual's property.

Following from this relationship between freedom and justice, I will argue as part of this thesis that the distinction made between positive and negative freedom, as well as between competing claims of freedom more generally are not, and should not be about disagreements as to what 'real' or 'true' freedom is, but are instead expressions of which freedoms align with certain philosopher's broader ideas of justice. What I believe this means is that it is wrong to claim that only a purely negative or positive concept of freedom is the only coherent concept of liberty, and that instead the disagreement and the distinctions made are in fact done so on disagreements about which freedoms are valuable and why. The overall value of instances of freedom is in turn derived from our theories of justice and the ethical commitments which comprise these theories.

Important to note that I have said *value* of freedom rather than the *concept* of freedom should be derived from our ideas of justice, as the implications of my main claim is that we should not seek to define freedom only as those instances that fit with our ideas of justice. In other words, a complete concept of freedom must not be arbitrarily constrained as only making coherent claims of freedom or unfreedom which align with our theories of justice. The flipside of this is that we should also not derive our ideas of justice from a concept of freedom which is already defined in such a way as to embody our ideas of justice and the ethical commitments present in them. If we do we end up with limited theories of justice which are grounded by limited concepts of freedom.

Therefore I will argue, referring to the work of Carter, that a complete and coherent concept of freedom must be both value-neutral in that it does not give superiority to any particular ethical claims made in regards to freedom, and as value-free in that we do not define freedom as only those instances which are also just.¹⁰

⁹ Nozick, *Anarchy, State, and Utopia*, p. 172

¹⁰ Ian Carter. "Value-freeness and Value-neutrality in the Analysis of Political Concepts." In *Oxford Studies in Political Philosophy, Volume 1*, edited by David Sobel, Peter Vallentyne, and Steven Wall. Oxford: Oxford University Press, (2015), p.282

It is because of this that I will defend an altered version of MacCallum's triadic formulation of liberty, which I believe is most successful at encompassing what it is we mean when we're talking about freedom, by presenting freedom as a relationship between agent, preventing condition - as well as a fulfilment condition that I have added - and an action or behaviour.¹¹ In this way my altered version of MacCallum's concept sets the foundations for what I will argue is a value-neutral and value-free concept of freedom, which gives a structure for us to make sense of all intelligible expressions of freedom and gives a neutral base from which to introduce other commitments and values to argue for certain types of freedom over others.

In other words, once we have a concept of freedom which is itself devoid of ethical commitments or evaluations, and is structured in such a way as to make sense of all valid claims of freedom, we are then able to make arguments as to why some freedom claims are more valuable or 'better' than others by bringing in our related ethical commitments. This is important to my overall thesis as it allows me to argue for my altered MacCallum concept on the grounds that it is the best concept to be able to make explicit that our disagreements about what is or isn't to count as freedom are instead about which instances of freedom we find valuable in that they represent related ethical commitments which can be broadly seen as our ideas of justice.

The structure of my thesis will be as follows. I will start off by describing and examining the commonly held dichotomy between negative and positive liberty, most famously put forward by Berlin. I will then try to demonstrate how neither negative nor positive liberty is as pure as either its advocates or opponents present them to be, and that the negative conception of liberty in fact has positive elements, and that positive liberty has negative elements. I will then examine Nelson's alternative position, that all accounts of freedom, including the traditionally positive, are in fact all fundamentally negative accounts of freedom.¹² I will object to Nelson's position by arguing that many expressions of freedom consists of positive aspects which are inseparable from its negative aspects. Furthermore I believe his concept to be too vacuous because what we are free from is related to both the objects of freedom and our desires, as well as whether we can actually fulfil our desires apart from interference. Nelson's concept does not allow us to express this relationship.

It is at this point that I will introduce MacCallum's triadic formulation of freedom, arguing that although it does well to encapsulate all talk of freedom into one coherent structure, especially making explicit the relation between agents, constraints and desires, MacCallum's concept would be strengthened if we were to split his constraint variable into preventing conditions and what I will call fulfilment conditions. I will argue

¹¹ Gerald C. MacCallum "Negative and Positive Freedom." *The Philosophical Review* 76, no. 3 (1967): p. 314

¹² Nelson, "Liberty: One concept too many?" p.64

that by doing so we are able to make talk of freedom more complete and coherent, and make more sense of the real disagreement between justice theorists who hold more negative accounts and those who hold more positive positions.

I will then defend my use of an altered version of MacCallum's concept of freedom on the grounds of its value-neutrality and value-freeness. To do so I will have a discussion on Carter's categories of the different types of value that political concepts can have, and I will argue that our concept of freedom must be value-neutral and value-free.¹³ I will argue this because our concept of freedom should not be evaluative as this unnecessarily limits talk of freedom to only those freedoms we see as valuable without explicitly stating why this is. As Carter states, "value-neutrality" is...useful because it provides us with a shared starting point in terms of which to express genuine ethical disagreements."¹⁴ This will bring me on to the final part of my thesis, which is split into two parts. The first looks at arguments as to the value of freedom in terms of whether freedom itself has independent value or whether its value is dependent on external values. I will argue that although it is plausible to hold the view that freedom is independently (although not intrinsically) valuable, what I call the overall value of freedom can still be seen as largely dependent on external moral commitments. In the second part I will demonstrate why it is we should find the value of certain instances of freedom from our ideas of justice (rather than vice-versa), and further support my alteration of MacCallum's formula so as to include preventing conditions on the basis that it allows us to better understand and categorise the relation between justice and when and why we might value instances of freedom.

To summarise, my broader thesis is that competing claims of freedom should be seen as competing claims as to when and why freedom is valuable, and for what reasons, rather than competing claims as to what counts as the correct concept of freedom or *true* freedom. Part of my claim therefore also involves the way that our justice commitments relate to when and why we might value certain instances of freedom, as freedom must get its overall value from these external ethical values if we are to be able to have these meaningful ethical disagreements about freedom whilst also maintaining the basic structure common to all freedom claims. A big implication of this is that the value of freedom must be 'justice-based' and not that our theories of justice by 'freedom-based.' It is then my position, and I will argue throughout that for the reason of the claims I make, my altered MacCallum concept of freedom best fits the bill.

¹³ Carter. "Value-freeness and Value-neutrality in the Analysis of Political Concepts.", p.284-5

¹⁴ Ibid, p.282

CHAPTER ONE: BERLIN AND TWO CONCEPTS OF FREEDOM

In this first chapter I will kick-off this paper by discrediting and dismantling the commonly held distinction between negative and positive freedom. My aim in doing this is to show that both positions in fact rely on the other positions to make freedom claims coherent, and that this shows us that the so-called distinction doesn't really hold upon closer inspection. Therefore, we must derive from these concepts an alternative concept which encompasses the sorts of claims made by both of these traditions.

Berlin opens up his lecture *Two Concepts of Liberty* (1969) by talking about both the high praise and value given to the ideal of freedom by political philosophers, and also the seemingly limitless and elusive meaning or meanings of the term.¹⁵ It is with this latter issue that Berlin is most concerned - how are we to understand the meaning of the term of freedom, or more specifically political freedom.¹⁶ Perhaps most famously Berlin describes two concepts of freedom, negative and positive freedom. In short negative freedom is concerned with the absence of external constraints, the freedom from outside interference to act as one wishes. Positive freedom, according to Berlin is instead concerned with internal constraints, it is "freedom as self-mastery"¹⁷, or freedom to live as one's true self, to overcome irrational desires and to live the 'good life.' It is important to note that Berlin didn't simply see these two concepts of freedom as just two aspects of freedom which we can simultaneously seek and enjoy, but instead as two interpretations of one single ideal of freedom which are in conflict and incommensurable.¹⁸ Berlin therefore sees his job as defending one interpretation against another, and it is negative freedom which he wishes to defend against positive freedom.

NEGATIVE FREEDOM

I shall start now by examining Berlin's concept of negative freedom. Berlin states that under this notion of freedom we are considered free in as much as there is no person or group of people interfering or placing a constraint on our actions. The condition that it is a human being or beings that interfere is of large

¹⁵ Berlin, "Two Concepts of Liberty," p.121

¹⁶ Political freedom as freedom concerned with political and social life, as opposed to more 'existential' ideas of freedom.

¹⁷ Berlin, "Two Concepts of Liberty," p.128

¹⁸ Ian Carter, "Positive and Negative Liberty", *The Stanford Encyclopedia of Philosophy* (Summer 2018 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/sum2018/entries/liberty-positive-negative/>>.

significance to Berlin's concept of negative freedom, for Berlin believes that herein lies an important difference between (un)freedom and (in)ability. According to Berlin the violation of negative freedom involves coercion, and coercion he argues, implies "*deliberate* interference of other human beings."¹⁹ What is important is why Berlin restricts his concept of liberty by claiming that only coercion (in this case a shorthand for 'deliberate human interference') is a form of unfreedom and not interference which is neither deliberate nor human (or both).

In the same vein as Berlin, let us think of why he makes this distinction by thinking about the example of a disease which may cause a person such weakness of breath and limbs that they cannot walk, but only in certain altitudes, and thus at the halfway point of a mountain they are no longer able to continue their ascent. Berlin would argue that we would not consider calling this an example of unfreedom or say that the person isn't free to climb the mountain. Berlin argues that this is because there is no one or group of people stopping this person from climbing the mountain. There is definitely something convincing about this argument, that there's an important difference between inability and unfreedom, however I would argue that Berlin fails to describe this difference by simply referring to its deliberate and agent-driven nature.

For example, let us now imagine a perfectly healthy person ascending this mountain, but now as a result of an avalanche a very large pile of rocks are blocking the path.²⁰ It is at least my intuition that this scenario is an example of unfreedom. It seems intelligible at least to say that the person is now unfree to climb the mountain, after all it is an example of a person facing an external constraint to their action. The important difference for Berlin's negative freedom, between an avalanche causing the rocks to fall and another person somehow pushing down or placing the rocks on the path comes down to having an agent who is responsible for the interference, even when we may have equal concern about an interference with our action no matter who or what caused it. I am not entirely convinced of this position; if I were to accidentally become entangled in chains then I do not believe that it is clear as to why I could be said to be any more free or unconstrained than if a person put me in the chains.

