

Original Paper

Freedom in Terms of the Win-Win-Win Papakonstantinidis:

Bibliography

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Abstract

Concepts such as freedom cannot be measured and give material measurable results. Freedom is not measured. It leaves its philosophical imprint on independent thought. According to Jean-Jacques Rousseau (Note 1), it recedes only to leave room for political freedom. The supposed absolute freedom based on the quantity of material goods and choices actually leads to the commitment of individualism. Because it is difficult to change this relationship between materialism and individualism, we focus on philosophical freedom through self-knowledge that will answer the triple question (1) what is best for me, (2) what is best for you, (3) what is best for community in which we negotiate a win-win-win reasoning for everyone who negotiates with another in the community. Thus arises a win-win-win inner freedom with an immeasurable result, which at its limit is identified with the complete independence of the soul and the spirit.

Keywords

freedom, measurement, win-win-win papakonstantinidis, empathy

1. Introduction

Freedom, generally, is having the ability to act or change without constraint. Something is “free” if it can change easily and is not constrained in its present state. In philosophy and religion, it is associated with having free will and being without undue or unjust constraints, or enslavement, and is an idea closely related to the concept of liberty. A person has the freedom to do things that will not, in theory or in practice, be prevented by other forces. Outside of the human realm, freedom generally does not have this political or psychological dimension. A rusty lock might be oiled so that the key has the freedom to turn, undergrowth may be hacked away to give a newly planted sapling freedom to grow, or a mathematician may study an equation having many degrees of freedom. In physics or engineering, the mathematical concept may also be applied to a body or system constrained by a set of equations, whose degrees of freedom describe the number of independent motions that are allowed to it.

The problem with measuring individual freedom begins on the theoretical level. After centuries of debating, theorists still do not agree about what freedom actually is. There are at least two distinct theoretical streams—positive and negative freedom, as discussed later—that claim to provide theoretical foundations for measurement. The measurement problem is becoming more acute as there is also a gap between theory and empirical operationalization, partly because scholars tackling the issue of freedom are mostly interested in theoretical approaches and do not construct their theories or ideas

with regard to empirical conditions. Empirical issues also restrict the theory-operationalization fit by the fact that data are not producible for all theoretical ideas. From a measurement perspective, this could be taken as a drawback. In theory, these aspects make theoretical propositions irrefutable (Note 2).

In political discourse, political freedom is often associated with liberty and autonomy in the sense of “giving oneself their own laws”, and with having rights and the civil liberties with which to exercise them without undue interference by the state. Frequently discussed kinds of political freedom include freedom of assembly, freedom of association, freedom of choice, and freedom of speech.

In some circumstances, particularly when discussion is limited to political freedoms, the terms “freedom” and “liberty” tend to be used interchangeably. Elsewhere, however, subtle distinctions between freedom and liberty have been noted. John Stuart Mill, differentiated liberty from freedom in that freedom is primarily, if not exclusively, the ability to do as one wills and what one has the power to do; whereas liberty concerns the absence of arbitrary restraints and takes into account the rights of all involved. As such, the exercise of liberty is subject to capability and limited by the rights of others.

Wendy Hue Kong Chun explains the differences in terms of their relation to institutions:

Liberty is linked to human subjectivity; freedom is not. The Declaration of Independence, for example, describes men as having liberty and the nation as being free. Free will—the quality of being free from the control of fate or necessity—may first have been attributed to human will, but Newtonian physics attributes freedom—degrees of freedom, free bodies—to objects (Note 3).

Freedom differs from liberty as control differs from discipline. Liberty, like discipline, is linked to institutions and political parties, whether liberal or libertarian; freedom is not. Although freedom can work for or against institutions, it is not bound to them—it travels through unofficial networks. To have liberty is to be liberated from something; to be free is to be self-determining, autonomous. Freedom can or cannot exist within a statue of liberty: one can be liberated yet unfree, or free yet enslaved (Orlando Patterson has argued in *Freedom: Freedom in the Making of Western Culture* that freedom arose from the yearnings of slaves).

As opportunities to act freely or restrictions on acting freely unfold, the question remains open as to whether subjective data about freedom opportunities or restrictions can contribute to the measurement of freedom. It seems obvious that replies to interview questions such as, “How free do you feel?” or “Do you think that you are a free person?” produce self-reported issues that might not correlate with recognizable states of freedom outside the interviewee. Likely most authors would prefer to have “objective” (or non-personal) data with which to test their theoretical propositions about freedom as long they do not have to commit themselves to just psychological ideas about subjective liberty. Their notion of freedom is related to an actual restriction or shaping of freedom, not only to a perceived one. Even if it is assumed that the perception of freedom is positively related to actual freedom, a person’s assessment of freedom will necessarily rely on other psychic factors.

While it hardly seems possible to measure and test propositions of classical theories about freedom using self-reported data, it is also hardly conceivable that we could fully measure restrictions on or opportunities for individual freedom. Moreover, even if indicators or proxies for restrictions and opportunities would be more suitable for an empirical transfer of theoretical freedom propositions, there are, however, no “objective” indicators that would capture the pure content of freedom but nothing else. Measurement theory in the social sciences would demand exactly this for an optimal measurement process, namely, that the indicator or proxy “... measures what it is supposed to measure” (Bollen, 1989, p. 184) (validity) with a consistent measurement process (reliability). Measuring social

phenomena according to these criteria presupposes that their theoretical conceptualization is well-founded. Otherwise, the measurement process is already hindered on the theoretical level.

Theories of freedom could not only be assessed according their logical consistency, but could also be evaluated in their contribution to measuring freedom. A valid measurement presupposes a clear cut, convincing theoretical approach that provides hints for operationalization. **A valid and reliable tool to measure freedom must reveal congruence between the theoretical ideas and their measurement, even if the analyzed construct is rather broad and general.** Some factors might spoil the theory-operationalization fit in general. First of all, if freedom is defined in such a broad way that its content is mixed up with non-relevant aspects, the development of a reliable measurement is already hindered on the theoretical level (Neumann & Graeff, 2010). As mentioned before, this is likely to happen if indicators or proxies are used to gauge the degree of freedom, which brings in other content as well. Variables or indicators that are derived from vague theoretical concepts typically come up with inappropriate measurement features and do not work properly in empirical testing.

Degree of freedom, in mathematics, any of the number of independent quantities necessary to express the values of all the variable properties of a system. A system composed of a point moving without constraints in space, for example, has three degrees of freedom because three coordinates are needed to determine the position of the point.

The number of degrees of freedom is reduced by constraints such as the requirement that a point move along a particular path. Thus, a simple pendulum has only one degree of freedom because its angle of inclination is specified by a single number. In a chemical system, the condition of equilibrium imposes constraints: properties such as temperature and composition of coexisting phases cannot all vary independently (see phase rule).

If, in a statistical sample distribution, there are n variables and m constraints on the distribution, there are $n-m$ degrees of freedom.

2. The History

2.1 Socrates

The concept of freedom as the right choice, originated in ancient Greece, has played a fundamental role in the development of people over the past several thousand years, turning every person from a passive object of biological evolution into an active participant of society.

An idea of “freedom from fate” is one of the most important philosophical concepts. Some philosophers believe that modern society is based on it.

The ancient Greek philosopher Socrates changed the course of history. Two and a half thousand years ago he turned his thoughts towards man, while thinkers before him were more interested in nature.

Socrates stated that human fate is not predetermined and person determines his or her own future independently but does not follow the preordained. This was a bold thought for the “mortal human” since the Greeks of that time believed in fated destinies even for their gods.

