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Positive liberty: a foundation for modern democracy

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Freedom is a word we hear a lot. Yet it is often unclear what is meant by it. Recent anti-terrorism laws have been argued by some as safeguarding freedoms and argued by others as restricting them. In this paper, I aim to create and defend an explanation of the nature of freedom that is practical and useful. Through offering a set of criteria, and answering potential criticisms, I conclude that "freedom" must consider people's strongest desires and take into account the multitude of internal barriers to the fulfilment of these desires. Such a definition will hopefully help us gain a clearer understanding of when our liberty is under threat: putting us in a better position to defend it.

Few words can stir the emotions of a crowd like freedom. Wars are fought to protect it, to extend it and to bring it to those who need it. People die in its name. It can turn a march into a movement and a movement into a government. All of us would agree freedom is a good thing but what does it consist of. What is freedom?

The common answer is- to be free is to not be physically stopped from doing what you want. But what about phobias, or addictions? Is the alcoholic free to go to the pub, is the agoraphobic free to go to the park. What about social and cultural rules? Does the stigma of being an ex-criminal restrict a man's freedom to work in a job he likes? Does the sexuality often involved in modern advertising restrict the freedom of the Muslim to practice his faith? Does the

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paternalism of health and safety regulations impact on our freedom? It seems freedom is much more than not being stopped from doing what you want.

In Isaiah Berlin's celebrated essay "Two Concepts of Liberty" he famously separated freedom into two categories, negative liberty and positive liberty. Negative liberty concerns the area in which people should be left alone to do as they wish.[1] It focuses mainly on physical restrictions. Positive liberty is concerned with being in control of your own actions. It focuses on creating an environment where the agent can satisfy their desires.[2] Berlin argued only a government set up to uphold negative freedom could truly capture freedom's meaning and importance. He called positive liberty a train ride to totalitarianism that once you got on you could not get off. His objection was that if you concede that someone else knows what is good for you, eventually you will let them make all your decisions and before you know it you will wake up in a totalitarian state.[3] The model for this state would be Mussolini's Italy where the state "is the conscience and universal will of man".

However I believe Berlin dismisses positive liberty too quickly. It can provide a stable foundation for democracy. We should not surrender the importance of positive liberty so easily. Remember positive liberty is about being in control of your actions. To deny it is to say the alcoholic is free, so is the ex-criminal and so is the child who is stopped from playing conkers by the health and safety bubble wrap patrol.

I will argue that a democracy can be based around the promotion of positive liberty. To do this I will first establish a set of criteria that an account of positive liberty must meet to be considered coherent. Then I will argue that my theory of significant action meets all these criteria. Finally I will consider possible attacks on this theory, including Isaiah Berlin's totalitarian objection. Once these objections have been dealt with, it will be clear that it is possible to

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[1] Isaiah Berlin, *Two Concepts of Liberty* (Oxford: Oxford University Press, 1958), 7.
[2] Ibid.
[3] Ibid., 18.

create a coherent theory of positive liberty that represents the values of a modern democracy. I will not be discussing any aspect of negative freedom.

Isaiah Berlin explained that theories of positive liberty answer the question "What or who is the source of control or influence, that can determine someone to do or be, one thing rather than the other?"[4] He went on to add "The "positive" sense of the word "liberty" derives from the wish on the part of the individual to be his own master".[5] To *be* free then, in this sense, (that is not to say this is the only possible sense but it is the one being discussed) is to be my own source of control or influence. (It is important to note this is the meaning of freedom not the value of freedom.) This is the first criterion any clear theory of positive liberty must meet; it must prescribe to be one's own master is to be free.

But master of what? The answer is motivations to action. To be free requires control over your motivations for if you do not have control over your motivations to action you are not your own source of control or influence. I assume that the only motivations to action are, as argued by David Hume, desires. When an agent has conflicting desires (by conflicting I mean desires that cannot both be satisfied at once) that agent is constrained. However this does not mean both desires must be constraining. On the contrary in most cases one desire will have the ability to liberate the agent from the restraint imposed by the other. That is to say by following this liberating desire the agent will be acting freely. In some cases there is no liberating desire therefore the agent cannot act freely. If there is no constraining desire the agent has a free choice. This then is the second criterion a theory of positive liberty must follow. In a case of a conflict between desires, for liberation to be possible, one desire must liberate, the other constrain.