When it comes to Berlin's case that only *deliberate* human action can cause an infringement of freedom I believe that there is a lot more to be said against this in terms as to what exactly is meant by the term "deliberate."²¹ If we accept that another person deliberately placing a barrier in the road restricts my freedom to cross that path, as Berlin would agree, then it doesn't seem particularly clear as to why another person

¹⁹ Berlin, "Two Concepts of Liberty," p.121

²⁰ Gerald Gaus. *Political Concepts And Political Theories*. New York: Routledge (2000), p.73

²¹ Ibid

accidentally, or unintentionally placing a barrier on the road would be any less an infringement of my freedom. I also don't think it helps Berlin's case in that he isn't exactly clear on what deliberate action entails, whether it is about intending to do an action or about the intended consequences of that action. Perhaps I should explain; for example am I deliberately interfering with a person's freedom to cross a path if I deliberately push some rocks off a cliff (i.e. I know that pushing the rocks off will result in the blocking of this path) *but* did not know anyone would be climbing the path that day or was under the impression that the path was closed further down the mountain anyway? In other words if my actions are deliberate²² but the consequences unintended and maybe even unwanted, does this still count as an infringement of the hikers freedom? It is my belief that even if the consequence of the action are unintended or unknown, that it is no less an infringement of freedom than if they were intended and known. It may very well be that when it comes to issues of blame, retribution or who's responsible for rectifying the unfreedom this issue of intent matters quite a lot, but it does nothing to alter the nature of the freedom that is infringed.

I am inclined to believe that Berlin, and libertarian thinkers such as Hayek would not believe that the situation I just described is an example of *deliberate* action, or perhaps more accurately an instance of deliberate coercion, and therefore not an instance of freedom infringement.²³ In fact Gaus seems to agree with me, explaining that "liberty talk, on Berlin's view, is not simply about one person accidentally getting in the way of another, but deliberate interventions in another's life."²⁴ Furthermore, a situation that Berlin would definitely not see as an instance of an infringement of freedom is if both the intentions of a person were not to infringe on another's freedom, and that their actions were accidental. As an example let's now imagine that a person higher up a mountain trips and falls, landing on a pile of rocks at the edge of a cliff. This results in the rocks falling off the cliff and blocking the path below for another hiker who is trying to get up the mountain.²⁵ Has the first man, although unintentionally and accidentally, not made the other hiker unfree to move up the mountain path? I will argue that it is to the detriment of his concept of negative freedom that Berlin would not see these two scenarios as instances of unfreedoms. I appear to not be alone when it comes to this, MacCallum also believes that the insistence that freedom only required the non-deliberate interference of other people to be an arbitrary constraint on the concept of freedom.²⁶ Instead MacCallum believes that when it comes to what is to be counted as incidences of unfreedom, all that matters is whether the constraints or "difficulties can be removed by human arrangements, and at what

²² I.e. I knowingly commit the action

²³ Carter, "Positive and Negative Liberty"

²⁴ Gaus. *Political Concepts And Political Theories*, p.78

²⁵ Ibid

²⁶ MacCallum, "Negative and Positive Freedom." p.325-6

cost.”²⁷This position could explain why we might not see someone afflicted with an incurable disease which does not allow them to scale high altitudes to be unfree to walk up the path - as this constraint cannot be removed by humans.²⁸It also helps to explain my intuition that unintentional and even accidental constraints in the mountain case should also be counted as incidence of unfreedom - because these are constraints which can be removed.

I think that by limiting the instances of infringements of freedom as only those which result from deliberate action, Berlin is unable to account for what many people might see as external infringements of freedom which are not deliberate, even in the latter sense that I described. Berlin himself mentions the argument that “if a man is too poor to afford something on which there is no legal ban...he is as little free to have it as he would be if it were forbidden him by law.”²⁹Berlin even states that this is a plausible argument, but one which depends on a belief that “my inability to get a given thing is due to the fact that other human beings have made arrangements whereby I am, whereas others are not, prevented from having enough money with which to pay for it, that I think myself a victim of coercion or slavery.”³⁰ It would appear that according to Berlin’s position, one can only be said to be a victim of coercion in this sense if those with wealth act deliberately to stop those without it from getting it. If deliberate in Berlin’s mind, as it does in Hayek’s, means intentional action, then it would appear that it might be quite hard to claim that those who are poor are economically unfree. This is because I think it would be hard to argue that those with wealth in society act in such a way that they intend to stop the poor gaining wealth, particularly on an individual level. However many on the left side of politics do want to be able to say that the poor, in a very real way face an external barrier to wealth, which may not be the intention of state laws and the actions of the wealthy, but it is nevertheless the result of it. Berlin’s concept of negative freedom therefore is not able to take into account a serious, external socioeconomic constraints placed on the poor in society as an instance of unfreedom despite the fact that laws (employment laws, property laws, trading laws - which may be ‘fair’ in their own right) and economic systems place constraints on the actions of individuals. What this issue boils down to is what Berlin, and other political philosophers in the debate see as legitimate and illegitimate constraints, and it is my belief that the answers to these questions are inseparably tied to one’s justice commitments.

²⁷ Ibid

²⁸ Perhaps one could make the claim that it could technically be removed by the use of some kind of mechanical exoskeleton, but for arguments sake let’s assume we do not yet have this technology.

²⁹ Berlin, “Two Concepts of Liberty”, p.121

³⁰ Berlin, “Two Concepts of Liberty”, p.121

POSITIVE FREEDOM

For now I will come on to Berlin's other concept of freedom, positive freedom. Berlin describes the notion of positive freedom as the desire to be the master of one's desires and oneself.³¹ To be positively free is to be free in as much as you are able to act and make decisions which are in your rational interest. For example, someone who is addicted to heroin would be seen as positively unfree in that their addiction and dependence on the drug renders them unfree to make rational decisions. In other words, they are enslaved and coerced by their addiction. In this example there is no law which makes the person use heroin, there is no external agent forcing the person to use heroin, and there exists no external constraints which do not allow the person to stop using it (perhaps there is a nuance debate to be made about this last point, but I will not discuss this here). In this sense the addict is negatively free, and in fact many libertarians believe that the decision to use heroin should be one that individuals are allowed to make, and that therefore all addictive substances should be legal. However, it seems that we should be and are in fact concerned by the power of any type of addiction and how it affects our decision making and our autonomy. Therefore it seems that any concept of freedom which calls us free even when we are a slave to a substance (or activity), isn't a particularly good concept when it comes to making sense of why we think freedom is important.

However, Berlin's argument against the promotion of positive liberty is a compelling one, and one which appears to be supported by history. The crux of the argument boils down to the idea that positive liberty necessarily implies a notion of the 'good' or free life. In other words one must have an idea of what counts as acting rationally and in one's interest in order to be rational, and both of these things are not ethically neutral. That there are competing ideas of the good life and that there exists power imbalances in society both lend positive liberty to be used as a justification for coercive action by governments and individuals. Many people might support legal measures restricting harmful and highly addictive substances, but a lot fewer people would be happy with an outright ban on religion (or a specific religion) on the grounds of the supposed harm it causes both to society, but more specifically to the practicing individuals. If a state were to decide that religion and religious thought were impediments of positive freedom, in that they infringe on our ability to act rationally and in our best interests, then they would believe themselves justified in preventing religious practices on the grounds of promoting freedom. It is therefore Berlin's contention that positive freedom lends itself to authoritarianism. This argument is what Christman labels the *tyranny argument*.³²

³¹ Ibid, p.126

³² John Christman. "Liberalism and Individual Positive Freedom." *Ethics* 101, no. 2 (1991), p.351

In general terms, the imposition of the good-life upon people of a state or of a certain social group will inevitably lead to the infringement of negative liberty on Berlin's account. Berlin's position is compelling and I believe many people, especially from liberal countries, share Berlin's fear of being told what is right and what one should do. However, I am not entirely convinced of Berlin's characterisation, or perhaps caricature of positive freedom and believe that a reconceptualisation of it in the vein of Christman gives us a notion which becomes more attractive and less authoritarian.

Christman argues against the idea that positive liberty need to imply a notion of the good life, arguing instead that a concept of positive liberty can be neutral when it comes to the contents of the actions that one ought to do to be free. Christman breaks down the historical concept of positive freedom has having two requirements, the internalist rationality requirement and an externalist rationality requirement. The externalist requirement, or at least the most stringent form of it, which Christman thinks is being criticised by Berlin above, is "one which requires that the agent conform her desires to the correct values as well as facts."³³In other words, an agent is positively free when they make decisions based on correct information and when the decisions coincide with some values of a good life. One is free therefore when they choose to do what is best for them given the facts. For the sake of argument I wish to not entertain this notion, for although there may be some redeemable features of this requirement, in general I do not wish to promote this position and will concede to Berlin's objection of it.

The internalist requirement on the other hand refers to how it is that our preferences and choices come about, or as Christman says it is about the "formation of [our] preferences,"³⁴ and not concerned as to what those choices and preferences actually are.³⁵ Under this requirement then, one is considered (positively) free in so far as the formation of their desires aren't constrained or manipulated by "uncontrollable desires"³⁶ or by any other range of external or internal forces. A drug addict is therefore positively unfree in that the formation of their desire and compulsion to take drugs is constrained by their addiction. The mechanism of addiction itself impedes rational formation of desires, in a similar way in which a brainwashing cult hinders the rational formation of preferences of its members.

³³ Ibid, p.350

³⁴ Ibid, p.346

³⁵ Perhaps unless those choices result in the impaired of the formation of our choices.