A man with his eternal fear of the future was trying to penetrate the dark veil of the predestined. Ancient people developed the art of predictions. They addressed almost every life decision to the oracle. Greeks saw the key to the interpretation of the mysterious will of fate in dreams, in the flight of birds, and even in the arrangement of the entrails of sacrificial animals. Predictions became particularly relevant thing during periods of wars and cataclysms.

Internal fears and uncertainty about their capabilities often push people to believe in the supernatural. Socrates' idea of "freedom from fate" is important for two reasons. Firstly, he had the courage to speak against traditional views, religion, and society. Secondly, it was made special by the comprehension and acceptance by man of full responsibility for his life.

Over the centuries, there have appeared two great conceptions of freedom. The first vision, which one can call "epic freedom", is freedom as Hegel or Marx understood it, the freedom of messianists and of revolutionaries. The meaning of freedom, on this view, is the progressive emancipation of man: step by step, battle by battle, mankind is supposed to break with its alienations and become the creator and absolute master of its fate. Epic freedom is the assumption of a cosmic mastery, more and more aware of itself. Crises become mere historical stages on the way to the final achievement of human emancipation.

The other position, very different, regards crises as intrinsic to freedom. This more modest conception can be called "tragic freedom". It is liberty understood in doubt and anxiety about the fate of man. Tragic freedom works in uncertainty, sailing toward no glorious destiny. Man is free, yes—free to learn from his mistakes. Or not. Socrates, who exemplifies this second view, ceaselessly puts freedom to the test; he questions it, explores it, experiments with it. His famous *daimon*, his interior voice or intimate conscience, is a negative spirit, one that offers only interdictions. Recall that the majority of the Socratic dialogues end in *aporia*, at an impasse; they do not lead anywhere. They must be perceived as exercises of free thought, not as stages on the way to a human epiphany.

So to write the history of the idea of freedom is to navigate between two shores, one tragic and critical, the other epic and euphoric. Each epoch cultivates its own relation to freedom. Each, moreover, imagines its own Greece, for it was ancient Athens that first enacted—in the public square, the agora—our relation to freedom, or rather our conflicting relations with freedom. Epic ages (the early Renaissance and the Enlightenment, for example) picture a Greece of original harmony. Times of chaos (such as sixteenth-century Europe, the twentieth century, and probably the dawn of the twenty-first) see Greece as the mother of all crises. This tragic vision—of freedom and of Athens—is surely the wiser of the two.

The Athenians demonstrated incredible audacity in affirming that human freedom must be understood without the gods, who are held not to be implicated in human affairs—no longer at the helm, so to speak. That affirmation is the source of philosophy, as we learn from Plato's *Apology*. Socrates was "the wisest of men", announced the Delphic oracle. Perplexed, Socrates neither affirmed nor denied this, but began an inquiry. He started to question all of Athenian society—rich and slave, learned and illiterate, wise and foolish. He questioned all claims to knowledge, whether religious, sophistic, traditional, or moral, including those concerning the ultimate ends of the community, which everyone claimed to know, even though they only approached such subjects superficially or arbitrarily. Socrates popped the mental bubbles that imprisoned those who claimed, with arrogant certainty, to possess absolute knowledge. He explored the Athenian *doxa*—common opinion—and brought to light those parts of it, poisoned by optimism, that concealed risks and thus put the city in danger. But true to his doubt before the oracle, he had no ready answers.

Socrates's uncertainty revealed a rupture that gave birth to philosophy. The divine word is a mystery; it can mean everything or nothing. Zeus neither speaks nor holds his tongue but makes a sign, as Heraclitus said. Man discovers that he himself is responsible for giving meaning to this sign. The word from above, or from elsewhere, must be deciphered. This is the Greek genius: the separation of heaven and earth.

Consider in this light the story of Croesus, the king of Lydia, famous for his extravagant wealth. The king asked the Delphic oracle to reveal the outcome of a war that he expected to start against the Persians. The oracle responded that he would bring down an empire. Sure of himself and of his luck, Croesus launched an attack—and his own empire fell. To counter the obscurity of oracles, Herodotus invented historical inquiry, just as Socrates pushed a similar logic to its limit and invented philosophical inquiry. A kindred mistrust was already at work at the heart of the *Iliad*, in which the gods seduce, cheat, lie, and hate. The jokes and tricks of the heavenly ones oblige mortals to count only on their freedom. “Virtue has no master” says Socrates in the *Republic*. “You will possess more or less of it as you honor or dishonor it”.

This is not to say that the history of monotheistic religions is dogmatic or univocal when it comes to freedom, of course. For example, the Talmudists take a quasi-Socratic position with respect to the divine word, which they discuss, explore, and question ceaselessly. They open up the space of human freedom by observing that while the word of God is pure and perfect, men are impure and imperfect, and so their interpretation of that word will never be definitive. Indeed, human imperfection engenders freedom of interpretation in all three great monotheistic traditions, to various degrees.

With the Athenians, however—and this is an important difference—the gods are as imperfect as human beings, and the divine words are consequently doubtful and impure. In this sense, the Greek experience seems more radical than that of the monotheisms, since it presupposes no adherence to a unique word that would dominate the thought and freedom of men and women. For the Greeks, there was no way around the permanent crisis that constitutes the existence of a free human being.

But didn't this Athenian democracy, for all its freedom, condemn to death its most radical disturber, Socrates? To take the measure of this murder, at once physical and symbolic, it is important to understand how rare such events were. Athens was a tolerant city. Marginal people or rebels might be exiled, but they were seldom killed. To receive the death penalty, the father of philosophy had to anger a very powerful coalition of interests and opinions: Athenian conservatives, who reproached him for mocking gods and traditions; ambitious sophists, whose vanity and arrogance he denounced; and finally, the institutional democrats, who could not forgive the participation of a few of his former disciples in the dictatorship of the Thirty—the tyrants who ruled Athens briefly under Spartan protection at the end of the Peloponnesian War in 404 BC.

Socrates represented a reality that Athens, after the Peloponnesian debacle, did not want to see or remember. The return to democracy following the brief period of dictatorship was accompanied by an amnesty law, which quickly became an amnesia law. To bring up past quarrels was forbidden. Mentioning the disorder that had divided the city, or even the military defeat itself, became taboo. Thus Socrates's outspokenness, which made Athens famous, proved profoundly troubling to the war-sick Athenians themselves. But by making free speech a capital crime, Athens acted against its own past. The city, already worn out, eliminated itself, its own genius, along with Socrates.

The philosopher could have fled, but he was 70; he had no interest in leaving the city. He rejected his loyal friends' proposals for escape. He wanted to drink the hemlock. His name had been linked unshakably with the great Athenian intellectual revolution, and he would not allow it to be forgotten. And he succeeded: from his death sprang a new blossoming of philosophy. In a strange resurrection, a number of *logoi sokratikoi* emerged—improvisational theatrical performances in which eccentric characters, all calling themselves “Socrates”, waited on street corners to question passersby about their convictions. With his death, Socrates sealed his destiny. His questioning resonates infinitely, to the dismay of those who hold power and claim absolute knowledge.

Athens taught us that free will and critical thinking go together. The necessity of submitting celestial voices and their dictates to the painstaking criticisms of reason is a matter not of pride but of modesty: it is not because I think myself good or intelligent, but because I know I am fallible and capable of deceiving myself, that I am bound to investigate oracles, just as Socrates did with the Delphic message. The evil spirit—perhaps myself—“often disguises itself as an angel of light”, Immanuel Kant later observed. To think is to defend one’s freedom against one’s imagination and to guard against a deceiving God, for “we were all children before becoming men”, as Descartes said, and spent many years governed by our passions, not our reason.