The liberating desire must be identified with the "true self" or there is nothing being liberated from the constraining desire, there must be a master to do the

[4] Ibid., 7.
[5] Ibid., 16.

mastering. Frithjof Bergmann asserts "When we say "He did not want to drink, his thirst overcame him," we nonchalantly split one thing in two. We speak of the man and his thirst as if the thirst were a separate thing."[6] For any clear account of positive liberty this split must be possible. Otherwise to talk of internal barriers will become non-sense. Any discussion of positive liberty that fails to do this will be as "worthless as sausages without mustard."[7] Mastery requires a master, a true self. This then is the last criterion, the liberating desire must identify with the true self.

Therefore a clear account of positive liberty must claim: to be free, an agent's source of control and influence must be the liberating desire for this is the one identified with the true self. A clear account of positive liberty must meet these criteria (that is *not* to say if a theory doesn't meet these criteria it is not a theory of freedom, it is just not a theory of positive freedom). (It is also *not* to say if a theory meets these criteria it is plausible, just that it is clear.)

Now I will explain my theory of positive liberty and show that it does meet these criteria. That theory is based on Charles Taylor's thesis, which I will refer to as the theory of significant action, with one important addition. He explains his theory is concerned "with a view of freedom which involves essentially the exercising of control over one's life."[8] He then adds "an exercise (positive) concept of freedom requires that we discriminate among motivations."[9] It should be obvious from these statements that Taylor's thesis ticks the boxes for the first and second criteria. He has defined being free as controlling one's life and explained this requires discriminating between liberating motivations and constraining ones. To this extent he has so far presented a clear account of positive liberty.

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[6] Frithjof Bergmann, *On Being Free* (Notre Dame, Indiana: University of Notre Dame Press, 1977), 26.

[7] Shakespeare's Henry V discussing war without fire.

[8]Charles Taylor, "What's wrong with negative liberty?", in *The Idea of Freedom Essays in Honour of Isaiah Berlin*, ed. Alan Ryan (Oxford University Press 1979 Oxford), 177.

[9] Ibid., 179.

Taylor's connection to the true self is less obvious. He actually argues positive liberty does not have to be tied to a higher and lower self. He claims that ideas about doing what your true self wants "may mislead, by making us think exercise concepts of freedom are tied to some particular metaphysic, in particular that of a higher and lower self."[10] He makes it clear he does not believe positive theories of freedom need this tie. He is, as was argued above, wrong in that respect. However, when he distinguishes between motivations, it is clear that this is exactly what he has in mind. Taylor's view is that desires can constrain action. For him there are two types of desire, higher desires, which liberate, and lower desires, which constrain. Lower desires constrain because they are "not really mine".[11] Furthermore when an agent is liberated from lower desires he will be free and so will be able to accomplish significant actions and goals. I will discuss significant actions and goals later but first consider Taylor's description of constraining desires. He asks "But what is it to feel a desire is not really mine? Presumably, I feel that I should be better off without it, that I don't lose anything in getting rid of it."[12] This last phrase is crucial, if *I* don't lose anything in getting rid of my desire then it follows it cannot be part of *me*-my true self. So despite saying he does not think of true selves it is obvious he in fact does. And a good thing too or I would be forced to ask what is being constrained by lower desires? If there is no true self what is the being that is trying to exert mastery over the lower desires? Without linking the liberating desire to the true self there is no answer.