³⁶ Christman. "Liberalism and Individual Positive Freedom." p.351

Stockholm syndrome is perhaps a great example of this, on the surface the hostage seems to want their situation and perhaps has now ‘freely’ chosen to stay with their captive.³⁷ Most of us seem to share the intuition that the captive is *still* a captive and is not free in this sense. This internalist positive concept of liberty does a lot better job at explaining why this is the case, compared to a negative concept. For example, if after developing Stockholm Syndrome the abductor says “you’re completely free to leave me now if you want, I will not stop you and in fact I will give you money to help you get away” and the abductee (or perhaps ex-abductee) says “no, I want to stay with you!” then it would seem that the advocate of negative freedom would have to concede that the abductee is in fact free as they have chosen to stay with the adductor and there exists no external barriers to their escape. The positive account on the other hand allows us to say that the abductee isn’t free because the formation of their desire to stay with their abductor clearly involved coercion (i.e. that they were unwillingly abducted in the first place).

An objection to this might simply be that most (if not all) of our desires are influenced by external forces or internal limitations of rationality. This is a fair point, for example my desire to go to university was of course influenced by messages I heard at school and encouragement from my parents. It however still seems true that I was able to act autonomously in my decision to go to university (and in most of life's choices), because the formation of my desire was unimpeded by coercion in the strict sense. Christman lays out general criteria as to what counts as rational, controlled and uncoerced preference formation (to be taken charitably) and I believe this statement to best summarise the general sentiment of them all: “whatever [the] forces or factors [that] explain the generation of changes in a person's preference set, these factors must be ones that the agent was in a position to reflect upon and resist for the changes to have manifested the agent's autonomy. In addition, this reflection and possible resistance cannot have been the result of other factors which-as a matter of psychological fact-constrain self-reflection.”³⁸ There is of course some space for debate on these matters, but it seems that we can at least all agree on clear cut cases in which my preference formation is not constrained, such as choosing to walk up the stairs or to take the escalator, and cases where my chemical and psychological addiction to a substance renders it near impossible for me to choose to not continue using a harmful drug.

Perhaps an even more convincing counter-argument to this objection is that many contemporary concepts of negative freedom in fact carry with them a positive aspect which makes use of the idea of coerced rationality. For example, let us imagine an honest mugger who demands “your money or I break your arm!” Here we have a choice, we could choose to keep our money at the expense of a broken arm, or give the

³⁷ Michael Huemer. *The Problem of Political Authority*. Palgrave Macmillan, London (2013), p. 128

³⁸ Christman. "Liberalism and Individual Positive Freedom." p.346

mugger our money. In other words, it seems as though we are free in a purely negative sense to simply refuse the mugger and to walk away with our money (and a broken arm). The negative liberty theorist must and does in fact turn to ideas of a coercion of preference to explain why we are unfree in this situation. Hayek argues that in this kind of situation we are coerced in a way that our “mind is made someone else's tool.”³⁹As Gaus explains it, threats or alternative options which will cause us significant harm, although possible options are ‘ineligible options.’⁴⁰ To take this position, negative freedom theorists make quite a large concession in favour of positive liberty as they very explicitly link freedom to rational, uncoerced preferences. An option is ineligible if my desires have been coerced as to not take it, or that it is no longer in my interest to take that action (or both). I believe this insight shows us that any intelligible concept of freedom cannot limit itself to merely ‘negative’ or ‘positive’ accounts of freedom as I have shown they overlap and both express valid ideas of liberty.

As well as avoiding the tyranny objection from Berlin, the internalist requirement version of positive liberty also avoids another common critique of positive liberty, which Christman labels “*The Inner Citadel Argument*.”⁴¹The argument points out a supposed absurdity of positive freedom - that if being free simply means being able to pursue rational desires, then it would imply that one can become freer by simply changing one's desires. For example think of China’s One Child Policy, under such a policy an external legal constraint is placed on my ability to have more than one child and in this sense would be considered negatively unfree. The absurdity of positive freedom, so its critics claim is that if I were to simply not want more than one child or change my mind about wanting more than one child, then my freedom is unaffected.

However, I believe Christman is right in saying that Berlin and his fellow critics of positive freedom have misidentified the absurdity.⁴² What is, or at least what is possibly absurd about this example is if the change of mind were the result of the coercion of one's preference formation. Therefore if someone changes their mind about having a child *because* of legal obstacles, or even because their preference to only have one child were the result of the internalisation of the need to only have one child through state coercion, then not even the defender of an internalist-positive concept would say that this change of mind has made the individual in question free in this regard.

³⁹ Friedrich August Hayek. *The Constitution of Liberty*. Routledge, (2014), p.133

⁴⁰ Gaus. *Political Concepts And Political Theories*, p.80

⁴¹Christman. "Liberalism and Individual Positive Freedom." p.352

⁴² Ibid, p.353

What this does not mean however, is that our preferences don't have any impact on our freedom. On the contrary, there appears to be something quite intuitive about this idea. Suppose that there is a little known law banning bungee jumping. It's a law which was quietly passed only recently so I had not yet even found out about it. Suppose also that I have absolutely no desire to go bungee jumping, I may even be dead set against it. My desire to avoid bungee jumping at all costs was formed long before the law was passed, and was unaffected by the laws passing because I didn't even know it existed - in other words this preference was formed uncoerced. Does it make sense to say that the passing of this law made me less free? I will concede that perhaps in some way it does as it limits all our *possible* options. However, it does appear that we are freer when we have no desire to bungee jump than we are when we do have a desire to bungee jump. It does not seem obvious to me that this is an *absurd* claim, but instead that our preferences and how they are formed do have an impact on our freedom at least in some sense. In other words, by thinking about freedom as both a freedom from external constraints as well as freedom from internal constraints on our desires, then we begin to get a fuller picture of the nature of freedom and why we might find it valuable.

In this chapter I believe I have shown that the traditional negative/positive distinction breaks down upon closer inspection. I have demonstrated that in many cases we must appeal to both negative and positive notions to make valid and more complete claims about freedom. Rather than claims to different and distinct types of freedom, this disagreement amongst political philosophers instead appears to be disagreements about which types of constraints and which type of desires are (il)legitimate. It is my claim that disagreements on these issues boil down to differing separate, yet related ethical commitments which different philosophers hold. Therefore I believe we need a concept of freedom which can encompass all the valid claims that might be made of freedom, whilst also remaining neutral with regards to the differing and competing ethical commitments which underlie the traditional distinctions of freedom. Only this way can we come to an agreement on the general structure of what freedom is, and this will therefore allow philosophers to have these related ethical disagreements take place out in the open.

CHAPTER TWO: ONE COMPLETE CONCEPT OF FREEDOM

At the end of the last chapter I spoke of the need for a single, coherent concept of freedom which encompasses the main aspects of both negative and positive freedom, and in this chapter I shall look at two famous attempts at doing so. I will first look at Eric Nelson, who argues you that the claims made by both negative and positive freedom in fact both collapse into a purely negative concept of freedom.⁴³ Unlike with Berlin, this concept takes into account internal constraints in a similar way to the internalist-positive account. However I will argue that Nelson's concept is an unsatisfactory concept of freedom as it is too vacuous and doesn't capture the true nature of certain types of freedom. Instead I will turn to MacCallum's triadic concept of freedom as one which better captures all the dimensions of freedom and the relationship between agents, constraints, desires and actions. I will however argue that we should alter MacCallum's concept so as to make a distinction between conditions which prevent us from doing an action and those conditions which allow us to fulfil certain actions.

NELSON: ALL FREEDOM AS NEGATIVE

I am of course not the first person to suggest that the concept of liberty shouldn't be limited and separated into two distinct categories. Nelson for example has argued that in fact any coherent notion of freedom, including those commonly associated with positive freedom simply collapse into a negative concept of freedom. Very roughly his argument goes that what positive freedom is really concerned about, like negative freedom, is the absence of constraints. Intuitively I find this quite appealing, it does seem to be the case that whenever we are talking about freedom we are referring to constraints, or the lack of constraints - whether physical external constraints, internal constraints, the constraints of law or the constraints and coercion of our rationality. The classical negative theorist then, at least according to Nelson has simply prescribed a more limited range of what counts as constraints, and traditionalist positive theorist give a different account as to what counts as constraint - constraint relevant for freedom that is. The grand claim of Nelson then is that there exists no intelligible nonnegative notion of freedom - that all talk of freedom is essentially a freedom from a constraint.⁴⁴ For example the notion of supposedly positive freedom that I spoke of in the

⁴³ Nelson, "Liberty: One concept too many?", p. 64

⁴⁴ Nelson, "Liberty: One concept too many?", p. 64

previous chapter, one concerned solely with internal rationality, cannot under Nelson's account be categorised as anything other than a negative notion of freedom, as freedom from internal constraint.

My issue with Nelson's concept, although very attractive in many ways, is that it is too vacuous. To quote Christman, "if freedom consists in unrestrained possible desires, then the concept of liberty becomes vacuous due to the impossibility of enumerating restraints. For example, the books on my shelf apparently are not a restraint. However, if I decide to walk in a line that crosses through where they are (say a fire starts and they block what becomes my only escape route), then they are."⁴⁵ In other words, if freedom is *only* to be understood in the negative, as simply freedom from constraint, without relation to an action or positive desires, then it seems unclear when we are and aren't free, given that what actions we desire to do usually dictate if and when we are faced with a constraint. This leaves us in a position in which almost everything could potentially be a constraint on our freedom, and where the object of our freedom is left unclear.

To elaborate on this point I will make an analogous example with education and schooling. Just like with the bookshelf example, it does not appear obvious that being unschooled or even uneducated is a constraint until it becomes one - when education is needed for certain situations or is a desired condition of an agent. Unless we have a desire to be educated, and understand how this desire was formed (i.e. coerced or uncoerced), and unless we can make sense of the freedom that education gives us in a way that isn't simply the removal or absence of some constraint, then it doesn't appear that we can say anything tangible about freedom in relation to education.