To believe that it is enough to believe is a pathology that threatens every religion, even a secular and materialist one. To listen to voices without ever questioning them is superstition. To fail to examine the authenticity of one’s commitments is arrogance. The combination of superstition and arrogance yields fanaticism: God is in me, and I am in God; there is no point in thinking, since my brain already occupies a little part of paradise. Free thought, by contrast, requires us to look reality, including unfortunate reality, in the eye. In response to the claims of a prayer that commands, implores, and requires, Aristotle proposes a cool attention that points out and observes. Non-pathological religions distinguish the temporal and the spiritual: king and priest in the Bible, caliph and preacher among the Muslims, the way of the world and the way of faith in the Christian tradition. “I believe in order to understand” say Augustine and Anselm, the first intellectuals of post-Roman civilization.

To discover one’s freedom is to recognize a capacity for self-intoxication and self-deception, and thus to condemn oneself to doubt. This experience of freedom is primary for a current of modern philosophy, just as it was for the thinkers of antiquity. Descartes, in this sense Socrates’s son, called it “a freedom, by which we can refrain from admitting to a place in our belief ought that is not manifestly certain and undoubted, and thus guard against ever being deceived”.

One might object that this doubt, this constant questioning, is at odds with the dream of a harmonious world that some say characterized classical Greece. But that idea of harmony, of a golden age lost and ever sought, was by no means a particularly Greek one. Rather, it was an after-the-fact misinterpretation of Athenian philosophy—first Neoplatonic, then taking Byzantine, Shiite, and Florentine forms, eventually finding a place in the nineteenth-century university, and surviving until the present day.

By contrast, Thucydides and the Greek tragedians evoked an original chaos, a confusion and violence linked indissolubly with liberty. Aware of the universality of what was at stake in Athens, Thucydides presented his history as “a treasure for all times”. He described the upheaval of war, both external and internal, that produced the Greek experience. Athens at the beginning, in his telling, was little more than a shabby bunch of bandits, pirates, runaways, outlaws—anything but the divinely chosen city celebrated in myths and rituals. Athenian freedom was born from drunken brawls and quarrels over shares of booty. No prophet opened the Red Sea for Athens, no god showed it the path to follow. Freedom gave rise from the beginning to disorder: how to think, survive, act, and resist in the jumble of human relations.

Thucydides witnessed the decline of Athens, so his sober vision is readily understandable. Yet his tragedian predecessors, who lived in the days of Greek splendor, showed a similar lucidity. Aeschylus and Sophocles depicted cities torn apart—Thebes, Argos—where the original chaos was unleashed again and again. In Argos, vendetta follows a mad course: King Agamemnon sacrifices his child, Iphigenia; he is assassinated by his wife, Clytemnestra, avenger of her daughter; and their son, Orestes, seeks justice by killing his mother. In Thebes—a peaceful city protected by insurmountable walls,

founded by Cadmos, husband of the goddess Harmony—it is the very desire for absolute harmony that leads to disaster. This city of Oedipus dreams of exorcising all disputes, all chaos, in the regulation of a perfectly closed universe. Oedipus proceeds to kill his father and sleep with his mother.

Athens was a divided city that accepted its divisions, though not without difficulty. Though the harmonious interpretation of Greece derives, again, from Plato, the fact is that Plato spoke from a more down-to-earth standpoint: that of Thucydides's Athens, the city that fought and lost the Peloponnesian War and was still fresh with the blood of civil war. His dialogues supposedly take place before this defeat, but they were written and read afterward.

The example of the *Symposium* is enlightening. This text tells of a feast, organized to celebrate the triumph of the poet Agathon, in which the great minds of Athens participate in a philosophical and poetic competition on the theme of love. We seemingly encounter a contest of optimism, long interpreted as an ode to harmony—the text served as a manifesto of Neoplatonism. But Plato's contemporary readers knew, of course, that this apparent triumph was a retrospective illusion, an event that preceded a disaster of untold scale. For instance, Alcibiades, whose celestial beauty the guests of the symposium celebrate, brought about the downfall of Athens by promoting a catastrophic military expedition to Sicily and then defected twice—first to Sparta, then to Persia.

None of the Athenian lights gathered around Agathon in the name of love had any inkling of the tragic events that would soon follow, just as our best financial minds had no idea in June 2008 that their universe would crash that October. The equally elite guests of a *Symposium* written today might be billionaires rather than poets, gathering at Davos to give speeches about the health of the modern economy. But when we read such a work, we would hardly identify its author as an optimist or an idealist.

If Athens really was the birthplace of human freedom, how does one account for its acceptance of slavery? Many have reviled Aristotle for defending the institution, but at least he never described it as determined by the enslaved person's essence. The slave is potentially a free citizen because, like all human beings, he has the capacity to reason. He is a citizen who is not yet actual, who has not yet realized his potential. When Aristotle spoke of slaves as living instruments, he was referring not to any essential quality of theirs but to their social status. True, he offered no moving pleas for emancipation. But he did provide all the philosophical tools for producing that emancipation.

Alexander the Great, Aristotle's student, was the first apostle of intermarriage, creating a true model of cosmopolitanism and challenging the limited thinking—we would say racism—of his Macedonian comrades-in-arms, who had not had the opportunity to study with the Athenian philosopher. When Alexander seized the Persian city of Susa, what did he do? Like a good Aristotelian, he respected the city, took a native for his wife, and compelled his generals to do the same. None of this, again, is to say that the Judeo-Christian tradition is inimical to freedom. Historically, Judeo-Christianity has been a liberating force—Judaism constituted a formidable obstacle to the Roman Empire and its mad project of a world-state, while Christianity was a salutary ideology of emancipation for persecuted Romans. But conceptually, the Greeks anticipated everything to do with freedom.

The Greeks' tragic view of freedom even established principles with which to resist the worst. Modern conceptions of human rights based on a shared vision of ultimate ends are less persuasive than the Athenian vision, which highlights the direct experience of suffering and the solidarity of the humiliated and mistreated. A reading of Aeschylus, Sophocles, and Thucydides illuminates the cruelty that pierces the evening news and amplifies our indignation. The Universal Declaration of Human Rights of 1948, its worth recalling, resulted from the bewilderment caused by the revelation of the death camps.

Even the separation of state and conscience can be found in the Athenian crucible. In 441 BC, well before the Gospels and “Render to Caesar the things that are Caesar’s and to God the things that are God’s”, Greece produced a powerful text on the subject: Sophocles’s *Antigone*. King Creon forbids his niece Antigone to bury her brother, who has betrayed Thebes; Antigone defies the king, appealing to the unwritten laws of tradition; Creon changes his mind, but not soon enough, and Antigone, confined to a cave by her uncle, takes her own life.

There are three rival interpretations of *Antigone*. Some find in the play the affirmation of the superiority of ethics over politics, making Antigone the heroine of a universal moral law that overrides positive law. This reading is falsely edifying and kills the sense of tragedy. Others see in the story the conflict of two equally legitimate laws, with the ancient, unwritten religious law being surpassed by a modern, positive, and concrete law, anchored resolutely in historical progress. Thus Hegel sees in *Antigone* a tragedy in which two understandings of absolute legitimacy confront each other—and finally, he takes Creon’s side, not because the king embodies justice but because he represents a new stage of history, dear to the German philosopher’s heart: the regulatory state. Hegel views this founding Western drama through the lens of a progressivism that attributes a positive meaning to the development of history—a progressivism wholly foreign to Sophocles.

