

Freedom: Morality and Folk Intuitions

They speak a language that belongs to no one: they say,
*Liberty consists in the power of doing everything which does
not hurt another.* But is this the ordinary meaning of the word?
The liberty of doing evil, is it not liberty?

-Jeremy Bentham

Introduction

Let us consider the following case: A woman named Tanya lives in a small, newly created Eastern European country and one of the most important issues in the country is the treatment of a disenfranchised minority that lives throughout the region. Tanya truly dislikes the minority and wants to further damage them if she can. While public opinion concerning the minority varies greatly, the government has taken the side of the minority. Consequently, a ban has been placed on any action or public speech that is intended to hurt the disenfranchised minority.

It is worthwhile to ask whether Tanya's *freedom* is restricted by the law protecting the minority. What makes this question interesting is that the story doesn't offer us an easy answer. One view, which I will call *value-dependent*, holds that the value of the restricted option is relevant when considering the question of freedom. Specifically, value-dependent freedom suggests that you are made unfree only when you are stopped from doing something which is valuable. If you are stopped from doing something which lacks value, then your freedom has not been restricted. In the story, it is important that the government prohibits Tanya from further damaging a disenfranchised minority. If damaging the disenfranchised minority lacks value, then the government did

not interfere with Tanya's freedom. The second view, which I will refer to as *value-neutral*, holds instead that the value of the restricted option is of no consequence when considering freedom. According to this view, the government interferes with Tanya's freedom in the story, because some option is taken away from her; the question of whether or not that option is valuable does not arise.

As we shall see, both the value-dependent and value-neutral conceptions of freedom have faced their own serious difficulties. However, one major problem they share is their tendency to diverge significantly from our commonsense notion of freedom. In this paper, I will first attempt to elucidate our ordinary understanding of freedom and, by arguing that this understanding reveals something important about the nature of freedom, show how this can help to inform the ongoing philosophical debate about the value-dependence of freedom. Specifically, I will argue that our conception of freedom is *value-laden* rather than value-dependent or value-neutral. Value-laden freedom holds that values do matter, but denies that only the loss of valuable options results in a restriction of freedom. Finally, I will consider some possible objections to the folk conception of freedom. There is good reason to believe that accessing our ordinary intuitions about freedom will be a fruitful endeavor, given that freedom is something about which we have very strong intuitions. Before we examine our ordinary intuitions, however, we should begin by considering the past philosophical debate over the importance of values for understanding freedom.

Value-dependent Freedom

The importance of value for understanding freedom has been widely discussed, but generally only as an aspect of the larger debate between two dominant theories of freedom, i.e. “positive liberty” and “negative liberty.” While much of the philosophical literature on freedom is centered on this distinction, it is not particularly informative in the case of the significance of values. Instead, this essay is concerned directly with the contrast between “value-dependent” and “value-neutral” theories of freedom.

Let us first consider the common underlying basis of all value-dependent theories of freedom, namely, that a simple lack of restriction on the available options does not ensure very much freedom at all. Consider the survivor of a shipwreck who, completely separated from her former life, now lives alone on a desert island. It would seem exceedingly odd to tell this woman that she enjoys more freedom than anyone in the society to which she wishes to return, as she no longer has any restrictions opposing her.¹ Surely the philosopher who proposes such an idea to the stranded woman would be misunderstanding some key component of the concept of freedom. The apparent lack of freedom which this woman suffers helps to motivate the value-dependent view: it is only by having the freedom to do valuable things or fulfill valuable ends that a person can be truly free. For example, it would not increase the woman’s freedom in any significant way if she were able to leave the desert island, but only to go to another similar island. It is not simply a restriction of movement which makes her unfree. Her freedom could only

¹ It may be suggested that this woman is not free because the island imposes a restriction on her. However, we do not generally think of physical barriers as restrictions of our freedom. It would be more common to say she is unable to leave the island, though she may be completely free to do so.

be *truly* restored if she was once again to return home. It is the freedom to do only *certain* things which make this woman free.

It is important to distinguish two important moves underlying a value-dependent theory of freedom. The first is to distinguish which options or actions have value and which do not, and the second is to equate being free with the ability to perform or choose those actions or options. In the shipwreck example, the option of going from one deserted island to another does not have much value, but the option of returning home or reuniting with her family does have value. The woman will be free only when she is able to return home to the life from which she was separated. However, beyond this common basis that value-dependent theories share, there is a significant amount of variance, most significantly on the question of what standard should be used to determine the value of the options.

In one such value-dependent theory of freedom, advanced by T. H. Green, the standard of value is *the power to 'make the most and best of ourselves.'* Thus, in the shipwreck example, Green may claim that she is not free on the desert-island, but she may be equally unfree if she returns home, if in doing so she still lacks the power to make the most and best of herself. However, having a single basis for value creates an interesting result. Because Green bases freedom on the value of making the most and best of ourselves, there are many restrictions which could be imposed but would not reduce the woman's freedom at all. For instance, suppose we restrict the woman from watching daytime television. If daytime television does not at all help the woman to make the most and best of herself (which is likely) then, losing this option will not make

her less free. In fact, it might make her more free, if she begins to make the most and best of herself with the extra time she gains by not watching daytime television.