Assuming that education makes us free in some sense, a position in fact held even by self-confessed negative liberals as an acceptable form of paternalism for this very reason, how are we then to understand it in a purely negative sense? Perhaps we could frame the freedom of education (or at least the freedom that education gives us) as 'freedom from ignorance or uneducation.' This isn't incorrect *per se*, but it also doesn't seem like a full or satisfactory description. To take this account would seem to suggest that those without education are always less free, yet this isn't obviously true. It would at least not appear that someone in a society in which schooling does not exist (at least not in the way we understand it) would consider themselves unfree, or could even be described as unfree in this sense. Or what about the recent high school graduate who makes the choice, without coercion of his rationality, to not continue to higher education. In this case when they have no desire for more education it would not seem to make sense to say this person is constrained or not free in some way. The point is that with something like a lack of education it is not

⁴⁵ Christman. "Liberalism and Individual Positive Freedom." p.353

clear, at least not always, that a constraint even exists. However by appealing to actual desires of action can we begin to understand when and why something might be a constraint. In this sense a less vacuous and more coherent concept of freedom would have to take into account what it is an agent wishes to do and to achieve by doing an action, and would in this aspect also have a positive part to it (for what are desires and actions other than positive?).

Nelson might respond by arguing that although our desires and actions reveal or create constraints (such as how a fire reveals or makes the bookshelf a constraint), what *actually* produces the unfreedom itself is the physical, mental or legal constraint rather than the desire. In other words, desires may in some way dictate what is to be considered a constraint in a certain circumstance, however the desire is not itself the impediment of freedom. Rather it is the actual physical, legal or mental constraint which is the impediment, and therefore freedom still remains a solely negative concept. I am however not convinced of this attempt to separate agent's desires from the constraints they face, after all this just gives us the same vacuous concept that Christman criticised. How are we even to separate a constraint from a desire, when the desire is part of what forms the constraint? And seeing as we can't separate them, it also seems absurd to treat desires as just a constraint which can be removed to make us more free. This is exactly Berlin's *Inner Citadel Argument*.⁴⁶ We can change our desires, and this can make us more free in a sense, but we cannot be forced to change our desires to make us more free. However our desires can be fulfilled in a positive sense to make us more free.

Furthermore I think there are examples of freedom, such as the schooling example above, in which the freedom in question is both the removal of a constraint and *is* the constraint simultaneously. That the object of freedom is also the constraint to that very freedom, and is therefore a combination of both a negative freedom from and a positive freedom to. In other words, at least some instances of freedom can only be fully explained by making reference to ways in which we are free from certain conditions, but also *freed by* other conditions.

To explain what I mean let's consider the plausible idea that the existence of schooling itself is both the alleviation of a constraint and a constraint itself all at once. Being in a society where qualifications are needed to expand your range of career choices, or in other words a society where qualifications remove constraints to your freedom (to certain jobs and a certain life), a schooling system which gives you those qualifications is both the remover of the qualification constraints and the producer of it simultaneously.

⁴⁶ Christman. "Liberalism and Individual Positive Freedom." p.352

A libertarian might now argue that the education system is not made deliberately, or perhaps more specifically with the intention to constrain you via the need of qualifications to climb the social ladder and have a certain career and position. Therefore the education system, and a society largely based on the need for qualification to enter certain fields, cannot be said to make you unfree as there is no one who created this system deliberately to constrain you. I am however not at all convinced by this position for reasons that I made in chapter one with regards to Berlin's position and MacCallum's counter argument that what matters isn't who or what made the constraint and with what intent, but whether we can remove the constraint. When it comes to becoming educated and getting qualifications, it appears that there are things we can do to remove this constraint. Therefore it is valid to talk of education and societal systems making us free or unfree.

I believe that the education example is just one example of a type of freedom which can't simply be described in a negative sense, that doing so doesn't paint a full picture of the true nature of this precise example of freedom. In this example schooling or education isn't just the removal of a constraint, it is instead the producer of something which makes you more free and only in this way does it then *also* become a constraint. Schooling, or perhaps more generally education is therefore both a negative constraint, but also a positive producer of freedom. I believe that Nelson or his supporters simply cannot attempt to try to separate these two aspects of this particular case of freedom to try and say that the freedom we get from schooling is purely the removal of a negative constraint. In other words Nelson's concept cannot explain how the freedom one gets from schooling is at least also a *product* of schooling rather than just a removal of some kind of constraint like 'non-schooling', which is itself a constraint which is only produced by schooling.

The main takeaway from this I believe is that it is intelligible to say that some freedoms are nonnegative, or perhaps more accurately that certain freedoms are at least partly non-negative in an important way. Furthermore I think that the object of freedom and the object that 'creates' freedom are at the centre of this important non-negative aspect. In other words, any complete concept of liberty must make explicit and integral the object of freedom and the constraint or, as is the case with the schooling example, the producer of freedom.

MACCALLUM'S RELATIONAL FORMULA

Gerald MacCallum's formula appears to be a good candidate for a concept of freedom which does well to encompass and make explicit both the constraints and the object of freedom - what it is exactly that we are free to do or become. MacCallum's big contribution to the debate in political philosophy on the concept of freedom is to argue that all intelligible talk of political freedom can be formulated as a triadic relation between an agent, a constraint and an object or action. This formulation can be generally written as such:

An agent (X) is/is not free from 'preventing conditions' (Y) to do/not do/become/not become an action/condition of character (Z)."⁴⁷

This formulation of freedom allows us to talk intelligibly about both traditionally negative and traditionally positive notions of freedom. We can both say that a person is free from physical or legal constraints to do an action, and also that a person is free from internal constraints to have such a condition of character. An important improvement from Nelson's conception is the inclusion of the Z variable, the variable which makes explicit the object of freedom, the 'ends' of freedom and thus also the fulfillment of which desires. In this sense MacCallum's concept is far from the vacuous concept of Nelson, as it lays clear the relationship between our desires and the object of our actions and the possible constraints between the agent and those desires, actions and behaviours.

MacCallum saw the aim of his formulation of freedom as a way to show that all the traditional notions of freedom in fact have the "same concept of freedom...operating throughout."⁴⁸ Meaning that although advocates of both negative and positive notions of freedom believe themselves to be talking about fundamentally different things, instead they are both making claims of the same structure. Therefore instead of having disagreements about what counts as *true* freedom, MacCallum argues that the disagreements amongst philosophers are in fact about "what can count as an obstacle to or interference with the freedom of persons so conceived."⁴⁹ In essence all freedom is talk about the relationship between an agent, a constraint, and an action or desire or behaviour. The disagreements are therefore about who or what counts as an agent (i.e. can a society as a whole count as an agent which can be said to be free or unfree?), what counts as a (il)legitimate constraint, and what actions and behaviours can be valid objects of our freedom.

⁴⁷ MacCallum, "Negative and Positive Freedom." p.314

⁴⁸ Ibid, p.320

⁴⁹ Ibid

Where I think MacCallum's formulation falls short is in having the Y variable defined only as 'preventing conditions.' Like with Nelson's concept, I believe that by limiting the nature of freedom only to the absence or presence of preventing conditions we do not do full justice to examples such as schooling, where freedom is also about more than constraints and instead about a positive product. If we were to try to apply MacCallum's formula to the schooling example we might come up with something like: A person is free from legal or physical constraints to become educated. Again, not incorrect *per se*, but it still doesn't tell us the whole story. Having an education system established in the first place, having resources which allow for people to become educated and having access to education (apart from the absence of physical or legal barriers) are positive elements of freedom and paint a more accurate picture of what exactly is so important about this particular freedom. Currently the MacCallum formulation of this freedom, that a person is free from legal or physical constraints to become educated, would also make sense if there existed no system of education or schooling and in this sense would be a rather empty type of freedom.

I believe that by adapting MacCallum's formula to allow Y to represent both 'preventing conditions' as well as what I will call 'fulfilment conditions' then we end up with a complete and meaningful concept of freedom. Whilst preventing conditions refers to potential constraints on actions or behaviours, the fulfilment condition refers to the ability for actions or behaviours to be fulfilled. For example we might be free from constraint to be or become educated, but the resources may not exist for this to be possible, perhaps there exists no schools or there are not enough teachers. Therefore for the freedom to become educated to be meaningful it must be able to be an action or condition of character that is actually able to be fulfilled in a positive sense. A meaningful description of the kind of freedom we really want and speak of when we talk about the freedom of education is in fact a lot closer to this formulation;

A person is free from legal and physical constraints (preventing conditions - i.e. no rules or laws forbidding them to go to school, such as was the case for women for some time) *and* is made free to go to school by a society which funds schooling and trains people to be teachers. We can write this new formula, which from now on I will call the MacCallum-Fulfilment formula for the sake of brevity, as such:

An agent (X) is free from 'preventing conditions' (Y1) to do (Z) *and* is free to do (Z) by 'fulfilment conditions' (Y2).⁵⁰

⁵⁰ Presented in this form for clarity, but the same applies for not being free from or not free to do/become/not become an action/condition of character.

I might be accused of misunderstanding the contents of ‘preventing conditions’, after all it could be argued that fulfilment conditions in fact fall under preventing conditions. Preventing conditions simply refer to any condition which prevents an action or behaviour, so that a lack of schools or teachers or other resources are simply another preventing condition. This is at least a linguistically correct use of the term preventing condition, but I would argue that we actually lose something important if we mash these two different types of conditions together. MacCallum himself pushed the idea and importance that “freedom is always both freedom from something and freedom to do or become something,”⁵¹ and I believe it is to the benefit of any concept of freedom that it makes explicit this difference. The classic distinction between negative and positive notions of freedom would allude to the idea that there is some importance difference between a freedom which is the result of an absence of interference and a freedom which is the result of having the actual ability to do something. At its heart this is what the disagreement between the two camps is, which they have mistakenly taken to mean that a concept of freedom can and should only be concerned with one of these types - or perhaps more accurately that only one of these types is the *legitimate* expression of political freedom.

For my new formula to be coherent, we must be able to make a meaningful distinction between what counts as preventing conditions and what counts as fulfilment conditions. I will define preventing conditions as legal and physical constraints, and more specifically as something which can simply be ‘taken away’ in the literal sense. Preventing conditions in this sense are a lot closer to Nozick’s or even Berlin’s negative notion of constraints. Fulfilment conditions on the other hand are generally concerned with those things which allow us to act out certain desires or behaviours. It is therefore interested in our access to resources which are necessary to enact our desires, and with broader socioeconomic structures which allow us to *feasibly* fulfil a certain action. What counts as ‘feasible’ is up for debate, but I believe it is a similar debate as the one surrounding ‘ineligible options.’ - I.e. that some action or conditions of character may be so hard to achieve without access to certain resources, and that getting these resources is such an unreasonable burden on the individual, that it becomes an ineligible option. Therefore in the same way that a mugger makes me unfree by making the option to refuse ineligible, so does a society make me unfree (in the fulfilment sense) to become educated when getting access to the necessary resources becomes so much of a burden as to make the pursuit of such resources an ineligible option.