The third and most powerful interpretation blames the catastrophe on a violation of the border between two worlds or two laws. One, Creon’s, accords the state the power to guarantee individual freedom; his are the laws of the day. The other, Antigone’s, holds that the individual must have other reasons, both personal and legitimate, for defending her freedom, such as her moral and religious beliefs; hers are the laws of the night. Neither law is superior to the other; each has its own sphere. But Creon gives in to the immoderation of political power, going beyond the limits of daylight and unleashing chaos by requiring that his laws rule the night’s territory as well—the region of intimate morality and death.

On this reading, the sacred thing that Creon violates is not some universal commandment that Antigone incarnates and that would apply to everyone. Antigone is the heroine, instead, of the separation of day and night, of politics and morality, of public and private. Even before Jesus, she reminds us that there are a space and time in which Caesar’s commands in the name of public welfare are perfectly legitimate, and another space, another time, in which not Caesar but God commands—or, from a secular viewpoint, civil society, morality, and custom. The freedom of the individual need not destroy itself in the duties of the citizen.

Here we encounter the Aristotelian and, more broadly, Greek sense of the “right mean”: Antigone is the heroine of the right mean between the violent excess of power (Creon’s *hybris*) and complacent passivity (demonstrated by Antigone’s sister Ismene, who also loves her brother but won’t defy Creon). The separation between Caesar and God, as Christ formulated it, would come as no surprise to Antigone.

It happens that Athens’s ultimate problem was this *hybris*, this loss of measure, which always threatens freedom. As Thucydides showed, this imprudence was at once the motor of Athenian liberty and the cause of its fall. Athens was not always able to find the right mean between movement and rest, innovation and conservation, expansion and restriction. It pitched drunkenly between those poles and ultimately smashed against the reefs of impetuosity.

In light of Athens’s difficulties, Aristotle makes the question of the right mean the central problem of philosophy. Virtue consists of the right mean, meaning not indecision or softness but a point of equilibrium (which we must always rediscover) of human freedom. For freedom invariably produces disequilibrium. To live freely, in other words, is constantly to seek equilibrium within disequilibrium.

Aristotle counsels neither pure rest nor extreme movement. It can even happen that excess can be good—in a situation characterized by excess. The right mean is determined by suitability to the challenges of the world and of the moment. This is the antidote to *hybris*.

The struggle for the right mean has been the West's major problem since the time of Athens. Athens's capital sin, the one that gnaws at Thucydides, is the destruction of Melos—just as the Greeks' original sin is the genocide of Troy, as subtly indicated by Homer and Aeschylus and as shouted out by Euripides. The utter massacre of the Melians—all the men wiped out, the women reduced to slavery—prepares the folly of the Sicilian expedition. At decisive moments like that one, the Athenians take themselves to be gods, believing themselves free of all restraints and free to flout everyone's freedom.

We can look at the Iraq War against this backdrop of the right mean. To allow Saddam Hussein to continue to torture and massacre his subjects and neighbors was one extreme; to strike out blindly demonstrated the opposite extreme, as we saw, for example, at Abu Ghraib. Having taken the side of those who favored militarily deposing the tyrant, I held my breath and crossed my fingers to see how things would turn out. I wasn't reassured until the day when an Iraqi journalist dared, in Baghdad, to throw his shoes at the president of the United States of America. That never could have happened to Saddam Hussein or in any other authoritarian regime—China, Russia, the rest of the Arab world. For his insolence, the perpetrator did receive some prison time, but under Saddam, he would have lost his nose, ears, and tongue, and probably his life. The protester thus provided, despite himself, the proof that freedom had taken steps forward and that America was more Greek than Roman.

Athens did not perfectly succeed, and it eventually collapsed—just as our own democracies may someday collapse. I do not believe in the eternity of systems, even our own. Those founded on the attempted negation of chaos and the suppression of freedom will, I hope, collapse sooner. But those founded on freedom may be destroyed by the imbalance inherent in their constitutions, an imbalance that animates and sometimes consumes them (Note 4).

2.2 *Plato*

Plato's term *eleutheria* may be translated as "freedom" because it signifies the same triadic relation as the English term—freedom of an agent from impediments to a goal. While it is generally recognized that Plato rejects the democratic idea of personal freedom, it is often overlooked that he offers in its place an alternative, "aristocratic", conception of freedom, originating in the moral psychology of Socrates and reflecting a popular view of freedom as opposed to slavery. In the *Republic* Plato describes aristocratic freedom as the rule of reason over the soul unimpeded by desires. In the *Laws* aristocratic freedom entails "willing enslavement to the laws", which represents a due measure between extreme slavery and extreme freedom. Though different from the modern liberal concept of liberty, Plato's conception leads to important innovations. Plato's ideal of aristocratic freedom was shared and developed further by Aristotle (Note 5).

2.3 *Aristotle*

According to Aristotle, the "democratic" freedom treasured by the exponents of ancient Greek democracy has two marks, one personal and one political: (i) to live as one wishes, and (ii) to rule and be ruled in turn. Though Aristotle is a critic of such freedom, it has been claimed that he has no notion of his own to set against it. This chapter counters this claim by showing the development within Aristotle's *Politics* of a conception of "aristocratic" freedom that is richer than the democratic. By this aristocratic conception a person is free to the extent that he is able to live a life of politics and philosophy, and a polis is free to the extent that its institutions promote such a life for each and every

citizen by removing the impediments to its realization such as unfavorable political institutions, lack of moral and intellectual education, and insufficient material resources (Note 6).

Aristotle's Conception of Freedom MOIRA M. WALSH That human being is free, we say, who exists for his own sake and not for another's. (Metaphysics, 982b25-26) 1. INTRODUCTION THERE IS NO PLACE in the Nicomachean Ethics, or the Politics, where Aristotle provides us with an explicit definition of freedom. Nevertheless, it is possible to glean Aristotle's notion of freedom from a series of passages in the Politics, in which Aristotle discusses such matters as the existence of the natural slave, and the understanding of freedom underlying certain forms of democracy. This effort is useful insofar as it not only helps us to understand Aristotle, but also presents us with a conception of freedom interestingly different from many contemporary versions and perhaps worth our consideration. ~ The reader will notice that I deliberately retain, for the most part, the generic use of 'man' and of masculine pronouns in translating and commenting on Aristotle, a practice which cannot go without explanation in this day and age. Such terms in English convey just the same ambiguity as Aristotle's Greek does when, for instance, he uses the masculine adjectives *eleutheros* or *agathos* as generic terms—that is, they leave the reader uncertain as to whether women are considered capable of freedom or goodness in the same way that men are, with the suspicion that they are not. I do not share the opinion, apparently held by Aristotle, that members of my gender are intellectually inferior to members of the opposite gender; but I have tried here to present his conception of freedom without begging any questions as to whether he thought women capable of it or not. My project in this paper, then, is different from that of, e.g., Roderick T. Long, "Aristotle's Conception of Freedom", *Review of Metaphysics* 49/4 (1996): 775-80~, whose efforts could roughly be said to represent an attempt to ascertain what Aristotle would have thought of contemporary conceptions of freedom, rather than to ascertain how Aristotle himself conceived of it. [495] 496 JOURNAL OF THE HISTORY OF PHILOSOPHY 35:4 OCTOBER 1997 I will focus in this paper on Aristotle's use of the term *eleutheria*, and its cognates. *Eleutheria*, usually translated as 'liberty' or 'freedom', is conceived by Aristotle in terms more moral and political than metaphysical, i.e., he considers tyranny and slavery, rather than determinism, to be its principal contraries. Self-direction, rather than bare spontaneity, is the crucial characteristic of the free person. In this respect, Aristotle is similar to many political philosophers of our time. As we will see, however, there is an important difference: while many contemporary theorists think of freedom as simply the capacity to guide one's own actions, without reference to the object or objects sought through action, Aristotle conceives of freedom as the capacity to direct oneself to those ends which one's reason rightly recognizes as choice worthy. This concept of freedom as rational self-direction can be found underlying Aristotle's discussions of natural slavery and democracy. FREEDOM AND SLAVERY Book I of the Politics contains an analysis of the relationships among the individual, the household, and the polis. In Chapters ~ and 5 of this book, Aristotle presents an interpretation of one of the relations within the household, namely, that of master and slave. He there makes a distinction between the political status of slavery, and the naturally slavish condition which alone can make this political status legitimate. Aristotle's discussion of the difference between the man who is naturally suited for slavery and the man naturally suited for freedom gives us a basis upon which we may build a definition of freedom as a condition of soul, rather than as a conventionally granted civil status. Our first clue is found in Chapter ~, in which the master-slave relationship is first discussed: "For that which can foresee with the mind [to *dunamenon tel dianoiai prooran*] is the naturally ruling and naturally mastering element, What other contemporary philosophers sometimes mean by 'freedom', namely, the

bare ability to choose between alternatives, corresponds more closely to Aristotle's notion of the capacity to perform acts that are hekous/a, or voluntary (Note 7).