At first, the idea that we can make someone more free by taking away options may seem paradoxical, but by understanding the role that value has in Green's theory, the relationship between value and freedom will hopefully become clearer. Green advocates a theory of freedom as autonomy, where autonomy is, in part, a person becoming "all that he has it in him to be."² Anything that opposes the realization of this ideal, actually hinders that person's freedom.³ In the application of this value-dependent theory, we can begin to see the effects of making freedom value-dependent. For example, in the name of making the most and best of oneself, Green advocates the prohibition of the sale of alcohol in Britain.⁴ The consumption of alcohol does not contribute to the realization of the best of ourselves, and as such does not have value. Because alcohol obstructs us from making the most and best of ourselves, it contributes to a loss of freedom. Consequently, if we restrict people from drinking, we make them more free, even when a person strongly desires to drink and would not choose to have this option restricted.

What is important to notice in this section is how the dependence on value in Green's theory allows for conclusions which are highly counter-intuitive. He is able to hold that the loss of non-valuable options does not result in a loss of freedom. Yet, even

² Green, T. H. "On the Different Senses of 'freedom' as Applied to Will and to the Moral Progress of Man." *Works of Thomas Hill Green Vol. II Philosophical Works*. Ed. R. L. Nettleship. New York: Kraus Reprint Co., 1969. 323-324.

³ Green actually makes an even greater claim than the one discussed here. He suggests that the people retain freedom-as-autonomy when they are forced to realize their rational ideal. It is not that this ideal is good and we are helping them against their will, but in fact that it is their true will to be restricted.

⁴ Green, T. H. "Liberal Legislation and Freedom of Contract." *The Liberty Reader*. Ed. David Miller. London: Paradigm Publishers, 2006. 28. It is unnecessary to further develop exactly what qualifies as 'making the most and best of ourselves' as it is sufficient for this paper to rely on the fact that the consumption of alcohol fails as such.

more problematic, he claims that we can make individuals more free by forcing them into options which have value. In fact we help people to be free by taking away the opportunity to do anything except make the most and best of themselves. Only then will they be truly free. Prohibition is only one necessary step among many, if people are to become truly free. But this is surely not what we would call freedom; rather, the restriction of all of these options would be a great loss of freedom, even if we were to make the most and best of ourselves.

Having reviewed how freedom functions in a value-dependent theory, it seems there are good reasons for rejecting this kind of model. One possible way to avoid its counter-intuitive results is to construct a theory of freedom which does not include value. I have collectively labeled these theories ‘value-neutral.’

Value-Neutral Freedom

Philosophers who have offered value-neutral theories of freedom include Thomas Hobbes, Jeremy Bentham and Isaiah Berlin. For Hobbes, freedom means simply “the absence of external impediments.”⁵ Though Bentham did not construe freedom quite so widely, he shares Hobbes’ lack of concern with value. This is clear in his question, quoted at the beginning of this essay, “the liberty of doing evil, is it not liberty? If not liberty, what is it then?”⁶ But it is Isaiah Berlin who definitively promoted a value-neutral theory of freedom for contemporary political philosophy.

⁵ Hobbes, Thomas. *Leviathan*. Indianapolis: Hackett Publishing Company, Inc., 1994. Chapter 14 p. 79 in Edwin Curley’s edition

⁶ Bentham, Jeremy. *Theory of legislation*: translated from the French of Etienne Dumont by R. Hildreth. 7th ed. London, 1891. p.301

Berlin borrows from both Hobbes and Bentham when he identifies freedom with the extent to which “I am prevented from doing what I could otherwise do.”⁷ What Berlin hopes to make clear is that *every* human action that interferes with what one could have otherwise done is a restriction of freedom. This includes interference with robbing a bank just as it includes interference with getting a job. It may be objected, then, that anyone who lives among other people, or under a government, must suffer an incredible loss of freedom. This is exactly the point Berlin wishes to make. We do suffer a great loss of freedom, but we do so because it allows us other goods like stability, peace, and other benefits of living in a society.⁸ The point Berlin so vehemently critiqued in value-dependent theories was the conflation of these goods with freedom. Simply because some restriction allows us security, stability or some other good, it does not mean that it is not a restriction. Freedom is a good, but it is only one of many and, further, it is one we must sometimes sacrifice for others. Thus, the important question for Berlin becomes how to delineate the space in which we absolutely must not suffer a loss of freedom, if we are to remain free individuals, no matter what we are able to obtain in the trade-off.

Although the value-neutral account of freedom avoids the problems raised against value-dependent theories because it does not lead us to the kind of counter-intuitive results found in the case of alcohol prohibition, it can leave us with highly counter-

⁷ Berlin, Isaiah. "Two Concepts of Liberty." *Four Essays on Liberty*. Oxford: Oxford University Press,, 1969. p. 122. This is meant to suggest that not every limitation is a restriction of your freedom. My inability to fly airplanes or play football professionally does not make me to that extent unfree to do these things. The prevention of what I could have otherwise done must be caused by another human if it is to make me unfree. The area which is left unimpeded by human interference determines the extent of my freedom.

⁸ Here my treatment of Berlin is upon the interpretation of freedom as non-interference. While I am aware of John Gray's interpretation of Berlin's theory of freedom as the non-restriction of options, this distinction is inconsequential for the purposes of this essay.

intuitive conclusions about when and to what extent a person is unfree. According to Berlin, to become unfree is only to have lost the possibility of acting in some way which one otherwise could have acted. If one loses an option that isn't valuable, one may say, "the freedom to do that is unimportant," or "the loss of that freedom allowed me something better" but one cannot not say, "my freedom was not reduced." This leads us to two interesting conclusions which are best understood together. First, suppose you are restricted by human interference from doing something that is of absolutely no value to you. A value-neutral account of freedom suggests that this would in fact reduce your freedom even though it will not affect your life even minimally. This is generally understood to be one of the advantages of a value-neutral account of freedom. Second, suppose that there is some activity which is of the utmost importance to you, and, like the first, it is restricted by human interference. In such a case, a value-neutral account of freedom must conclude that the loss of freedom is equal in both cases, or explain the difference in the loss of freedom without recourse to considerations of value.