I believe questions of internal constraints necessarily involve both of these conditions. Legal and physical constraints can impede our ability to form preferences uncoerced (think of the One Child policy in how it

⁵¹ MacCallum, "Negative and Positive Freedom." p.319

makes it undesirable to have more than one child and may in fact lead us to internalise the stance of the State). However, fulfilment conditions may both coerce or uncoerce our preference formation. For example, one might live in a society in which there is no law forbidding you to have more than one child, however your economic status is such that you cannot afford to raise more than one child.⁵² This can equally coerce our preference formation in a very similar way as would a legal constraint like the One Child policy. Equally, living in a society which provides free childcare or certain economic benefits for children (e.g. child tax credits) can allow our preference to have a child or not, to be formed uncoerced by economic considerations.

I believe that most, if not all instances of *complete* freedom need be formulated in such a way as to include reference to both preventing and fulfilment conditions. I think the point I just made about the issue of internal constraints above somewhat shows why this is the case. In other words, since our preferences will always be either coerced or uncoerced, any claim of (un)freedom must make reference to this fact. Even more generally, and to borrow from MacCallum again, my argument is that whatever I am not prevented from doing, I must also have the resources and *actual* ability to do if I am to be considered *completely* free to do it.⁵³

I have been careful to say that all instances of *complete* freedom must make reference to both these conditions, and this is because I believe that we can and should still be able to make *partial* claims of freedom based on the two conditions respectively. In essence that we can make claims of a *type* of freedom which is only concerned with either preventing conditions or fulfilment conditions. I believe that any concept of freedom should allow for this because it will become very important when fully expressing the freedoms which one finds valuable and with regard to one's concerns of justice. For example someone like Nozick only cares about a type of freedom which only places no legal constraints on our entry to certain occupations and capacities, whilst someone like Rawls cares not only about this but also that people have *real* access to certain resources and opportunities which make the ability to reach certain positions and occupations more of a reality.⁵⁴ Nozick in particular takes this view because he claims that this is all that freedom requires. What this altered version of MacCallum's conception does is make intelligible Nozick's claim of freedom, whilst also making explicit the ways in which Nozick's position is unfree in a different way - namely that it fails to meet the fulfilment conditions of this particular freedom of occupation.

⁵² Supposing of course that we can know the basic amount of money/resources to raise a child to *certain* condition which is seen as the bare minimum for a life worth living.

⁵³ MacCallum, "Negative and Positive Freedom." p.329

⁵⁴ Rawls. *A Theory of Justice*, p.73

Currently under MacCallum's concept, Nozick's position would either simply be seen as not promoting or truly being freedom because it wouldn't tackle all the preventing conditions (as in MacCallum's formula, the lack of *real* opportunity would fall under such), or perhaps it would want to say that it makes us free from *some* of the preventing conditions without really expressing in what particular way we would remain unfree. I believe by adding a fulfilment condition that we can firstly at least view Nozick's position as a coherent expression of freedom, or of an expression of a freedom which is solely concerned with lack of interference. Furthermore, and perhaps more importantly the updated formula will make explicit the way in which Nozick's position is unfree in another way and in what *exact* way the agent is unfree. For example, under the MacCallum-Fulfilment concept we can say that currently in the United States a person is free from legal constraints to attend university, but may in fact be unfree to go to university as they are unable to afford tuition (and unable to take out a loan etc.) or even that they are unable to reach the necessary academic standards to be accepted.⁵⁵ This example may also rely on accepting that a socioeconomic system can be said to make poor people unfree, and I believe by not constraining our concept of freedom to just 'deliberate human interference' - which is what the MacCallum-Fulfilment formula avoids - then this is a coherent claim to make, and therefore the MacCallum-Fulfilment formula allows us to make sense of this type of freedom.

To conclude this chapter, I believe that MacCallum made an incredibly important intervention in the debate on freedom by formulating a structure which seems to make sense of competing notions of freedom. In this way we can define a starting point from which meaningful debate amongst competing views can take place, and where all claims are seen as valid. I have offered an altered form of MacCallum's formula as I believe that by separating preventing conditions instead into preventing and fulfilment conditions, we can get a better understanding of the exact ways in which we may be free and unfree, in partial terms, to do an action.

⁵⁵ This is perhaps an unfreedom we find valuable - that people must have certain qualifications to attend university - but it doesn't change the fact that it does make unfree in terms of not having our fulfilment conditions made.

CHAPTER THREE: VALUE-NEUTRALITY AND VALUE-FREENESS

At the end of the last chapter I made the example that a person may not be free to go to university, not because there are laws against it or because their preferences were coerced, but because they didn't have the grades required to be accepted. I have a feeling that at this point some people might furrow their brow at this claim. Surely we can't just accept everyone into university despite their abilities? If I don't have the grades then I shouldn't be allowed in, but it's wrong to say that I'm unfree to go to university because of this. I think this reaction people have is at least in part due to the fact that in liberal societies the term 'unfree' carries with it negative connotations - i.e. it is seen as a bad thing, and we don't necessarily see this form of meritocracy as a bad thing.

In this chapter I will argue that our concept of freedom should not be defined in such a way as to equate freedom with that which is ethically good and unfreedom with ethically bad, and that furthermore we should not have a concept of freedom which gives superiority to any type of ethical claim in regards to which constraints are (il)legitimate. In other words, our concept of freedom must not claim which freedoms are good or bad, and must allow us to talk of constraints, whether we see them as illegitimate or not. To do so is to give a very constrained account of freedom, and just as I argued in early chapters, it does not allow us to have meaningful disagreements over related positions which inform when and why we find freedom valuable. Furthermore I will argue that my altered version of MacCallum's concept perfectly fits this bill, and thus only furthers the appeal of this complete concept of freedom.

Towards the end of the last chapter I spoke about how the MacCallum-Fulfilment concept of freedom allowed for us to make sense of both traditionally negative and positive accounts of freedom, and also particularly for the new altered concept it allowed for us to explicitly understand in what ways we were free to do an action and in what other ways we might not be free to do an action in terms of preventing and fulfilment conditions. I will argue that part of the reason why the MacCallum-Fulfilment concept of freedom allows for this is because it is what Carter refers to as a metatheoretical value-neutral concept.⁵⁶ For Carter, a concept is value-neutral when "its use does not imply the superiority of any of a range of divergent ethical positions."⁵⁷ The MacCallum-Fulfilment concept is value-neutral at a metatheoretical level because it is ethically neutral in that it does not make an evaluation of competing ethical interpretations of the general

⁵⁶ Carter. "Value-freeness and Value-neutrality in the Analysis of Political Concepts." p.285

⁵⁷ Ibid, p.280

concept of freedom. For example, it does not make an ethical claim as whether a negative or positive interpretation of the concept is a better or more accurate account of freedom than the other.

It is because of this that the MacCallum-Fulfilment concept allows for the negative and positive traditions to have meaningful ethical disagreements. As Carter so nicely puts it, the point of a metatheoretical value-neutral concept of freedom is “to reveal a basic conceptual structure that is common to a set of different concepts.”⁵⁸ In other words the MacCallum-Fulfilment concept allows for us to explain that what both positive and negative freedom share in common is more than just a word, but instead a shared structured. This share structured allows for a mutual recognition that what all the competing parties are talking about is freedom in some form or another.

Philosophers such as Ronald Dworkin argue that political concepts not only shouldn't be, but can't be value-neutral. Dworkin believes that political concepts such as freedom cannot be “understood independently of an interpretation of the ethical practices within which they are used.”⁵⁹ What Dworkin means by this is that a concept such as freedom cannot be made sense of in purely abstract or empirical terms, and that instead it can *only* be made sense of and defined in terms of a larger value system to which it belongs.⁶⁰ For example, an egalitarian like Dworkin should define freedom in reference to the values of egalitarianism, so that the concept of freedom reflects the ethical claims of egalitarianism. It is important to point out that here Dworkin isn't only denying the possibility of value-neutrality, but also of what Carter calls value-freeness.⁶¹

A concept is considered value-free when it is not defined in an ethically evaluative way. Or in other words, if the definition of that concept is such that it does not carry with it an ethical evaluation. To explain better by contrast, let's think of the political concept of justice. Justice, Carter argues convincingly, is not usually considered a value-free concept - when we describe a certain set of circumstances as ‘just’ we are also making the evaluation that those set of circumstances are valuable, desirable and perhaps morally good.⁶² Dworkin, amongst other philosophers believe that the concept of freedom should be defined as such, so that any instance of freedom is also ethically good or desirable instance.

First I will deal with Dworkin's argument against value-neutral concepts of freedom. The first immediate problem this position finds itself in is that there do not exist clear and distinct ethical positions on freedom

⁵⁸ Ibid, p.297

⁵⁹ Ibid, p.283

⁶⁰ Ibid

⁶¹ Ibid, p.285

⁶² Ibid, p.281

for which one can give superiority over another. This was an issue I tackled in chapter one of this paper, in which I argued that the traditional ethical distinctions (e.g. what counts as illegitimate constraints?) made between negative and positive concepts of freedom did not hold on closer inspection. This is because negative concepts of freedom often rely on positive notions of what counts as (in)eligible options, and large parts of the positive concept are also at least partly negative cases of freedom *from* constraint.⁶³ Therefore it doesn't even seem coherent to be able to hold one position as ethically superior when there doesn't appear to be a clear-cut ethical distinction, and therefore no clear-cut positions to be made on the supposed basis that only purely negative or purely positive freedom is the only *true* concept of freedom.

