

Review - Foundations of Freedom

Written by James Wakefield

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JAMES WAKEFIELD, FEB 7 2013

Foundations of Freedom: Welfare-Based Arguments Against Paternalism

By: Simon R. Clarke

New York: Routledge, 2012

Simon R. Clarke's new book begins with the observation that '[p]eople have always believed in freedom, have sought it, and have sometimes fought and died for it.' [1] Even a casual survey of the normative language of politics, and especially political philosophy, shows this to be about right. Throughout the modern period, at least, freedom has jostled with equality to be counted the highest virtue of any just society, and is a mainstay of constitutions, revolutionary slogans and sophisticated theoretical arguments for specific forms of political order. The deceptively complex question of *what kind of freedom is to be promoted* has been a central theme in such theory, with different answers leading toward libertarianism and social democracy, liberalism and communitarianism, and diverse destinations besides. One pessimistic response to this diversity of interpretation would be to conclude that claims about freedom's value are always essentially contestable and of little use except as ideologically-specific articles of faith. We may all agree that freedom is valuable while fundamentally disagreeing about what this claim, if true, implies for our politics.

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Foundations of Freedom avoids the controversial (and perhaps unanswerable) question of whether freedom has *inherent* value, and instead asks one about its *instrumental* value: that is, whether the widespread belief in the value of freedom has a rational foundation, meaning that there are good reasons to think that persons' lives will go better – their *welfare* will be increased – if they are free. In answering this question, Clarke conceives of freedom as 'the absence of external constraints, whether or not they are imposed by others and whether or not they prevent people from doing what they want.' He chooses this minimal and negative conception because it is 'simple and relatively clear,' although he acknowledges that in fact these external constraints are very often imposed by 'either governments or individuals.'^[2] Theorists preferring other (positive) conceptions of freedom may object that paternalistic political involvement is needed to promote valuable forms of life, and that, since socialisation will take place with or without paternalistic politics, Clarke's question wrongly presupposes the availability of individual freedom as a default position. Certainly there is more that could be said about different kinds of freedom, but nothing in this book demands that we accept either the negative or positive conception wholesale. Readers objecting to Clarke's narrow view of freedom may interpret his question as one about whether lives go better or worse with more top-down political direction; deeper questions about what is to count as *real freedom* have no real bearing on the arguments Clarke presents.

The book's argument is compressed into fewer than 140 pages. In these limited confines Clarke works efficiently and methodically. Different justifications for freedom's value are rehearsed over seven chapters. These cover (1) pleasure and desire, or the idea that persons will experience more pleasure or more effectively satisfy their desires if they are free from paternalistic constraints; (2) self-development, or the idea that 'freedom is *instrumentally valuable* as a means [...] enabling people to develop their inner natures and capacities';^[3] (3) autonomy, or the idea that persons should direct their own lives, which extends into (4) 'social forms,' covering the argument that 'the value of autonomy lies in its being a condition for participation in projects and activities that constitute well-being';^[4] (5) endorsement, or the idea that ends are valuable only if persons actively endorse or else are not averse to them; (6) 'activeness and intention,' which addresses the related idea that for a person's life to go well, she must be and remain actively involved in directing it, rather than following the course prescribed by some external entity;^[5] and (7) trust, which has been discussed less often, and takes it that freedom-restricting paternalism could only ever be justified if persons had sound reasons to trust the paternal authority, but, paradoxically, the fact of paternalism constitutes a reason for persons to withhold such trust. Some of these are covered quickly – chapter 6 is especially brief at just eight pages long – but the overall effect is of neatness and concision rather than underdevelopment. This is aided by the clearly-defined scope of the book: Clarke is narrowly interested in 'welfare-based grounds for liberty,' so a whole array of related issues, such as the Kantian conception of autonomy as adherence to universalisable rules that an agent imposes upon herself (but which do not necessarily make her life go better), can be set aside.^[6]

No doubt Clarke has identified a controversial question, and philosophers handling such explosive material cannot always be relied upon to set aside their prior intuitions and political preferences when devising their arguments. Normative political philosophy has implications for real politics, and the murky overlap between them sometimes allows one to contaminate the other without due acknowledgement. It is very easy, in short, to let prejudices and not arguments determine which conclusions are reached. It is admirable, then, that in *Foundations of Freedom* there is never any hint of a preconceived political agenda behind the clean prose and tight argumentation. The focus remains squarely on the issue at hand, and Clarke appears, if anything, ambivalent about the broader political implications of his findings. His use of existing literature follows this trend, and with a few exceptions, arguments are presented without their original authors interrupting the discussion. Clarke engages with an appropriate selection of the major Anglo-American authors interested in freedom and paternalism, but he wisely keeps exposition to a minimum, and illustrates each of the rehearsed justifications in his characteristically efficient style. (The use of endnotes can be frustrating, especially where Clarke offers a series of quotations in support of some conception of freedom's value. Since the book is hardly overburdened with references, one wonders at the decision to separate these from the body text and deny readers the convenience of seeing them presented in footnotes.)^[7]

Clarke's controlled approach is reflected in the conclusions reached at the end of each chapter. He treats the contending justifications for liberty in an impressively even-handed way, finding that none of the canonical versions, even when the underlying arguments are carefully presented and sympathetically assessed, is able to carry the issue of paternalism's compatibility with freedom to a decisive conclusion. This might be thought frustratingly timid, but as

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Clarke notes in the book's concluding chapter, 'each argument [gives] *some* support to freedom.' The various accounts of freedom's value are not mutually exclusive, so while none is totally successful, all contribute to a complex, 'cumulative case for liberty,' which is 'a network of reasons that any [paternalistic] intervention has to be filtered through before it can be said to be justified,' and then on 'a case-by-case basis.'^[8] The book concludes with these words:

If our concern is for advancing a person's welfare, and if restricting freedom could sometimes do that, and there are no other reasons against restricting freedom, then it should be accepted that freedom should be restricted. However, [...] most of the time a concern for a person's welfare requires the protection of his or her individual liberty.

This passage exemplifies Clarke's measured treatment of his material. Freedom is an emotive idea, and this, as I have said, has sometimes caused philosophers to claim more for it than their arguments really entitle them. *Foundations of Freedom* is an example of finely controlled political philosophy, rejecting the temptations of exaggeration and prevarication and instead steering a course through the best available arguments to arrive at the conclusions they inform. Viewed in this light, Clarke's moderate conclusion is encouraging. It shows that, whatever our present convictions about the value of freedom, we have good reason to keep debating its uses and abuses. For that the book deserves high praise indeed.

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[1] Clarke 2012: 1

[2] Clarke 2012: 2

[3] Clarke 2012: 24

[4] Clarke 2012: 57

[5] Clarke 2011: 90-1

[6] Clarke 2012: 44-5

[7] The potential for confusion is compounded in chapter 5, where Clarke includes page references in parentheses wherever he refers to Ronald Dworkin's *Sovereign Virtue*. The significance of these numbers is explained only in an endnote.

[8] Clarke 2012: 115-117; emphasis added

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