Consider the following example which may illuminate the counter-intuitive nature of a value-neutral account of freedom. There are two cities, A and B, which are located close to each other and which share almost exactly the same set of laws. The only difference between the two cities is that each has one law which the other lacks. In city A, the citizens are not allowed use domestic pets to clean the sewage tunnels under the city, while the citizens of B are not at all troubled with this law. And in city B, the citizens are not allowed to own or read any book having to do with the Judeo-Christian religion, while the citizens of A are free to own and read any sacred Judeo-Christian text.

Given that the every other law is the same in the two cities, a value-neutral account would conclude that the citizens of A and B enjoy a roughly equivalent freedom, as they both suffer the restriction of one option which was otherwise available to them. That is, unless a value-neutral account is able to propose a viable explanation of the difference while excluding any appeal to value. Yet it seems clear that the citizens of B actually suffer a much larger reduction of freedom than the citizens of A.

We can add one additional assumption to make the point even clearer. Suppose further that, fortunately for the citizens of A, no one in the city has any desire to force pets to aid in the cleaning of the sewage tunnels, and the law never interferes with what they would have done. Similarly, the citizens of B have no desire to read sacred Judeo-Christian texts and fortunately are not in the least affected by this law. Given that the laws did not at all affect what the citizens would have done, but only restricted a hypothetical option available to them, the intuitive disparity between the respective losses of freedom must result from the nature of the options which were restricted. Yet even with the consideration that not a single citizen would be deterred from any action they would have done, the citizens of B clearly remain less free than the citizens of A. No simple quantitative analysis, such as that the citizens of B would have read sacred texts more often than citizens of A would have used their pets to clean the sewers, could explain the difference in freedom between the two cities. This difference remains even when it is clear that the laws would have had an equal effect on citizens' lives. The obvious and rather simple explanation here is that the freedom to use domestic pets to clean sewage tunnels is not an option which matters as much as the freedom of owning

and reading sacred Judeo-Christian texts. Charles Taylor makes a similar point, suggesting that any attempt to make sense of a difference in significance, beyond a purely quantitative account of restrictions, requires the value-neutral account of freedom to give up its strict value neutrality.⁹ If we give up value-neutrality and begin to make qualitative discriminations among freedoms, however, we again find ourselves in the position of informing someone that she is truly free, even though she is not able to do what she wishes, because what she wishes do to isn't valuable.

It should be remembered that proponents of a value-neutral theory of freedom could still hold that one of the laws in question is better than the other. The value-neutral account is only committed to saying that the two laws equally reduce freedom; beyond that, the laws' consequences may differ widely. In considering the case of the two cities, it seems accurate that a law against reading Judeo-Christian texts is likely to have problematic consequences, while a law against using pets to clean sewers probably will not have any. A value-neutral account of freedom could use this difference to explain the normative disparity between the two cities rather than accept that there is a difference in terms of freedom.

However, it is not immediately clear if this claim about the concept of freedom is accurate. At least there is not sufficient reason to privilege this explanation over one that argues that the difference between the cities truly is a difference in freedom. One way of

⁹ Taylor, Charles. "What's Wrong with Negative Liberty." *The Liberty Reader*. Ed. David Miller. Indianapolis: Paradigm Publishers, 2006. Taylor makes two important points about value-neutral freedom. First: "Freedom is important to us because we are purposive beings. But then there must be distinctions in the significance of different kinds of freedom based on the distinction in the significance of different purposes." While Taylor suggests that this point in itself may not be detrimental to a value-neutral account, the fact that "we experience desires and purposes as qualitatively discriminated, as higher or lower, noble or base, integrated or fragmented, significant or trivial, good or bad" does damage the value-neutral claim.

trying to adjudicate this dispute is to examine how we ordinarily use the concept of freedom. In the next section, we will examine our ordinary intuitions about freedom and how they can inform the philosophical debate about the relevance of value considerations for our understanding of freedom.

Some Ordinary Intuitions about Freedom

Generally, one way of testing the strength of a philosophical argument is to consider the theories conclusions about a general case and then check those conclusions against our ordinary intuitions. If a theory produces conclusions that are highly counter-intuitive, we should be skeptical about that theory, unless there is some overriding reason to believe our intuitions are wrong. In regards to theories of freedom, I am proposing that ordinary conceptions of freedom are not only a good checkpoint for any theory, but that they are especially relevant in the case of freedom. In the first place, the philosophical debate has already depended heavily on appeals to intuitions concerning freedom.¹⁰ To this extent, some systematic analysis of what general intuitions about freedom actually are will be insightful as various philosophers have used appeals to our intuitions in support of opposing claims. Secondly, while there are many philosophical queries for which general intuitions are of no importance, questions about the concept of freedom is forced to rely at least partially on our intuitions. Questions in the philosophy of physics, for instance, can appeal to physical laws to test a new theory. Or perhaps physicists will