Furthermore there seems to be something rather circular about holding that a concept of freedom must be made sense of in terms of a larger set of ethical values, and then in turn make that concept of freedom a central part of what defines those set of values. For example, since Dworkin defines freedom based on his egalitarian commitments, then his concepts of freedom will see those instances which promotes his version of equality (as well as of course meeting some kind of basic descriptive requirement of what might be considered freedom) as instances of freedom. I will argue that it does not then seem like Dworkin can then also defend his commitment to egalitarianism (at least partly) on the basis that it promotes *his* version of freedom. Yet this is what not only Dworkin, but philosophers such as Nozick are guilty of doing. It does not appear that if a philosopher does this they are saying anything interesting or anything that gives strength to their broader values, but it is obvious that this is what they wish to achieve. Like Carter says, "it is not very convincing to say that your own version of the just society is better in terms of freedom, if you then go on to define freedom in terms of your notion of justice."⁶⁴ It is part of the claim of this thesis that the concept of freedom itself cannot be used to give greater value to our broader values and our ideas of justice, but instead that our broader ethical claims and theories of justice allow us to make arguments as to when and why and which types of freedom are valuable in regards to our ethical commitments. This position is supported by my arguments for a value-neutral and value-free concept of freedom that I have and will continue to make in this chapter.

In terms of Dworkin's opposition to a value-free concept of freedom, I want to look at a particular example he gives to make his point against a value-free concept. Dworkin makes the statement that "politicians who defend taxation do not concede that taxation invades freedom."⁶⁵ His point being that a socialist *should* define freedom as ethically good and unfreedom as ethically bad, and therefore would not see taxation,

⁶³ MacCallum, "Negative and Positive Freedom." p.321

⁶⁴ Ian Carter. "The Independent Value of Freedom." *Ethics, Vol. 105, No. 4*, The University of Chicago Press (Jul., 1995), pp. 844

⁶⁵ Ronald Dworkin et al, *Justice in Robes*, Harvard University Press (2006) p.148

which in most conceivable societies is a necessary requirement to produce a socialist system, as an example of unfreedom. Dworkin believes that if a socialist were to bite the bullet and admit that taxation is an instance of unfreedom, but is still desirable for other reasons, then the socialist still “concedes a normative point to the liberals.”⁶⁶ This is because they are admitting that their position denies us something that is supposedly inherently valuable - freedom.

I believe that this shows a staggering weakness of non-value-free concepts of freedom, and this is that for the sake of normative strength a socialist or a liberal must simply deny that their positions, even just in the descriptive sense, produces certain unfreedoms - such as how they both produce constraints on some actions or at least do less to help us fulfil certain desires and actions. Or if they don't deny the unfreedom, they must concede something which is supposedly valuable in itself, even when their position might not see this unfreedom as ridding us of something valuable. A value-neutral and value-free concept of freedom on the other hand allows us to take into account both the liberal and socialist position, and this is what the MacCallum-Fulfilment concept does. Furthermore this particular concept also allows us to more accurately describe in which way each position is free and in which way each position is unfree in terms of the different preventing conditions, but also in terms of fulfilment conditions being met or not being met that allow us to achieve certain actions, desires and behaviours.

With the taxation example, a socialist could now say that taxation does make individuals unfree in that it places a constraint on them which forces them to pay the state a certain percentage of their income. However, the MacCallum-Fulfilment concept can also describe the ways in which taxation, or perhaps more accurately how taxes in general create freedom via both the removal of preventing conditions and by also providing resources which satisfy fulfilment conditions. A libertarian can then equally make the claim that libertarianism is more free than socialism in regards to a constraint on individual wealth, but a socialist could then equally argue that the libertarian is unfree in their inability to satisfy certain fulfilment conditions for certain actions and behaviours. Once this has been established, we get ourselves in a position in which meaningful ethical disagreements amongst the two positions can take place.

The kind of ethical disagreements I am speaking of can actually be clearly seen with the socialist versus libertarian taxation debate. For example, I said that we need a concept of freedom which allows for a socialist to admit that in some way taxation is a type of unfreedom, however once this is done the socialist can then make ethical arguments as to why this unfreedom isn't ethically bad. A common socialist claim is that the

⁶⁶ Carter. "Value-freeness and Value-neutrality in the Analysis of Political Concepts." p.283

wealth that people have (particularly that of the capitalists) is not (solely) their own. The general claim is that the wealth people have is at least in part from the back of others - from the labour of others in that they either directly claim the surplus value of the workers, or from the fact that they made use of systems and structures (e.g. infrastructure, public education) built by others. This is an ethical claim as it is making a claim about what counts as desert and also about ideas of ownership.

By having a value-neutral and value-free concept of freedom we take these disagreements away from disagreements as to what freedom is, or what socio-economic system is more free *simpliciter*, but instead we can have disagreements as to why and which freedoms are valuable or ethically superior to others, and which socio-economic system promotes more valuable types of freedom. Rather than a socialist and a libertarian “simply talking past each other”⁶⁷ about what is and isn’t an instance of (un)freedom and who promotes more freedom, they can instead have a meaningful argument about the ethical claims of each position which they believe make certain freedoms valuable and others not.

This brings me onto a larger problem with non-value-neutral concepts of freedom which I believe is remedied precisely because of the nature of value-free concepts of freedom as explained above. Like MacCallum I believe that by defining freedom in a value-laden way (as opposed to value-free) all that philosophers do is hide the real ethical positions which are at the heart of their position and which explain why they have such strong disagreement with other positions.⁶⁸ In other words, by defining freedom in such a way that freedom is only those circumstances which a certain philosopher considers to be ethically desirable, then the philosopher basically brings their ethical commitments and positions on related commitments through the backdoor so to speak.

In this way I believe that value-laden concepts of freedom of this type act as a *Trojan Horse* for a whole range of ethical commitments which are disguised as simply what *true* freedom is. For example, Berlin’s concept of negative freedom requires that any instance of unfreedom can only be the result of deliberate human interference of one’s actions. This is of course an ethical claim which gives ethical importance to the role of agent-oriented actions in relation to what counts as illegitimate interference on our actions. As pointed out in my first chapter, there appears to be no obvious *prima facie* reason to hold this position. Berlin of course may give reasons for why he believes that only deliberate human actions can be said to illegitimately interfere with our actions, but where Berlin goes wrong is by holding the position that only

⁶⁷ Carter. "Value-freeness and Value-neutrality in the Analysis of Political Concepts." p.284

⁶⁸ MacCallum, "Negative and Positive Freedom." p.334

illegitimate constraints are to count as unfreedom. This is quite a large leap to make, and it is one which is hidden by Berlin as he instead simply tries to define freedom as such.

In other words, by defining freedom in this way (as only the lack of deliberate human interference) Berlin makes it so that under his framework we cannot claim that there exists cases of unfreedoms which do not involve the deliberate actions of other agents, simply because Berlin's account would not allow such cases to be considered instances of unfreedom by definition. If on the other hand we define freedom as value neutral, such as with the MacCallum-Fulfilment concept, then we can make intelligible both the claims of negative and positive freedom, and make Berlin's position clear as to what it actually is - which is a disagreement as to what counts as illegitimate constraints. This makes the ethical disagreements between different positions explicit and brings it to light so that meaningful disagreement can take place.

It is due to all the above reasons that I believe our concept of freedom in political philosophy must be both value-free and value-neutral. I should note that Carter himself described MacCallum's concept as value-neutral, but not necessarily value-free. Rather he stated that MacCallum's concept is neutral between value-free and non-value-free notions of freedom.⁶⁹ I am of course using a modified MacCallum-Fulfilment concept, but in terms of the nature of what type of ethical values they do or not hold, I believe they can be treated the same in this case as the fulfilment condition I have added is itself value-neutral (does not make claims about which fulfilment conditions are ethically superior). However I do not agree with Carter's description of MacCallum's (and therefore the MacCallum-Fulfilment) concept as neutral between value-free and non-value-free. We both agree that it is value-neutral, and I also agree that the MacCallum-Fulfilment concept allows for claims which are both value-free and non-value-free. I do still however believe that the MacCallum-Fulfilment concept *in itself* is value-free.

Where I think Carter and I see things differently is that he equates being able to make non-value-free claims using the MacCallum(-Fulfilment) with this concept of freedom itself being non-value-free. My position instead is that the MacCallum-Fulfilment formula gives us *one* complete concept of freedom which is in itself value-free. From this structure, competing positions can make claims as to which freedoms are valuable and why, but their positions are not in themselves concepts of freedom. They are simply the freedom claims that they see as valuable. This I believe is a very important difference, and it has been a big problem with the traditional claims of both negative and positive freedom which are not value-neutral, and

⁶⁹ Carter. "Value-freeness and Value-neutrality in the Analysis of Political Concepts." p.301

it is because of this that some philosophers have mistakenly seen the two positions as separate concepts of freedom rather than simply a disagreement as to which freedoms are valuable or desirable or morally good.

To summarise, in this chapter I have argued that our concept of freedom in political philosophy should be both value-free and value-neutral. I argued this because I believe that by defining freedom as only those instances we see as ethically valuable, or by only taking a certain ethical position on what counts as freedom as the only *true* concept of freedom, we needlessly constrain our concept of freedom. This is bad for two main reasons, firstly because it does not allow us to have a shared starting point from which we can have meaningful disagreements whilst agreeing that we are in fact talking about the same thing (in more than just name). And secondly, because constraining and defining our concept of freedom in this way means that the real ethical disagreements which are the heart of the differing freedom claims of different philosophers, are hidden. From these conclusions I then argued that the MacCallum-Fulfilment concept of freedom best fits the criteria of a value-free and value-neutral concept with allows for these meaningful disagreements whilst bringing the true ethical disagreements to the forefront.

CHAPTER FOUR: FINDING VALUE FROM THE VALUE-FREE

My argument in this chapter is split into two subchapters. In the first subchapter I will briefly explore the debate surrounding the supposedly intrinsic value of freedom. In the last chapter I argued that a complete and unrestrained concept of freedom had to be value-neutral and value-free, and I argued that the MacCallum-Fulfilment concept fit the bill for this. Another dimension of this debate which I, and therefore the value-neutral and value-free MacCallum-Fulfilment concept has to face in order to be a coherent concept of freedom, is whether freedom has intrinsic value, and if so, how can we therefore argue that any concept of freedom can be value-free?