The two watchwords of ancient Greece democracy were "freedom" and "equality". Aristotle is sharply critical of the democratic understanding of both terms but, as a champion of true aristocracy, does not wish to surrender such rhetorically charged words to his ideological opponents. He thus tries to preserve a portion of the concepts signified by each of these terms for his favored political system. With respect to equality he is explicit. He distinguishes proportional equality from numerical equality and associates the former with aristocracy and the latter with democracy. With respect to freedom he is not so explicit. Although he often uses the term "free" (eleutheros) and its cognates in the Politics to signify a freedom that is more robust than democratic freedom, he never discusses or analyses such a concept. But by using a general analysis of freedom as a triadic relation involving an agent, a goal, and an (obstructing or disabling) obstacle, one can piece together Aristotle's understanding of 'true', or aristocratic, freedom. It thus turns out that 'freedom' and 'equality' can be watchwords, not only of democracy, but of true aristocracy as well (Note 8).

2.4 Thomas Hobbes-Leviathan, 1651

The Social Contract Theory has been espoused by many writers from Plato in Crito to modern day writers such as Ayn Rand and John Rawls. However, for English writers Thomas Hobbes undoubtedly holds a certain status as the paradigm of a social contractarian, his work in Leviathan was described as the "greatest, perhaps the sole, masterpiece of political philosophy in the English language". Another leading writer was Jean Jacques Rousseau, his fame owing a lot to do with the French Revolution and subsequent events, and it is on these two writers that this work will focus.

The Social Contract Theory is of importance to all legal scholars because it is a theoretical discourse which attempts to legitimise the coercive and invasive nature of law on naturally free persons. Undoubtedly there are a number of competing concerns that intersect with the Social Contract Theory, such as liberalism, which we must beware also place constraints on this rationale. One of the most appealing attributes of the Social Contract Theory is its ability to delineate the natural from the artificial, the ability to comprehend society as an artificial construction created in order to restrain and improve upon the natural state of things. In that sense Law is much like Technological Engineering, i.e., the improvement of the pre-existing by use of the artificial.

One intersecting concern is the use of the paradigm of a contract between the governed and the governing, as we shall see when we discuss the respective views of Hobbes and Rousseau, which may have a similar premise in the abstract but mask a more fundamental difference in the approach of the writers, and begs the question of whether the social contract is a "simple exchange" or whether it masks something more complex. The Social Contract Theory is what is called a meta-narrative by post-modernist writers in that it attempts to give an overarching explanation of law's legitimacy which makes a number of assumptions about human nature, the structure that law ought to take and what the social contract agrees upon. It is these criteria which we will be evaluating in the work.

Thomas Hobbes published his magnus opus Leviathan in 1651 and over three centuries later the work is still the subject of academic debate and controversy. Hobbes was largely influenced by a number of his contemporaries such as Galileo and Francis Bacon and his writings distinctly exhibit a post-enlightenment thought which moves away from basing law on principles of natural justice. I will outline Hobbes' thoughts on the social contract theory and present a number of its most classical criticisms and flaws; we will then move onto compare this to the exchange contemplated by Rousseau.

Hobbes' theory of the social contract has a number of key facets which are very important to fully understand the structure of the social contract. He starts with the *prima facie* position that all people are equal, or in other words they all possess an inherent "individual freedom", however without any "power able to overawe the mall" then:

"it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man".

In this state of "war" or "nature" there is no such thing as justice or injustice because only a "common power" can issue laws and furthermore without laws then there is no justice. In this state of nature men are naturally free, they have an inherent liberty, in other words a power to "do what he would" without any "external impediments". Thus in Chapter 14 of *Leviathan* Hobbes sets out clearly how the social contract becomes formed, Hobbes stipulates that two "natural" principles flow from the state of nature that "as long as this natural right of every man to everything endured, there can be no security to any man... of living out the time which nature ordinarily allowed men to live" thus men ought to want peace, the only way that this can be managed is by a mutual agreement from all people not to use their right to everything. If only some people were to relinquish their rights then it would be unjust because it would leave them open to being preyed upon. He summed this up by using the proverb of *Lampridius* "quod tibi fieri non vis, alteri ne feceris".

The only person who didn't relinquish their universal claim to all things was the sovereign who became the arbiter of legitimate force in society. Evers has made the point that in a Hobbesian social contract the paradigm was less of a contract between people and the sovereign and more of the sovereign as a beneficiary of the mutual agreement of people not to exercise their full rights. Thus individual freedom is not directly swapped for security; it is not a bargain but more of mutual covenant because what is fundamental for Hobbes is the acquiescence of a people to an identifiable sovereign. There is no reciprocity between sovereign and people.

In Hobbes' account the fundamental factor is the fear of people in keeping their obligations, he recognizes that their maybe those who through virtuousness keep their word but he explains that fear is the dominant motivation. Furthermore the existence of fear is explained *motto* vitiate the consent of the people in general. Hobbes unlike many moral philosophers doesn't assign a particular dignity to the consent or will of the individual, the fact that the will of the people is obtained due to fear of death is merely consistent with the fundamental human nature which tends towards self-preservation.

When we consider Rousseau we will seem some marked differences between the writers but it is uninformative to leave Hobbes at this point. His views on the social contract exhibit numerous paradoxes when we consider the elements that make up his theory. Hobbesian Contractarian theory makes a number of assumptions about human knowledge, the state of nature, rights of people to rebel, conflict and many other things that other writers such as John Locke and Rousseau would disagree and these factors need to be realized. Thus Hobbes didn't believe people had a right to rebel once they had ceded their rights to the sovereign. He outlines this argument in Ch.18 where hesitates the options are clear; if somebody has a problem with particular act then he cannot then revoke his consent because "he must either submit to their decrees or be left in the condition of war he was in before; wherein he might without injustice be destroyed by any man whatsoever".

The choice then for a person in the Hobbesian contract is total submission to the sovereign or the state of nature. He does not like John Locke or Rousseau impute that even in the state of nature humans have an inherent dignity or worth which is to be protected. The corollary of this point is that the sovereign is supreme, Hobbes is known as an absolutist, he doesn't advocate a type of government but he does say

that it must be supreme. It is clear that Hobbes thought any impingement on this supremacy was the slippery slope back to the state of nature. This is on an objective footing but there is a normative proposition in Hobbes' work that states a sovereign ought not to implement a "restraint of natural liberty, but what is necessary in the good of the commonwealth". In many ways Hobbes' emphasis is misunderstood and whilst his propositions may seem prima facie anti-liberal they merely emphasize that there are no transcendent rights, those rights may be silenced in certain situations. We see this in all human rights dialogues across the modern world, for example the right to a fair trial under Article 6 of the European Convention of Human Rights causes numerous problems for the detention of terror suspects.