¹⁰ For example Charles Taylor, *What's Wrong with Negative Liberty*, Isaiah Berlin, *Two Concepts of Liberty*, T.H. Green, *Liberal Legislation and Freedom of Contract*, and Philip Pettit, *The Republican Ideal of Freedom*, to name a few.

observe some actual set of physical events to test whether or not a given law holds true. But this type of observation and appeal to already established laws is not an available option when theorizing about freedom. Thus, lacking some other methods of examining the concept, one way to answer questions about freedom is to observe how the concept is ordinarily used. In this sense, our intuitions are pivotal for the philosophical discussion about freedom. Finally, the role of freedom in a political context is most effective when it coincides with general intuitions concerning when and to what extent one is free. It is pragmatically problematic to be free—according to a political theory, while simultaneously experiencing a significant absence of freedom, a point that was well made by those who lived under communist rule. At the very least it would be useful to know when the two will diverge, even if we do not claim that the political theory should always track general intuitions. Once general intuitions have been considered, it may very well be the case that we agree the ordinary conception of freedom is flawed. However, it should not be dismissed without first being examined, and there are good reasons to believe that this approach will be rewarding. We will now switch gears and consider the ordinary conception of freedom. Specifically we will use ordinary intuitions to test the claim advanced by the value-neutral theory of freedom that freedom is completely separate from value.

Consider the following four stories. Each story varies from the others either in terms of desire to perform the restricted option, or in terms of the value of the restricted option. After reading each story, consider the extent to which Tanya's freedom was restricted by the law in that particular story.

(Valuable and Desired Option)

Tanya lives in a small, newly created country in Eastern Europe. Perhaps the most important issue in the region is the treatment of a disenfranchised minority that lives throughout the country. Tanya truly cares about the minority and really wants to help them if she can. While public opinion concerning the minority varies greatly, the government has sided against the minority. Consequently, a ban has been placed on any action or public speech that is intended to help the disenfranchised minority. In other words, the government has made laws against helping the minority, but Tanya wishes she could help them.

(Valuable and Undesired Option)

Tanya lives in a small, newly created country in Eastern Europe. Perhaps the most important issue in the region is the treatment of a disenfranchised minority that lives throughout the country. Tanya truly cares about the minority and really wants to help them if she can. While public opinion concerning the minority varies greatly, the government has taken the side of the minority. Consequently, a ban has been placed on any action or public speech that is intended to hurt the disenfranchised minority. In other words, the government has made laws against hurting the minority, but Tanya doesn't wish to hurt them anyway.

(Non-Valuable and Undesired Option)

Tanya lives in a small, newly created country in Eastern Europe. Perhaps the most important issue in the region is the treatment of a disenfranchised minority that lives throughout the country. Tanya truly dislikes the minority and wants to further damage them if she can. While public opinion concerning the minority varies greatly, the government has sided against the minority. Consequently, a ban has been placed on any action or public speech that is intended to help the disenfranchised minority. In other words, the government has made laws against helping the minority, but Tanya doesn't wish to help them anyway.

(Non-Valuable and Desired Option)

Tanya lives in a small, newly created country in Eastern Europe. Perhaps the most important issue in the region is the treatment of a disenfranchised minority that lives throughout the country. Tanya truly dislikes the minority and wants to further damage them if she can. While public opinion concerning the minority varies greatly, the government has taken the side of the minority. Consequently, a ban has been placed on any action or public speech that is intended to hurt the disenfranchised minority. In other words, the government has made laws against hurting the minority, but Tanya wishes she could hurt them.

Intuitively, it seems clear that the extent to which Tanya's freedom was restricted varied from one case to the next. Further, the factor which accounts for the difference between the cases was the change in the value of the restricted option. This difference is clear both when Tanya wanted to do the restricted option and when she didn't want to do it. However, it is also clear that when Tanya lost the option of hurting the disenfranchised minority, presumably not a valuable option, her freedom *was* reduced,

just not as much as it was when she lost the option of helping the minority. This differs from the value-dependent theory, discussed earlier, which suggests that freedom does not at all suffer when a non-valuable option is lost. It seems that instead, while value does matter, it is not the only factor.

To be completely positive of the influence of the option’s value and of my own intuitions about these cases, I tested other peoples’ intuitions in a survey.¹¹ The participants were not made aware of the variation between the surveys and which survey a participant received was random. After reading the short vignette, participants were presented with the following question.

- To what extent do these laws diminish Tanya’s *freedom*?

 Not At All In Between Completely

The mean responses for all four variations were scored on a scale from 1 “Not At All” to 7 “Completely” and are listed in the box below.

	Desired	Not Desired
Non-Valuable Option	3.53	3.88
Valuable Option	5.53	4.20

¹¹ The survey took the form of a survey given to 67 students in two undergraduate philosophy courses. Subsequent to answering this question, participants explained their rational for their answer in the section labeled “Please Explain”. This section of the survey was not used for any quantitative analysis but was reviewed for patterns and considered independently.

It was determined upon analysis of the collected data, that the variable of the desire to perform the restricted option did not have a significant effect on judgments about freedom.¹² In other words, the disparity between the judgments of freedom when Tanya did want to hurt the minority and when Tanya did not want to hurt the minority was not large enough to indicate that the difference was caused by Tanya's desire. The effect was small enough that it can be explained as happening simply by chance.