I will argue that although I believe freedom to have no intrinsic value, it is however plausible that it does have *independent*, constitutive value in that freedom is a *function* of choice and agency - which we do find intrinsically valuable. However, I will then go on to argue that although freedom is independently valuable in terms of choice and therefore agency, there still remains multiple external and instrumental reasons as to why choice and agency can also be *overall disvaluable*. Not only this, but that the overall value of particular instances of freedom are affected by both the aforementioned reasons as well as numerous other external ethical values. It is in this way that our concept of freedom can be said to be value-free; that freedom *simpliciter*, or freedom as such doesn't always have overall value or overall disvalue. We may say that any instance of freedom is always independently valuable in terms of some form of agency, yet sometimes even for the sake of agency itself, we find some instances of freedom disvaluable overall - and that it appears to be this that we are more concerned with when it comes to understanding freedom as value-free in the context of other ethical values.

In the second subchapter I will demonstrate how certain ethical commitments, which form our broader theories of justice, allow us to make arguments as to which freedoms are valuable and why. More generally I wish to illuminate the nature of the relationship between freedom and justice, but more specifically I will seek to further justify my division of preventing conditions into both preventing and fulfilment conditions in my altered version of MacCallum's formula by showing how splitting them in this way allows us to better 'categorise' our ethical disagreements. This is because I will argue that the traditional disagreements between negative and positive liberty, and the theories of justice these have traditionally 'formed', largely relate to this division of categories.

INTRINSIC, INSTRUMENTAL OR INDEPENDENT VALUE

It has often been argued that the reason why we value something is either because we find that thing to be *intrinsically* valuable - that is that its value is not reducible to something else which we value - in other words its value comes from the very nature of that thing - or that it is *instrumentally* valuable. Something which is instrumentally valuable is something we find valuable in that it allows us to achieve something which we find to be intrinsically valuable. For example, I love listening to any song by the band *Oasis*, and I find it valuable to listen to their music. It does not however seem that their song *Live Forever* is valuable in and of itself, as the value I get from it is reducible to other values. It seems that if I were to continue to reduce the origins of the value I will come to the conclusion that I value the song because it makes me happy. Happiness, or perhaps pleasure does not seem to be reducible to another thing that we value, but is instead valuable in and of itself.

One might say, well we can reduce happiness to its component parts - that happiness can be reduced down to the firing of my synapses, and to the molecular level in terms of *serotonin*. In a very materialist sense, we might be able to reduce happiness to these component parts, but it isn't the molecules or the firing of certain synapses that we value, it is the feeling of happiness that we value. In a material and descriptive sense we can reduce to talk of causality of happiness, but the same does not follow for the reducibility of the value we get from it. Therefore I value the best song in the world (i.e. *Oasis - Live Forever*) because of its instrumental value in bringing me happiness, and the value of happiness is intrinsic.

Therefore to argue that freedom is intrinsically valuable one is committing themselves to the position that freedom has some value in and of itself. I believe that this is an untenable position, for I do not see how one can make a claim of the value of freedom without reference to some other value. For why (and perhaps when) do we find freedom valuable? Perhaps the most obvious answer would be something along the lines of "because it allows us to do things (i.e. actions or behaviours)." Does this mean that what we value in terms of freedom is the choice to do things that we *want* to do or, or is it choice in general that we value? Philosophers such as Christman and Carter believe that we value freedom in terms of choices as choice promotes self-governance and agency.

These philosophers then would say that the non-instrumental value of freedom then is agency. I think there are two ways that we could object to this position. Firstly, this position seems to only say that freedom is just instrumentally valuable in that it gives us choices and therefore agency - and that it is in fact agency which we find intrinsically valuable, not freedom. Secondly, it appears that sometimes instances of freedom

can involve, or at least we sometimes find freedom valuable even when it is a result of, or even because of a constraint and reduction on our choices. I will present the second objection first by using the example of taxation. As I've mentioned in an earlier chapter, socialists in particular believe that taxation, and certain public services it funds grant us valuable freedoms - i.e. freedom to public schools, inexpensive (at the point of use) healthcare, infrastructure and transport. Not only is taxation usually done against the will of many individuals (I'm sure some are more than happy to pay their fair share), it also always seems to limit our range of choices.

Let's imagine that 30% of my income is taxed, this leaves me with 30% less money than I would have to spend on an almost infinite range of choices. Of course we would always be constrained by our amount of money, but even with ten pounds it seems there's an incredibly large range of items that I could purchase for this amount. Perhaps a new t-shirt, or a variety of different foods, or maybe I could place a bet on the England football team winning the *European Championship* in 2020. The list would be seemingly endless. And with an increasing money amount it appears that the list only grows larger. Therefore it would seem that by giving this money away (freely or not) to fund a much more limited amount of things, results in an overall and quite substantial reduction in my possible choices (of what I can do with my money). In other words with that 30% reduction I have probably sacrificed thousands, if not millions of options, for the sake of opening up a relatively much smaller amount of choices (e.g. to choose to get educated, to choose to seek health).

It would seem that the only reason why we might still value this freedom then isn't because of choice itself (because we now have less, and we didn't even have the choice to not pay tax), but in fact the contents of the choices we have - or more specifically, perhaps what we really value is *valuable choices*. As Arneson noted, "health care policy provides examples of social choice that involves tradeoffs between providing more options for individuals and providing fewer but better options."⁷⁰ In other words, someone might value this particular example of freedom because they value the object of that freedom. If this is true, then freedom can't be said to be intrinsically valuable in the form of agency in general, as we only find agency (and therefore freedom) instrumentally valuable in that it gives us the choice to do valuable things. For example we find this type of freedom to healthcare valuable because we value health intrinsically.

Thomas Hurka disputed this position that it is the contents of our choices rather than the choice itself that we find valuable. Hurka asks us to imagine two sets of choices, one set (S1) contains only two choices which

⁷⁰Richard Arneson, "Real Freedom and Distributive Justice." *Freedom in Economics: New Perspectives in Normative Analysis*, (London and New York: Routledge, 1998), p.38

we both value because of the content of choices, and another set of choices (S2) which contains the same choices in S1 plus ten more choices, the contents of which we don't find valuable (so we would still choose one of the two choices from the original set). It is Hurka's position that even though we would choose the same option in both sets, that we still prefer (although not always) S2 to S1 simply because it gives us more choice. That is more choice regardless of what those choices are, and therefore it would see that what we value is choice in and of itself (i.e. intrinsically). Hurka puts it that our ability to say no to those extra ten choices is a valuable expression of agency.⁷¹

Perhaps this is a convincing position, but I will not be going further into it here and for the sake of argument I will concede that it is at least a plausible position to say that at least in terms of agency, choice does have intrinsic value. This however still leaves us with the first objection that freedom is then still only instrumentally valuable in that it is a means to choices and agency. Carter gives a convincing argument that although freedom may not be intrinsically valuable, it however still *independently* value.⁷² This means that freedom has a value which is independent of external and instrumental values - in essence that this value does not rely on anything other than freedom itself.

Carter argues that freedom is dependently valuable in that it forms a "constitutive part of some intrinsically valuable thing"⁷³, which in this case is agency. Carter believes it is not accurate to describe freedom as merely a means to agency, as freedom only being connected to agency causally.⁷⁴ Instead it would be more accurate to say that it is "analytically...true that freedom is a necessary condition for agency."⁷⁵ In other words the nature of freedom is such that it is necessarily concerned with agency, and therefore isn't only instrumentally about agency, but independently and constitutively concerned with agency.

Again, this seems like a plausible position, and therefore perhaps freedom does have some independent value. If freedom does have independent value, that freedom is valuable in and of itself, then how is it coherent to have a value-free concept of freedom like the one I have argued for - surely freedom is then by definition valuable? To place this objection against my position however is to misunderstand what is meant by value-free in the context of the concept of freedom. What is meant more specifically by this is that our general concept of freedom must be taken as being concerned with *overall* value. In other words, although freedom itself may always be valuable in terms of agency, freedom may also be *disvaluable* for a whole

⁷¹ Thomas Hurka, "Why Value Autonomy?" *Social Theory and Practice* 13 (1987)

⁷² Carter. "The Independent Value of Freedom.", p.819

⁷³ Ibid, p.838

⁷⁴ Ibid, p.839

⁷⁵ Ibid

host of external reasons and values, but also because of agency itself.⁷⁶ The value-free concept of freedom therefore holds the position that the concept of freedom generally should not be defined as valuable (or disvaluable), as only with reference to other values can we decide whether a certain instance of freedom is valuable overall. To repeat a previous example, a socialist values the freedom brought about taxation even when it curtails choice and agency in one respect, this is due to ethical values they have both on ideas of ownerships (again, refer to my previous example) and on the ethical value of the other choices it opens up to us.

Perhaps for some of you my response to this position is obvious, nevertheless I believe it is a necessary one to make and point out, particularly because it makes us explicit about why and when we value freedom - pointing out to those not yet convinced that we don't necessarily find freedom valuable as such, but determine overall value based on commitments to other ethical positions, and it is to this point that the next subchapter turns to.

JUSTICE, FREEDOM AND ITS VALUE

Carter claimed that a major implication of freedom being independently valuable is that our theory of distributive justice must be "freedom-based."⁷⁷In other words, as justice is concerned with the ethical principles on which we are to distribute the benefits and burdens of society, and why we believe some benefits and burdens of particular ethical significance should be distributed in a particular way, it seems to reason that something of such independent value as freedom (and therefore agency) will play a large role both in principles of distribution (or desert) and as an important value to be distributed itself. A theory of justice then, according to Carter, is primarily (although not only) about the "societal distribution of freedom"⁷⁸generally, as opposed to primarily the distribution of freedom only for the sake of the values it is sometimes instrumental for bringing about.

I find Carter's position weak because he appears to base it on the idea that freedom has a sufficiently strong independent value as to be considered in distributive terms by this merit alone, rather than "in terms of the

⁷⁶ See my taxation example.