However, whilst there is an undoubted liberal sentiment in some of Thomas Hobbes writings this doesn't square with his more abstract theory which is the paradigm of a simple exchange of individual freedom for living in society, that is an unconditional surrender to the sovereign of those freedoms which every person possesses in the state of nature.

2.5 J.J. Rousseau, 1762

A century after Hobbes had published *Leviathan*, the French moral philosopher Jean Jacques Rousseau published "The Social Contract" in 1762. He dedicated a whole book to a subject which Hobbes had written few chapters on and thus many of his ideas are more explicit where Hobbes was implicit. Rousseau has a similar importance to Hobbes and has been described as "the lynch-pin of the political consciousness of the entire modern period"; his obvious influence on the leading lights of the French revolution also has given him a place in history.

The main issue for Rousseau was, similarly to Hobbes, to understand the chains of society and how they were made legitimate considering that all people have a basic integrity or free will which ought not to be contravened. Thus, as we shall see below the aim of the social contract for Rousseau was distinct from Hobbes:

"Rousseau wants to establish a relationship between citizens that will provide each with adequate protection backed by the community while preserving the free will and liberty of each".

Rousseau summed up his overarching concept of the Social Contract by saying "Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole". The incentive for people to enter the Social Contract was substantively similar to Hobbes but his basic premise wasn't. Rousseau builds up his premise logically and in an order through Book I of the Social Contract, he starts with a basic liberal premise that all men are born free, he disagrees with the Ancient Greek philosophers that the dispositions of ruling and serving are inherent with birth. He thus validates his claim that all men are born free by using the example that if only one person were alive that they would be the ruler of the world.

He strongly disagrees with Hobbes that violence or strength is sufficient to create rights or laws. In society he stipulates no one person is strong enough to perpetuate obedience without transforming that strength into a right and the obedience a general duty, however strength is never sufficient to create either rights or a duty. Force cannot be a right because it has no abstract existence and would be at the whim of subjective applications of individual strength thus "Bassoon as it is possible to disobey with impunity, disobedience is legitimate", he also says that force cannot create duty because to say this would be to imply that if somebody were to attempt a robbery, given you could not stop him by force, then you would be under a duty to give him whatever he desired. He also rejects that the subjugation of a people to a ruler is a form of slavery because no man can give himself voluntarily into slavery

because to do so would be insane furthermore for the reasons given about force they cannot be forced into slavery by a conqueror. Rousseau, distinctly to Hobbes, seems to be saying that every person, in their natural state, doesn't have a right to everything because certain things are naturally inviolable, so he would disagree with Hobbes that anybody ever has the right to take the life of another person.

The Social Contract is thus a way of establishing a society of people, however they may be governed, which resembles a corporate body or as Rousseau calls it the "body politic". Every person in a society completely alienates their individual rights to the community however, unlike Hobbes; the sovereign is not a beneficiary who retains the whole ambit of rights. The fundamental aspect of this social contract which is distinct from Hobbes is that:

"each man, in giving himself to all, gives himself to nobody; and as there is no associate over whom he does not acquire the same right as he yields others over himself, he gains an equivalent for everything he loses, and an increase of force for the preservation of what he has".

In Rousseau's schema then that community may for whatever reason decide to subjugate itself to a particular ruler but fundamentally before a "people" may be formed there must be a social contract between the individuals that make up that people. Thus for Rousseau it is not correct to imagine the social contract as a true contract of exchange between the ruler and ruled where one exchanges freedom for security.

It is widely accepted that Rousseau's normative version of the Social Contract was a response to his perceived subjective version which was the perpetuation of class divides through those in societies with property and power forming together to create a government. Thus the Social Contract as envisioned by Rousseau was hardly practicable because it required an extremely strong form of communitarian democracy whereby all people came together regularly to make decisions. Thus a state was envisioned as being small in geographic terms perhaps limited to a province or a large city. An individual thus had power over all the rest as a member of the body politic and was subject as an individual to the body politic. Whilst like Hobbes the sovereign was a supreme being, the state was made up of all the individuals and those individuals gave up their rights on the guarantee of involvement in the governing of their lives not simply for security of body and goods.

It is still fairly uncommon for book length critical assessments of Rousseau's work to concentrate on one theme or notion in his thinking rather than taking a broader canvas, but the gains in detail of assessment and depth of analysis are often significant. Simpson's book certainly bears this out, even though it is comparatively brief. The title of the book slightly misleads; although it is called Rousseau's Theory of Freedom its purpose, Simpson says, is in fact "to explain the theory of freedom developed by Jean-Jacques Rousseau in his work *The Social Contract*" (ix). So the focus is even tighter, although from time to time, and for good reason, Simpson has to look outside *The Social Contract* to explain or develop his points, most particularly to the *Second Discourse* (on *Inequality*) and to *Emile*, though one or two other pieces of Rousseau's also receive glancing mention.

Simpson contends that there are to be found in *The Social Contract* "four different kinds of freedom that are relevant to politics, yet the nature of each, their relative importance, and their relationship to the social contract after which the work was named are all far from clear" (1). These four are: natural freedom, civil freedom, democratic freedom and moral freedom, and Simpson sets out to consider, as noted, the nature of each of these, how they stand to one another and to the social contract itself. He adds that he is "not primarily concerned with the metaphysical problem of freewill" (ix) though he does discuss Rousseau's engagement with this on a couple of occasions with some incisiveness and clarity, despite not pursuing the matter to its end (see 61-6 and 98-100). Simpson says that the central topic of

The Social Contract is “how people might construct a genuinely free political society” (ix, again) and it is plausible to hold that this is so given Rousseau’s own famous formulation of the “problem” to which the social contract is the solution, which says that the members of the political community must “remain as free as before”. However, there is something slightly odd in how this claim comports with several of the remarks Simpson makes later on in the book. For instance, he writes in the Conclusion (Chapter 6)

Another important feature of his [Rousseau’s] theory of freedom is that the people he described entering the social pact do not do so in order to be free, at least not in the usual sense of the word... The three forms of freedom that he discussed are a kind of happy consequence of the terms of the social pact; but they are neither the citizens’ motivation for entering the contract nor the purpose of the contract itself (110-111, and there are several other remarks to the same effect).

Whilst there is no real inconsistency here, his initial statement of what the “central topic” is generates a somewhat misleading expectation about the form his assessment of the main structure of the argument of *The Social Contract* will take. What is really in the driver’s seat is the account of the basis for and the nature and consequences of the social pact (contract) itself: that “each alienates all under the direction of the common benefit” as he succinctly puts it at one point (105). And, as indicated in the previous quotation, the freedoms that emerge are “happy consequences” of this.

Simpson’s discussion thus begins, in Chapter 1, with a treatment of the state of nature as Rousseau conceives of it, this providing “a theory of human nature and human motivation, which served as the basis of his account of the social contract” (7). He notes, quite rightly, that the text of *The Social Contract* itself says very little about the conditions under which the contract is made, and he turns, again in my estimation quite rightly, to Rousseau’s *Second Discourse* to supplement this, carefully (almost too much so) considering the legitimacy of doing so. He takes from the *Second Discourse* the view that the state of nature as Rousseau deploys this in the argument of *The Social Contract* does not comprise the simple life of independent “savages” but involves men driven by amour-propre (which he translates, not altogether convincingly, as “vanity”) with the consequent ambition, greed and the desire to do others down, leading to violence and conflict. Indeed, he goes so far as to say that humanity does not leave the “general” state of nature (as opposed to the simpler “pure” state of nature) even when “moral relations such as families or commerce” obtain but only when it enters political society (17). I shall return to this point towards the end of this review.