However, it was determined that whether or not the option was valuable did in fact have a statistically significant effect on the judgment of freedom.¹³ This effect was large enough that it is highly unlikely it could have happened simply by chance. Participants who responded to the story in which Tanya was restricted from hurting the minority, judged Tanya's freedom to be much less reduced than participants who responded to the story in which Tanya was restricted from helping the minority. The study confirmed the earlier conjecture that the extent to which Tanya's freedom was restricted was influenced by the value of option which was lost.

At this point in the paper we have reviewed two philosophical theories of freedom, "value-neutral" and "value-dependent" and considered how our general intuitions may differ from these theories. I have argued that it is clear that our ordinary conception of freedom includes value as significant in direct contrast to value-neutral freedom. In the next section I will consider one way that a value-neutral theory of freedom may argue that the survey results actually don't show that the concept of freedom includes value. After this, it will still be important to examine the contrast

¹² $F(1,62) = .940, p > .3$

¹³ $F(1,62) = 5.3, p < .05$

between a value-dependent account which proposes that only the restriction of options which have value make us unfree, and our ordinary concept of freedom which does not share this rule. Finally, I will reflect on what objections may arise when we consider the implications of using the concept of freedom proposed by our ordinary intuitions. Now I will review some possible explanations of the effect observed in the survey.

Survey Results and the Bias Concern

While the results of the survey indicate a significant difference in the reduction of Tanya's freedom from the valuable scenario to the non-valuable scenario, there clearly is more than one reasonable explanation of this effect. At the outset, there are two general types of explanation, both of which should be addressed. One way of explaining the observed effect is to claim that it is just the result of an underlying bias. The opposing explanation is that the effect truly reveals something meaningful about the general understanding of freedom. Before addressing the latter explanation, it should be determined that the first is not applicable. After arguing against a bias explanation of the survey results, I will address what specifically this study can contribute to a philosophical conception of freedom.

The view that the survey results were caused by a bias is similar to the earlier value-neutral critique of our intuitions (in the case about the two cities) at the end of the section addressing value-neutral freedom. Specifically, we may question whether the participants reported that laws which were perceived as 'good' did not reduce freedom as severely as those perceived as 'bad.' This type of bias could occur because participants believed that the loss of freedom is a bad thing, and laws which are perceived as good are

less likely to be perceived as having negative consequences. Further, the general tendency to unsoundly attribute positive qualities to things which we favor is not uncommon. This same type of bias can account for our hesitancy to attribute positive qualities to things which we don't believe to be good. Thus, it seems plausible that participants' responses were unduly affected by their evaluation of the law. As a result, participants' responses did not accurately reflect their true understanding of freedom in the case of Tanya. Specifically, we should address the concern that participants may have believed that the law which stopped Tanya from *hurting* the disenfranchised minority was a good law, and therefore did not reduce her freedom significantly and participants may have believed that the law which stopped Tanya from *helping* the disenfranchised minority was a bad law and therefore *did* reduce her freedom significantly. Otherwise, the results of the study could be sufficiently explained as the effect of a qualitative evaluation of the laws which restricted Tanya, and not an accurate representation of the general use of the concept of freedom.

However, there may be a good reason to think that this type of explanation would not be sufficient to explain the effect in the earlier results. Consider the following story.

Katya lives in the capital city of a small country which is currently ruled by an oppressive regime. The dictator in Katya's country passed a law which makes all large fires illegal, just because his wife has an irrational fear of being burned.

Before the passage of this law, house-like structures owned by members of a small religious minority were often burned. This was part of a longstanding and violent religious oppression. While the dictator knew about this, he didn't particularly care enough to stop it. Earlier, Katya had made plans to burn one of these houses. Yet now, while Katya wishes she could torch the house for fun, no fires are allowed because of an irrational fear on the part of the dictator's wife.

To what extent did the law reduce Katya's freedom? According to the proposed bias-theory, the law should have reduced Katya's freedom significantly, if it's true that we (in general) dislike this law or believe it to be a bad law. Yet, imagine the exact same story about the dictator and Katya, but with one important difference.

Before the passage of this law, house-like structures owned by members of a small religious minority were often burned. This was part of a longstanding and **peaceful religious ceremony**. While the dictator knew about this, he didn't particularly care enough to stop it. Earlier, Katya had made plans to burn one of these houses. Yet now, while Katya wishes she could **complete this religious ceremony**, no fires are allowed because of an irrational fear on the part of the dictator's wife.

It seems clear that if the two cases are compared, Katya's loss of freedom was much greater when she was stopped from performing the religious ceremony. If this is correct, and the loss of freedom is significantly different in these two cases, then the

proposed bias cannot be solely responsible for the difference, as it would suggest that the law in both cases reduce freedom equally because it is judged to be a bad law.

To test everyday intuitions again, I administered another study, involving exactly the two previously mentioned cases. Because it was necessary to determine that participants really did believe this law was bad, I included a question asking them to rate the law. Thus, after reading the beginning passage about the dictator’s wife and the new law, participants were given this prompt:

- Please rate the dictator’s new law.

 Terrible Law In Between Great Law

This section was followed by one of the two previously mentioned vignettes about Katya.

After reading the story, participants were asked to answer this question:

- To what extent did this law diminish Katya’s *freedom*?

 Not At All In Between Completely

The mean results for both questions in the two conditions are listed below.