⁷⁷ Carter. "The Independent Value of Freedom." p.843

⁷⁸ Ibid

interests that [freedom] serve[s].”⁷⁹ This however goes back to my arguments in the previous subchapter - agency is of course of great intrinsic value to individuals, yet it is just one part of what gives specific instances of freedom its overall value or disvalue. There are a multitude of external ethical considerations which deem certain freedoms as overall valuable, it would then seem to make more sense to pay greater, or at least equal attention to these external values when thinking about how freedom should be distributed in terms of serving our ideas of justice.

Carter puts his position in contrast to Dworkin’s, which Carter describes as a “justice-based definition of freedom.”⁸⁰ Perhaps self-explanatory, but this is basically the opposite of Carter’s position, in that rather than basing theories of justice on a value independent concept of freedom, we instead define our concept of freedom, and the value it has, from our ideas of justice. This position is a lot closer to the kind of position I will have sought to defend in this thesis and the rest of this chapter.

In previous chapters I have sought to argue for my value-neutral and value-free MacCallum-Fulfilment concept of freedom. I have done so largely on the grounds of not unnecessarily constraining the concept based on ethical commitments. In other words I argued that we should not define freedom in terms of only those constraints that we see as illegitimate due to certain ethical commitments, and that we also shouldn’t limited the potential objects of freedom based on only those which we see as valuable for other ethical reasons. The concept of freedom in itself therefore doesn’t tell us the value of freedom (overall) or what we are to consider legitimate or illegitimate constraints or objects of freedom. Instead I have made comments throughout this paper relating to the idea that we must turn to our ideas of justice, or more broadly speaking, the ethical values that shape our theories of justice, to find this value.

My approach however differs from Dworkin, because whereas Dworkin defines freedom based on his ideas of justice, I do not believe we should do so. We should seek to understand and argue when and why freedom is valuable based on our ideas of justice, but its definition should remain unaffected. This mistake that Dworkin makes is the same one which most philosophers who advocate along the positive/negative distinction make - to define freedom as only those instances which correspond to their ethical ideas about things such as interference and what it is valuable to be free to do and why. Again, my whole paper has been filled with arguments and examples as to why it is limited and incoherent to define freedom in such a way - because then what we appear to be talking about is something like justice, rather than freedom. Like I said before, our concept of freedom ends up acting like a *Trojan Horse*, bringing in with it our ideas of justice,

⁷⁹ Ibid

⁸⁰ Ibid

which are then used to defend itself in a very circular manner. What I mean by this is that our concept of freedom just becomes a veil for our ideas of justice, and many philosophers then also defend their theories of justice on its ability to promote and distribute the very same veiled-justice concepts of freedom.

Previously I argued that we would do well to improve MacCallum's triadic concept of freedom by splitting his preventing conditions into preventing and fulfilment conditions. I made the point then by saying that doing so we are better able to understand and differentiate between negative and positive notions of freedom. Perhaps more accurately what I mean is that it makes it easier to categorise between some quite distinct ethical positions which relate to the two main traditions.

In essence, theories of justice can be broadly, but to varying degrees, separated into those that support the (re)distribution of resources mainly on the basis of a way to increase what I describe as the satisfaction of fulfilment conditions of certain freedoms. Nozick would refer to these types of theories of justice as patterned theories.⁸¹ Then there are those, such as Nozick's theory of justice, which appear to be almost solely concerned with freedom as the removal of preventing conditions. As I have said, theories fit this distinction to varying degrees, and many theories of justice concerned themselves with both preventing and fulfilment conditions, however the separation of these conditions are still incredibly useful in understanding how different ethical positions translate to one or the other condition. MacCallum in fact made this point, stating that by using his triadic formula we were "putting ourselves in a position to notice how, and inquire fruitfully into why, [philosopher's] identify differently what can serve as agent, preventing condition, and action or state of character vis-à-vis issues of freedom."⁸²

For example, someone like Sen who defines the value of freedom generally as "what [a] person is free to do and achieve in pursuit of whatever goals or values he or she regards as important"⁸³ is likely to be concerned with both fulfilment and preventing conditions, and the object of freedom when it comes to understanding the value of freedom. If we break Sen's statement down "what a person is free to do" would seem to definitely imply the absence of preventing conditions to action, and maybe even the satisfaction of fulfilment conditions, but this would depend on exactly what Sen meant by "free to do." Luckily for us the follow up then states "free to do and *achieve*." In this sense, Sen is concerned with our ability to fulfil our desire to do or be a certain thing, and thus he is also concerned with the satisfaction of preventing conditions. However, both the concerns about preventing and fulfilment conditions here are very much relational to the

⁸¹ Nozick, *Anarchy, State, and Utopia*, p. 156

⁸² MacCallum, "Negative and Positive Freedom." p.327

⁸³ Amartya Sen. "Well-being, Agency and Freedom: The Dewey Lectures 1984," *Journal of Philosophy* 87, no. 4 (1985), p.203

object (the Z variable if you can cast your mind back to the MacCallum formula) of freedom - that preventing conditions and fulfilment conditions are valued in as much as they allow us to do what we value.

Let's do a similar analysis for Nozick. For Nozick the foundations of freedom are individual rights to oneself and property, restrained only by side-constraints to other agents' rights.⁸⁴ In other words, what Nozick saw as valuable freedom are just those instances in which I have a right to myself and property as a side-constraint against the interference of others. Therefore it would appear that Nozick is only concerned with the absence of preventing conditions, and perhaps only concerned with the objects of freedom to the extent that the only legitimate objects of freedom is anything which is not the property of others.

This type of analysis of the value of freedom prescribed by different theories of justice is useful as a starting point in helping us to better understand the relationship between freedom and justice, and it is my intuition at least that more attractive theories of justice are those which have something to say regarding both preventing and fulfilment conditions, and about the objects of these conditions (i.e. what it is we are free to do and become and why we find those things to be value in relation to our ideas of justice). The scope of this paper is not large enough to argue my case, but the point of raising this position is to say something about how many theories of justice do seem to have something to say regarding specifically those three properties (as well as the fourth property as to who and what counts as an 'agent'), and this is why the MacCallum-Fulfilment concept, as opposed to MacCallum's original formula, allows us to better understand the exact ways in which our justice commitments give value to our concept of freedom.

⁸⁴ Nozick, *Anarchy, State, and Utopia*, p. 31

CONCLUSION

In conclusion, in this thesis I have argued that competing concepts of freedom are in fact all partial claims of the same single concept of freedom, and that the disagreements are instead related to external ethical commitments, and that the MacCallum-Taylor concept of freedom was best suited as a basic structure from which all valid freedom claims can be made, and from which we can better understand the ethical disagreements underlying the different claims to when and why freedom is valuable.

To argue for my position I first sought to show that the traditional claim of competing *concepts* of freedom (i.e. positive versus negative freedom) in fact broke down on closer inspection, and that really it appeared that what both notions of freedom were concerned with were fundamentally the same things - in other words they were both expressions of the same basic concept of freedom in more than just name. I then looked at Nelson's concept of freedom which also held that all coherent claims of freedom were part of one single negative concept. However, I argued that Nelson's concept of freedom was limited in that it was both vacuous in terms of not expressing the role of desires (i.e. the desired objects of our freedom), and that by framing itself as a purely negative concept, it was unable to make sense of examples such as education in which we miss an important aspect of the freedom if we only to describe it as freedom as the absence of some constraint.

From here I introduced MacCallum's triadic concept of freedom, arguing that it avoided the charge of being vacuous in a way that Nelson's concept couldn't, as it was structured in such a way as to show the relationship between the agent, the constraint and the object of the freedom. However, in a similar way to Nelson, MacCallum's concept was still limited in that it also didn't allow us to fully express what I believe to be an important difference between freedom which results from the absence of interference in a more literal way, and those conditions which allow us to actually satisfy certain desires and values. It was because of this that I altered MacCallum's formula so as to split what he called preventing conditions into preventing conditions and what I called fulfilment conditions.

In order to support both the MacCallum-Fulfilment concept, and my position that a complete concept of freedom must be able to be a neutral foundation from which meaningful disagreement can take place, I then made arguments as to why a complete concept of freedom should be both value-free and value-neutral. These arguments were very much related to points I had made in the previous chapters about the need for a concept of freedom that was able to make intelligible the competing claims made of its value, and in the sense much of this chapter was about supporting the preceding arguments. However, in this section I also

first brought up my position that non-value-free concepts of freedom as particularly limiting, not just in terms of the kind of freedom claims it restricts us from making, but also because it ‘hides’ our ethical commitments in its definition in such a way as to try to use that same concept as a way of defending our theories of justice only leaves us with a rather circular defense of our ideas of justice and freedom.

I began the last chapter by facing off a potential criticism of supporting a value-free concept of freedom, and this criticism is that freedom is intrinsically valuable, therefore it is not possible to have a value-free concept of freedom. I first challenged the notion that freedom was intrinsically valuable, arguing itself that it got its value from elsewhere. I conceded however that it is plausible that freedom is still independently, constitutively valuable in giving us choice and therefore agency, but I also gave a taxation example of freedom which demonstrated that sometimes we value freedom not only when, but sometimes because it limits our choices. I went on to argue that this shows that although freedom may have independent value, that the value we seem to care about in terms of freedom is more so it’s overall value in specific circumstances (and it is in this sense that our concept of freedom is value-free), and this value largely came from external ethical considerations, which are more broadly speaking our values of justice.

Finally, I combined this idea of overall value with the MacCallum-Fulfilment concept to argue how this value-free and value-neutral concept of freedom, particularly with its split of preventing and fulfilment conditions allowed us to better categorise and understand generally what was at the heart of the value disagreements of freedom, and how in turn this would help us to better understand when and why we value-freedom, and it’s connection to our ideas of justice.

If my position is plausible, and as I alluded to at the very end of the final chapter, I believe that further research should be done on how the strength of a theory of justice may be linked to how clear it is on notions such a preventing and fulfilment conditions in terms of the values it which to promote via theories of (re)distribution (i.e. the objects of those conditions). I believe this could be a very fruitful inquiry.

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