In Chapter 2 Simpson discusses the social pact which institutes political society.

The basic question of *The Social Contract* concerns the terms under which such a union [of persons for the purpose of peace and mutual aid] would be rational for people of this kind in the conditions stipulated

That is, people in a condition of sustained conflict who seek a way to remedy the drawbacks to their lives. He cogently defends Rousseau’s view that the social pact requires, in Rousseau’s own words, “total alienation of each associate with all of his rights to the whole community”, noting that if the forfeiture (alienation) were only partial then there would be no way of resolving disputes over “which powers and possessions the public good requires them to forfeit” (34). The subordination involved in this alienation is to the community as a whole, not to any individual or faction, and Simpson argues, again very clearly, that the alarm this talk of forfeiture often arouses is properly allayed by Rousseau’s provisions. A number of the most tricky and intricate problems in the interpretation of Rousseau’s thought come up in connection with this cluster of issues, and whilst Simpson does not, and could not without getting deflected from his main purpose, address all of these, a cogent and defensible overall

account emerges. “The associates to the social contract agree to subordinate themselves to the good of the community” (44), that good being determined by the sovereign, which comprises all of those party to the social pact, declaring its will, which is the general will for the good of the community. Simpson doesn’t spell out in much detail what he takes this “good of the community” to comprise in Rousseau’s estimation, sometimes talking in fairly broad terms of the preservation of the lives and possessions of the members of the community, but sometimes giving much more specificity talking of “principles of equality, justice and duty to which the community has bound itself” For reasons I will discuss later, it would I think have been helpful if Simpson had delved a bit deeper into what the content of the idea of the good of the community was and how it met the needs of those who are party to the social pact.

These two opening chapters provide “the context for understanding Rousseau’s theory of freedom” and Simpson now turns to consider civil freedom (in Chapter 3), democratic freedom (in Chapter 4) and moral freedom (in Chapter 5). Rousseau’s view of civil freedom comprises, according to Simpson, “the absence of impediments to pursuing one’s ends in cases where the law is silent” (52), and he does an effective job in arguing that whilst the sovereign decides what is or isn’t to be regulated by law this doesn’t evacuate the idea, nor the actuality, of civil liberty of any content. This is because the sovereign can only legislate on matters that affect the good of the community as a whole:

Since the laws must be ratified by the people as a whole, and since they must be perfectly general, there is no point in making them overly burdensome because the associates would thereby only burden themselves. (55-6)

This chapter struck me overall as a model of good sense and balanced interpretation. I should add that in it Simpson also gives his account of “natural freedom”, which is unproblematic in this context.

The issue of democratic freedom appears less tractable however, and Simpson is very open that Rousseau’s arguments for saying that “the people themselves should determine the rules ... that they must make their own laws in person” (72) appear less than compelling for all that this was plainly something that he held to be very important. He criticizes at some length the attempt to use Condorcet’s “jury theorem” to defend Rousseau’s view that sovereign decisions cannot be delegated to representatives. I will pass over the details here since, as Simpson says, Rousseau’s complaint about the absence of direct, participative ratification of law is not that the law is likely to be an ill-judged one, but that it will be an illegitimate one, wanting in proper authority. Simpson’s own account doesn’t, however, obviously address this point either. He argues that if the whole community were to delegate its sovereign powers to some person or representative body it would only be rational to do so if it were certain that this person or body “would reach the same decisions as the whole community would have reached meeting in assembly” (80-1). This, Simpson goes on, makes representatives redundant, but this isn’t the same as arguing that their determinations would be illegitimate. This chapter also includes an interesting discussion of Benjamin Constant’s essay: “The Liberty of the Ancients Compared with that of the Moderns” (86-90), in which Constant argues that Rousseau was more interested in freedom as comprising collective self-rule than he was in individual rights. I think this line of thought would bear further development; in acquiring the relevant knowledge and skills and in taking up the responsibilities involved in collective self-rule, persons take charge of their lives and affairs in a way that rule by others, however fair and scrupulous that may be, denies to them. This is, for instance, something that is heavily stressed in Emile’s education as he moves to maturity and full manhood, and while I should agree that the resources to develop this way of engaging with the matter aren’t ready to hand in the text of *The Social Contract* it may be proper to look outside that to help with coming to grips with it, as Simpson does in connection with other points.

The chapter on moral freedom strikes me as the most challenging and interesting in the book, while being the one with which I most want to take issue. Simpson writes that Rousseau “defined moral freedom as autonomy, or ‘obedience to the law that one has prescribed to oneself’” (92), though to illustrate this idea he gives an example of an alcoholic who is said not to possess moral freedom “because he is unable to live according to his own judgment about what is good” (ibid.). There may seem to be only a small difference between “obedience to a law one has prescribed to oneself” and living “according to his own judgment about what is good” but, as will be seen in a moment, quite a lot hangs on it.

Simpson goes on to argue that according to Rousseau there is only one law that a person can legislate for himself, the social pact itself, i.e., the alienation of all powers, rights and possessions under the direction of the common benefit; this is “the law that each person erects over himself or herself” (105). In so doing, they leave behind the state of nature in which “there is only one thing that might serve as the principle or guide of their actions ... their passions or desires” (95). Instead, they ask themselves “What am I supposed to do based on the terms of the social pact, which I have legislated for myself?” (96). The nature of their agency is changed; people now follow a rule rather than their particular inclinations. “Everyone in the state of nature is a slave, in the sense of not being a moral agent and not possessing moral freedom. Thus there is reason to say that moral freedom is the most important kind of freedom that political society offers because it changes the kind of being that humanity is, making it morally significant and so apart from and above the rest of nature” (97). This has very plain Kantian overtones and Simpson carefully discusses for instance Cassirer’s attempt to co-opt Rousseau to Kant’s account of human goodness in terms of voluntary surrender to an ethical law showing, entirely effectively I think, that for Rousseau (on the account of his views we are currently considering) acceptance of the social pact is motivated by prudence, a passion for individual well-being, rather than being a “spontaneous dictate of human subjectivity” (104-5). But, nevertheless, a striking separation of natural man from citizen, of a- (or non-)morality from moral governance, is being argued for here, one which Simpson develops in remarks he makes in his concluding chapter (Chapter 6). There he says that Rousseau’s argument is “that there is only one social pact with one set of stipulations and that obedience to these stipulations requires of humanity that its natural inclinations be extinguished and replaced with civic sentiments” (116). He cites a well-known passage from *Emile* which says that the sentiments of nature can’t be preserved in the civil order: “Always in contradiction with himself, always floating between his inclinations and his duties, he will never be either man or citizen” if he attempts to do this (ibid.).