	Law	Freedom
Religious Oppression	1.97	4.22
Religious Ceremony	2.48	5.79

As predicted, there was no significant difference in participant's judgments of the law between the two conditions.¹⁴ Nonetheless, participants who read the religious ceremony variation thought Katya's freedom was more diminished than participants who read the religious oppression variation. The difference between the two conditions was statistically significant.¹⁵

What these results reveal is that, even though participants thought the law was bad in both cases, they still believed Katya's freedom was considerably less reduced when she was stopped from religious oppression. Accordingly, we can be sure that it is not value-judgments about the law specifically which are responsible for the observed effect. While it is now clear that this particular bias was not responsible for the observed effect, the possibility of influence from other biases still does exist. Yet, given both the likelihood and the failure of this disproved bias, I will continue under the assumption that the survey results do reveal something significant about the everyday concept of freedom.

Survey Results and the Option's Value

One explanation, originally suggested as part of a value-dependent theory of freedom, is that the effect was caused by the difference in the value of the two options which were restricted by the law. It seems clear that there are certain freedoms which we truly value, like the ability to see our family or choose our religion, and there are other freedoms which hold very little value for us. Value dependant theories of freedom

¹⁴ $t(58)=1.3, p >2.0$

¹⁵ $t(58)=3.5, p =.001$

suggest that it is only through retaining the options which we really do value (religious choice, geographic mobility, altruistic opportunities, etc...) that we can insure our freedom is not diminished. This would adequately explain why a restriction on non-valuable actions reduces one's freedom less than a restriction on valuable actions. If the restricted option never significantly contributed to freedom in the first place, then its loss, consequently, would not significantly diminish freedom either. Consider how this could have created the observed effect in the survey about Tanya. One law restricted Tanya from helping the disenfranchised minority (an option which participants are likely to have thought has considerable value) while the other law restricted Tanya from hurting the same minority (an option which participants are likely to have thought does not have much value). Thus, the less valuable option (of hurting the minority) didn't contribute to freedom in the first place, and subsequently its loss resulted in less of a reduction of freedom.

As appealing as this explanation is, there may be potentially problematic cases. The theory based on the value of the restricted option holds that, everything else being equal, the restriction of a valuable option will reduce freedom significantly more than the restriction of a non valuable option. But, consider the following cases.

In a foreign country, a new government is established after the death of the former president, who ruled for almost 50 years. This newly established government decides to pass a law which makes it illegal to create any **low-quality soap operas**. The new dictator believes that this type of **television** is not in line with his vision for the country. Before this law was enacted, several people were dedicated to creating these **day-time television shows**. Yet, following the passage of this law, no one was allowed to create it anymore.

In a foreign country, a new government is established after the death of the former president, who ruled for almost 50 years. This newly established government decides to pass a law which makes it illegal to create any **scholarly or high-quality newspapers**. The new dictator believes that this type of **newspaper** is not in line with his vision for the country. Before this law was enacted, several people were dedicated to creating these **well written newspapers**. Yet, following the passage of this law, no one was allowed to create it anymore.

A third case restricting sadistic pornography can now also easily be imagined.

Originally, it was not clear to me whether or not any one of these cases differed from the others. Again, a simple study was conducted to determine general intuitions about these cases. Participants were given one of the three variations of the story and were asked to respond to two questions respectively:

- To what extent did this law diminish citizens' overall *freedom*?

 Not At All In Between Completely

- In your opinion, how *valuable* is watching soap operas? [reading newspapers, pornography]

 Not at All In Between Highly

The table below includes the mean results for both questions in all three conditions.

	Newspapers	Soap Operas	Pornography
Freedom	5.66	5.46	4.90
Value	5.9	2.5	2.6

As expected, participants *did* give significantly different answers about the value of the restricted option.¹⁶ Surprisingly however, participants did not give significantly different answers about the loss of freedom in each of the three conditions.¹⁷ Furthermore, there was no correlation between judgments of value and judgments of freedom.¹⁸ Thus, the participants who judged an option to be more valuable did not have a tendency to also judge that freedom was more restricted. In fact, there even was a negative correlation in

¹⁶ $F(2,83)=34.7, p<.001$

¹⁷ $F(2,83)=1.9, p=.16$

¹⁸ $r=.015, p=.89$

the soap opera variation.¹⁹ Given that the value of the option in all three of the cases did not have any significant effect on participants' judgments of freedom, it is not the case that value judgments about the value of the restricted option were responsible for the effect observed in the two earlier surveys. The results further solidify the difference between ordinary intuitions and the value-dependent theory of freedom.

Moral Value Judgments

Briefly, let's consider, as a whole, what our intuitions have suggested in regards to the philosophy of freedom. According to the first study, about Tanya, our intuitions differed significantly from both value-neutral and value-dependent theories of freedom. Moreover, it is unlikely that this effect can be explained as the result of a bias caused by the dislike of a particular law. It was also argued that it is not the general value of the restricted option which creates the difference in judgments of freedom in the survey concerning scholarly literature and daytime television. However, the exact cause of the difference in intuitions about freedom in the studies still remains unclear.

In both surveys about Tanya and Katya, one obvious difference in the two variations is the morality of the restricted option. Specifically, one of the restricted options is likely to be perceived as immoral while the other is not. However, in the third survey about soap-operas, no option was obviously immoral and subsequently, there was no significant difference. Considering how widely noted the influence of moral value judgments has been in other, often unexpected, areas, it seems highly probable that moral

¹⁹ $r=-.57, p<.005$

value judgments, specifically, are playing a role in influencing our judgments about freedom.²⁰ As these specific value-judgments were not captured by either value-neutral or value-laden theories of freedom, the influence of moral value judgments could also help to make sense of the disparity between our ordinary intuitions and philosophical theories about freedom. I will call the theory of freedom which holds moral value judgments as particularly significant, the folk theory.