This is the point where my theory of significant action must differ from Taylor's. Having denied the existence of a true self makes his argument inconsistent. My theory of significant action differs to Taylors in this respect and so I will briefly explain the entity being referred to as the true self. As mentioned above there are two kinds, or levels, of desire; higher and lower. The true self is embodied by neither of these. It resides in a third level of desire, for

[10] Ibid., 180.
[11] Ibid., 188.
[12] Ibid.

simplicity's sake call it highest desire. These highest desires are concerned with the achieving of the agent's conception of the good. They are desires like the desire to be part of a loving relationship or the desire to live according to a set of religious or moral rules, desires to understand the world, desires to make a difference to that world, or desires to raise a family. They could be called end state desires, ones which the agent wants solely for their own value not for any opportunity they create. Imagine normal desires are the rungs on a ladder; the agent wants them because they allow him to reach the next step. Highest or end-state desires are what is at the top of the ladder. Once the agent gets to them they stop climbing. The true self is embodied in these highest desires. Consider the alcoholic. He wants to have a drink. This is his lower desire. He also wants not to be an alcoholic. This is his higher desire. The reason he doesn't want to be an alcoholic is presumably because it conflicts with the significant goals in his life. Perhaps his significant goal is to be a good father to his children. These significant goals are his highest desires and are identical to the wishes of his true self. Low desires are constraining because they block the achievement of highest desires, high desires are liberating because they create opportunity, by eliminating lower "blocking" desires, to achieve highest desires and so achieve the wishes of the true self. Therefore lower desires can be seen as "not really mine" because they block the wishes of the true self. Thus this new significant action theory does link the liberating desire with the true self and so it meets the last criterion. Therefore it has been proved it is at least possible to articulate a clear account of positive liberty. An agent is free when they are motivated by their liberating desire to act in such a way that is in keeping with their highest desires i.e. their true self.

But is this account plausible? What are its practical implications? Are there any justified objections? Only if these implications are coherent and these objections unfounded can the theory be called plausible. Consider one of the questions posed at the start: does the sexuality often involved in modern advertising restrict the freedom of some Muslims to practice their faith? One of the Muslim's significant goals could be to live strictly adhering to religious laws, including not to view sexually explicit images. If these images were impossible to avoid one could understandably argue such a person's freedom is being

restricted. His high desire not to view such images is blocked by their unavoidable nature and so he has no opportunity to achieve his significant goals. Although the theory of significant action cannot settle disputes like this (perhaps the sacrifice of a minority's freedom to increase that of the majority is justified, perhaps not) it can make them easier to understand. It allows us to trade between freedoms rather than getting mixed up in religion/rights/aesthetics/prejudices etc. When a population is considering an important matter this theory allows them to get right to the heart of the problem. For example if a government was considering banning vehicles which cause high levels of pollution from cities we could imagine there would be a great deal of debate, with arguments ranging over a whole host of values from rights to ownership to environmental ethics. Such a debate would prove very difficult settle because of the conflicting values. However using this theory of positive liberty we could reduce the debate to just two values and ask which is more significant; the freedom to own the car you wish or the freedom to live in a cleaner, safer city. This would at least allow us to debate one issue rather than a multitude. This is just one of the practical uses of the theory.

The most frequently used objection to positive liberty theories is that they create room for totalitarianism to flourish and a coherent theory of freedom cannot endorse totalitarianism. It is argued, by saying that an agent's desires do not always reflect what they really want, it would be possible for a tyrant to oppress his people by claiming he does know what they really want. Because of this knowledge by controlling their lives he can help them achieve their significant goals. Therefore he is justified in controlling people's lives. Taylor himself called this objection "an absurd caricature" of positive liberty theories.[13] The theory of significant-action easily avoids it. The value of freedom in a significant-action theory is that the liberated self will be able to complete significant actions and achieve significant goals. It is here important to ask who decides which goals and actions are significant. Taylor quickly dismisses this question simply stating "we have a background understanding too obvious to spell out, of some activities and goals as highly significant for human beings and

[13] Ibid., 175.

others less so."[14] However it seems to me not obvious at all which actions are significant and which are not. Which is more significant, a life spent helping others or a life spent trying to attain total spiritual enlightenment? Certainly I can answer this question for myself, but I could only guess at anyone else's answer. Only by self-assessment of the actions can I determine which is more significant to me and so only by self assessment can I choose which to do or not to do. Therefore the true self decides on which actions are significant, by self assessment, and uses liberating desires to conquer any lower desires which are hindrances to this action.