Moral Value Judgments and Freedom

Even if it is established that moral value judgments are significant for the folk theory of freedom, an explanation of why judgments about morality influence judgments about freedom remains to be posited. One plausible theory about why this influence occurs is that we simply may not conceive of ourselves or others as free to perform immoral options. Thus, the loss of options which are considered immoral may not reduce freedom as significantly because those options were already restricted. On the other hand, restrictions on actions that are *not* immoral result in a greater loss of freedom because we *do* consider ourselves and others free to perform these actions, even if they are not morally laudable. Thus in the survey concerning soap-operas, this theory would correctly predict that there would be no significant difference in judgments about freedom between the soap-opera variation and the scholarly newspaper variation.

²⁰ See Pettit and Knobe (unpublished) for a general discussion and overview. While some philosophers (Nadelhoffer 2006; Knobe 2006) have argued for the necessity of an overarching theory which explains the effect of moral value judgments in all of the case where this effect has been observed, no such theory has yet been posited. In the absence of such a theory, I suggest a plausible theory for why moral value judgments may influence judgments about freedom in particular.

Although there is evidence that this is a good account of how our ordinary conception of freedom functions, the folk-theory of freedom will indubitably face some difficult philosophical challenges if it tries to stand on its own as a philosophical theory. Nevertheless, this more complete understanding of everyday intuitions about freedom should help to clarify and inform the continuing philosophical debate.

Challenges to the Folk Theory of Freedom

Through examining the role which morality plays in an ordinary understanding of freedom, it became clear that neither value-neutral freedom nor value-dependent freedom captured adequately the influence of moral value judgments on freedom. Instead, the everyday use of the concept suggests that freedom is influenced by the moral value of the option which is lost. While the studies reviewed earlier support that the folk view is value-laden, it is still important to consider whether or not this conception of freedom is a viable theory, beyond its accord with our intuitions. There are two obvious objections against the folk view, both of which need to be addressed if this theory is to be taken seriously. This process will help to make clear the consequences of a morally value-laden understanding of freedom, whether or not we accept this as a viable theory of freedom.

The first objection is that if only certain options have moral value, then the loss of morally non-valuable options will not result in a subsequent loss of freedom. This objection was expressed originally by Bentham when he asked, “The liberty of doing evil, is it not liberty.” This was again reaffirmed by Berlin in his critique of T.H. Green’s

theory. While a strongly value-dependent conception of freedom must account for this counter-intuitive conclusion, the folk-conception is able to escape it because it is less dependent on moral value. According to the results of the first survey, there was no case in which Tanya's freedom wasn't reduced significantly. Even in the case where Tanya desired to hurt the disenfranchised minority but was restricted from doing so (the lowest average score) her freedom was diminished 3.53 out of 7 total points. This is slightly above halfway on a scale between "Not At All" and "Completely".²¹ The folk view suggests that in both instances, your freedom is reduced. However, the law against helping the minority results in a greater loss of freedom because of the significance given to the moral value of the restricted option. Thus the morally value-laden nature of the folk view must be separated from the value-dependent aspect of Green's theory of "positive liberty" by the difference in the significance each one gives to value, moral or otherwise. While Green's doctrine depended on the value of the option as the *single* underlying principle, the ordinary understanding of freedom is not determined by any single overarching factor, and this objection does not hold against a morally value-laden folk conception. According to the folk view, even the loss of an option, such as hurting a disenfranchised minority because you dislike them, will reduce your freedom significantly. Thus, the folk view would consider Green's conclusion, that we are able to make people more free by forcing them into options of value, as absurd as Berlin did.²²

²¹ The averages in numerical order are (3.53) desired/immoral, (3.88) undesired/immoral, (4.20) undesired/moral, and (5.53) desired/moral on a scale from 1 to 7. 1 being 'Not At All' and 7 being 'Completely'

²² It may, however, turn out to be the case that according to a folk view our freedom is reduced to a lesser extent when we are forced into valuable options, than non-valuable options. This is purely speculative and could only be sufficiently determined by further research.

The morally value-laden folk theory diverges not only from Green's value-dependence, but also from the value-neutrality of Berlin's theory. Where Berlin hoped to offer an understanding of freedom independent from any system of value, our ordinary conception of freedom retains the relevance of moral value. According to the survey results, participants reported a significant difference in the reduction of freedom in the case where the option restricted had moral value and in the case where the option did not. Thus the folk view does not exclude values like Berlin does, but neither does it subscribe to the value dependency of Green's theory. The folk theory of freedom places the significance of moral value somewhere in the middle.

Despite avoiding the absurd conclusion that Green reached, there may still be other good reasons to reject the folk theory of freedom. One serious difficulty is that any good theory of freedom should illuminate the extent to which freedom will be restricted by some given law. A theory of freedom which fails to do so will be relatively useless. Thus, the folk theory is problematic in that it makes the extent to which a law reduces one's freedom opaque. Because the extent to which a law reduces freedom depends on the moral value of the lost options, and the moral value of the restricted options is not readily clear, we lose the ability to determine the extent to which freedom is restricted by a particular law. Given the importance of the concept of freedom in our political lives, a theory of freedom which does not allow for clear judgments would be debilitating. One reason that many philosophers have stuck to a value-neutral conception of freedom is the simplicity and clarity which comes from the separation of value and freedom. Hence, Berlin advances the following formulation of freedom. "If I am prevented by others from

doing what I could otherwise do, I am to that degree unfree.”²³ According to this formulation, values have no significance in determining the extent to which your freedom was reduced.²⁴ A reading of the earlier survey according to Berlin’s theory would determine that Tanya was made unfree in both variations exactly to the degree that she was prevented from doing what she otherwise could have done. The clarity in Berlin’s theory about not only when, but to what extent one suffers a loss of freedom is a result of the complete separation from value. Consequently, when moral values are once again included, the clarity, as to what extent the loss of an option results in a restriction of freedom, is lost. Instead of getting similar answers in the two cases about Tanya, two significantly different answers were given because the restricted options have different moral values. Thus, according to the folk theory, we must determine the moral value of an option before we can be clear about the extent to which freedom would be restricted upon its loss. However, this severely complicates the issue of freedom. To make this objection clear, I will end by considering an example of the role of freedom in a political context.

²³ Berlin. *Two Concepts of Liberty* p.122

²⁴ Against this claim it may be advanced that Berlin in fact does include values in his theory of liberty. In a footnote in the essay *Two Concepts of Liberty*, Berlin writes, “The extent of my freedom seems to depend on... (c) how important in my plan of life, given my character and circumstances, these possibilities are when compared with each other; (d) how far they are closed and opened by deliberate human acts; (e) what value not merely the agent, but the general sentiment of the society in which he lives, puts on the various possibilities.” However, there are two problems with this assertion. Primarily, this section is adumbrating how we might estimate the state of an individual’s ‘Negative’ liberty. As such, it is concerned with the minimum area of liberty which must be retained to remain free, a very different question than, “to what extent did this law reduce freedom?” Thus, the footnote offers no way of accounting for a greater or lesser reduction of freedom caused by two very similar restrictions as in the earlier discussed survey. Also, the inclusion of values in this case represents a divergence from the Classical English philosophers, Hobbes and Bentham, who Berlin affirmed. If the inconsistency is resolved by affirming the value-neutrality of Berlin’s theory, then my interpretation has been confirmed. If the inconsistency is resolved by instead affirming the significance of values, then Berlin’s theory is closer to the value-laden conception of freedom. However, this would neither be easily rectified with the rest of his theory, nor has it been a standard interpretation.

Suppose that in a foreign country the new president created a council to ensure that the laws of the country did not overly restrict citizens' freedom. Further, imagine that to ensure equal representation, the council consisted of a diverse body. Among the council members are a newly wealthy business woman, two religious leaders from opposing sects, a professor from a respected private university, and a farmer from a small village. Realizing that the diversity of members of the council could cause problems, the President urged the council members to put aside their differences and come together to reach a conclusion about the proposed laws. It was assumed by the government that the differences in the moral values between the members of the council would not make it impossible for the council to ascertain whether or not a law overly restricts citizens' freedom. Yet, according to the folk theory, the differences in moral value systems among the members of the council will result in irremediable disagreements about the extent to which some laws reduce freedom. Thus, while each individual council member could surely reach a relatively concrete conclusion, the council, as a whole, will not be able to determine the extent to which a law reduces freedom, as long as the members adhere to differing systems of morality. Such a theory of freedom may very well be unusable.

It is plausible that the cases in which our moral values converge are much more numerous than those in which they diverge. Still, any general agreements about when a person is free will result only from a relatively uniform, moral valuing of the restricted options. The question of whether or not there is enough agreement among people to make a morally value-laden theory non-problematic is one that is best left to a cultural anthropologist. Nonetheless, there is good reason to believe that general intuitions about

freedom are insightful and considerable reason to desire a theory of freedom which accords with our intuitions. One possible way to retain both a useable theory of freedom and its accord with our intuitions would be to simply accept that there may indeed be cases where freedom cannot be clearly determined. At the very least, further philosophizing and research about this possibility would be rewarding. Finally, if it is the case that the folk view of freedom is abandoned for a value-neutral theory or a value-dependent theory, then this should be done only after serious consideration, for either theory can only be promoted at the expense of departing from ordinary intuitions.

References

- Bentham, Jeremy. *Theory of legislation*: translated from the French of Etienne Dumont by R. Hildreth. 7th ed. London, 1891.
- Berlin, Isaiah. "Two Concepts of Liberty." *Four Essays on Liberty*. Oxford: Oxford University Press, 1969.
- Green, T.H. "Liberal Legislation and Freedom of Contract." *The Liberty Reader*. Ed. David Miller. London: Paradigm Publishers, 2006.
- "On the Different Senses of 'freedom' as Applied to Will and to the Moral Progress of Man." *Works of Thomas Hill Green Vol. II Philosophical Works*. Ed. R. L. Nettleship. New York: Kraus Reprint Co., 1969
- Hobbes, Thomas. *Leviathan*. Indianapolis: Hackett Publishing Company, Inc., 1994.
Chapter 14
- Knobe, J. (2006) "The Concept of Intentional Action: A Case Study in the Uses of Folk Psychology." *Philosophical Studies*, 130, 203-231.
- Nadelhoffer, T. (2006) "Bad acts, blameworthy agents, and intentional actions: some problems for jury impartiality." *Philosophical Explorations*, 9(2), 203-220.
- Pettit, D. & Knobe, J. "The Pervasive Impact of Moral Judgment." Unpublished.
- Taylor, Charles. "What's Wrong with Negative Liberty." *The Liberty Reader*. Ed. David Miller. Indianapolis: Paradigm Publishers, 2006