Because the actions are chosen by the true self via self assessment no outside agency, in this case "the tyrant", can be sure which actions are significant to me. Therefore he cannot create a system to maximize my ability to achieve significant goals/ do significant actions. However through voting a government can be made aware of the population's significant goals. Consequently a democracy *could* set up a system to maximize the agent's ability to achieve their significant goals. Finally it is important to remember self assessments can change over time; my significant goals as a ten year old were different to my significant goals as a twenty year old. Therefore states which proclaim to safeguard an agent's freedom must be able to respond to changes in self assessment of goals. In a democracy, through voting, recognition of changing significant goals is possible. This clearly shows that positive freedom can safeguard the values of a modern democracy. It also shows the theory of significant action cannot lead to totalitarianism and so is on that account plausible.

An objection is often raised on these grounds. Suppose someone is forced to make a terrible choice. The bank manager must decide whether to hand over the key to a bank vault or have his employee's brutally murdered. It may seem at a glance that if the manager makes his decision based on which ever outcome he sees as most desirable he has made a free choice. He has subdued the lower desire to safeguard the money and satisfied his high desire to save his employees

[14] Ibid., 182.

therefore he has made a free choice. It would seem you can be forced to make a free choice, but this objection is incoherent. Notice this makes no mention of the highest desires, those of the true self. Neither course of action, in this case, would create opportunity to further his highest desires and so neither desire is a liberating desire. Because of this he cannot act freely. It should be equally apparent that if there is no constraining desire (as in a very nice or trivial decision; i.e. what would you like for dessert, chocolate cake or ice cream?) then both desires are liberating and so a free choice is possible.
Another objection to the plausibility of this thesis is as follows. Consider the paedophile whose significant goal is to satisfy his sexual needs. He, by self assessment, decides this goal is significant and totally subdues his desires to live a normal life to achieve this. His every decision is aimed at achieving his goal. By the theory of significant action he has achieved a very high level of freedom. The objection is surely he cannot be a free person, freedom cannot allow for such actions! My answer is simply why not? Freedom is not morality. The paedophile's actions are definitely wrong but this does not mean they are un-free.

This objection rests on a concept of freedom that includes the premise only morally good actions can be considered free. This is not the conception of freedom being discussed in a theory of significant action. Being free in this sense is simply being in control of your actions so you can achieve self determined significant goals. It makes no attempt to show these goals are necessarily good or fit within some moral code of practice. To be free is to be able to do actions your true self finds important, not which your true self finds important and are considered good by some independent external moral judge.

The paedophile acting freely does not somehow make him un-punishable or acceptable. In fact in law free actions tend to incur heavier punishments than un-free acts, but it is still the specific action that is wrong not that it was done freely. He should be restricted or punished because what he does is morally/legally wrong not because he is free to do it. While his positive freedom cannot be restricted, his negative freedom (that is the area within which he should be able to act without interference by other people) could

justifiably be restricted. He should remain in control of his motivations for action however the range actions available to him should be greatly reduced by suitable punishment. To show that the paedophile should be punished for acting immorally/illegally rather than for acting freely consider the following; you would not punish someone for acting freely unless what they did was morally or legally wrong. Therefore the objection makes no impact on the plausibility of the theory of significant action. The pedophile would be acting freely, because of this the breaking of the law would be entirely his own fault therefore it would seem a heavier punishment is appropriate. What he does may be wrong, but it being wrong doesn't mean it cannot be free. A theory of freedom must allow that sometimes some people will abuse their freedom. Thus I have proved that this theory of freedom does not have any in-coherent implications and hence it is plausible.

It should be apparent from the above that it is possible to articulate a clear and plausible theory of positive liberty, the theory of significant action. By reference to the criteria laid out, I have shown that the theory of significant action is a clear, understandable conception of positive liberty. Furthermore I have shown the strongest attacks on positive liberty theories do not affect the theory of significant action, therefore it is plausible. It offers a way to understand many of the questions posed at the start and can be used to defend the goals people think of as most important from any constraining influence. By thinking of freedom in this way we can gain a clearer understanding of when our liberty is under threat. When governments stop listening to a population's significant goals we can prove they are attacking freedom and so we will be in a better position to defend it.

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