Something has, I think, gone awry here, despite there being undoubtedly some textual evidence in *The Social Contract* for this dramatic either-or. First, why should we suppose that in the state of nature the only thing that guides people’s actions are their passions or desires? Recall that earlier I noted that Simpson said that Rousseau uses a “general” conception of the state of nature as the context for his arguments for the social pact, and this conception includes moral relations. Can it really be argued that the way in which these guide our behavior is to be figured in terms of the play of inclinations or passions? Second, Simpson allows that Rousseau has a notion of freewill (not his only notion of it) by which humans have the power to acquiesce in or to resist the promptings of inclination. But, he says, “the ground of the choice is still some passion or inclination” (99). But is it, to put it in crude terms, just a matter of the strength or weakness of such passions or is it rather a question of acting on a judgment as to whether it would be good to acquiesce in or to resist them which, as we saw above, was said to be an exercise of moral freedom? Why not the latter? It really isn’t clear, at least not to me, that

we require the resources of the social pact to be in a position to make judgments of this latter kind and to act on them. I think too extreme a binary opposition is being forced on Rousseau here, and I shall indicate two further reasons why I feel a more complex account of his thinking is required. To begin with, and as noted just above, Simpson cites that passage from *Emile* where Rousseau seems to say: be either (natural) man or citizen—you cannot be both. (“This is one of the least ambiguous elements of his presentation” Simpson writes (116)). But yet, on the very next page of the text of *Emile* Rousseau asks:

But what will a man raised uniquely for himself become for others? If perchance the double object we set for ourselves could be joined in a single one by removing the contradictions of man, a great obstacle to his happiness would be removed. In order to judge of this, he would have to be seen wholly formed: his inclinations would have to have been observed, his progress seen, his development followed. In a word, the natural man would have to be known. I believe that one will have made a few steps in these researches when one has read this writing.

These aren’t the words of someone who thought this “contradiction” was ineluctable. Additionally, a more complicated point: Simpson holds that Rousseau’s view is that when we assent to the social pact we are submitting to a law we have prescribed each to ourselves, and in so doing acquired the possibility of a new form of agency and achieved moral freedom. But we need to ask whether moral freedom is acquired just because “people ... act on the basis of their political duties rather than on the basis of drives that nature has, so to speak, forced on them” (96-7); or because of that but also because of the particular character that these political duties have, namely being principles of justice, equality and commitment to the common good? Simpson is very emphatic that the latter is also required, but really doesn’t do enough to explain why; just because “the social pact and its consequent laws are ... rationally necessary stipulations for entering into and preserving political society” (100) this doesn’t show that the acceptance of them yields freedom of any significant kind. Isn’t it rather that the reason why by adhering to rules of equality and commitment to the common good I acquire moral freedom is that these rules articulate and express my character as a recognised person of standing among other such persons who together make up our political community, a character that is proper to my moral being, that is my being as a bearer of moral rights committed to acknowledging others as rights bearers also? It is something along these lines, I believe, that lies at the core of Rousseau’s conception of moral freedom, a freedom which comprises the ability and opportunity to act as a responsible person of standing in reciprocity with others of like position. I do not pretend that this line of thought, which of course needs a lot more filling out, is in plain view in *The Social Contract*, but it is strongly present in *Emile* and Simpson’s account of moral freedom might I feel have been richer for attention to this.

Overall I think this is a fine study, full of ideas, which treats of many further matters I haven’t touched on. Although clearly and straightforwardly written, I think its primary audience will be those who have already thought a good deal about Rousseau’s work; the level of engagement might make it a bit difficult of access to beginners. There were one or two small typos in the text; the only one I noticed that affected the sense occurs where unfortunately “reason” and “sentiment” come in the wrong order, it being said that “human beings become free beings... only because they replace reason with sentiment, thereby lifting themselves from nature’s meaningless play of forces into the realm of autonomy” (Note 9).

Although many scholars think of *The Social Contract* as an exposition of democratic freedom, it appears possible to argue that in Rousseau’s own view freedom is incompatible with social and political order. The purpose of the best polity is not to maximize individual freedom but to enable the individual

to realize his or her perfectibility, a capacity that Rousseau regards as characteristically human. Considering, among other things, Rousseau's metaphysics and epistemology, Professor Bluhm argues that "freedom" in *The Social Contract* is a political myth that Rousseau employs to legitimate the "chains" required to realize perfectibility (Note 10).

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"For by art is created that great Leviathan called a Commonwealth, or State (in Latin, Civitas), which is but an artificial man, though of greater stature and strength than the natural, for whose protection and defence it was intended".

2.6 Critiques and Comparisons of Hobbes & Rousseau

There a number of problems with both accounts of the social contract theory and the comparisons between the approach of Rousseau and Hobbes are illuminating. In this section we will focus on the various flaws and the problems that specifically turn on the exchange that causes people to enter the social contract which is the subject matter of this work.

There are a number of respective problems with the accounts of the social contract. Hobbes' problem is that there is no clear delineation between the despot who conquers a society and subjugates the people by force and a democratically formed representative form of government. The commands of both sovereign bodies are legitimate and rightly deserve the force of law. Hobbes places particular reliance on "fear" in perpetuating his theory. Furthermore, the moral concept of an individual's will is not very palatable for a modern world. Evers makes the point that Hobbes conception of will is understood not as a morally relevant faculty but as part of the human mechanism which is controlled by person's appetites. Thus whether a person "wills" to enter a social contract because of fear or some more virtuous impulse matters not in amoral sense for Hobbes. The will also can take any form such as acquiescence, silences and forbearances. The individual in a Hobbesian sense has very little choice and Rousseau's own criticism of Hobbes invalid in this sense; Hobbes' logic is analogous to that of the Emperor Caligula in that "some are born for slavery, and others for dominion". These notions are certainly not palatable in modern day theory which, stemming from John Locke, views the will as a morally significant faculty of the human being.

Rousseau doesn't fall foul of these problems and clearly sets himself apart from Hobbes in that his approach does, as we noted, recognise fundamental dignities and respects an individuals will as one of the most important factors in formation of the social contract. However, he too suffers from problems, such as having to account for the punitive sanctions of certain laws on certain members of society because in effect by punishing an individual the sovereign in Rousseau's schema is attacking itself. Evers suggests that Rousseau' solution dissolves into a society which looks much like the one envisioned by Hobbes. He envisions the body politic devolving power to subordinate magistrates and other executive officers who will carry out the punishment on individuals and ask the person either to submit tithe punishment or revert to a state of nature.

However, Rousseau's state of nature is not as clearly defined as Hobbes'; it is unclear what intrinsic rights an individual quaindividual has in that state. Rousseau suggests that the punishment for breach of the social contract would be sufficient such that breach would give the right of the body politic to punish that person in any case. This opens up a whole other line of concerns such as who decides when the contract is broken and does this mean no-one can ever withdraw from the contract? Or perhaps once they have violated the laws then the consent is irrevocable? Rousseau leaves these issues unresolved.

The further problem is that the executive will have power over the members of the legislature as individuals. Rousseau recognized that day-to-day governance had to be carried out by a few; it is a sociological impossibility to have the majority of people in society governing that society and thus the few will inevitably control the many. This creates oligarchic tendencies which may operate to suppress the democratic elements of society. There is also a similar idea of tacit consent to the commands of those people who govern a consent as was advocated by Hobbes. This can be contrasted to Locke who required continual majority of people to have consent in any particular society.

This is part of a general flaw in Rousseau's work in that despite his stated aim he fails to "explain how strong communities and authentic individuals can co-exist". There have been numerous academics who suggest that it is of moral relevance that one defines ones identity as an individual. It is argued that community based theories of society are a model of "the most terrible forms of homogenizing tyranny" and there is intensive debate over whether authenticity or individuality can be made compatible with communitarian models. This is not the place to go into depth about the debates over what makes up one's self but suffice to say that it is argued that Rousseau values community to the detriment of individuality.

What has to be recalled is that for Hobbes and Rousseau the contract Arian ideal was far from a novel concept, the paradigm of a contract between the ruled and ruler has been around since the time of the Romans and great philosophical writers of the time such as Cicero had written of the social contract. The paradigm of a contract, of oath and promise, was dominant in the feudal relationships of the time, the operation of city principalities and induction into certain guilds. It had been a paradigm for writers with incredibly divergent opinions, thus there was arguments by certain writers that the contractual paradigm was influenced by the growth of the bourgeoisie and their mercantile relationships. The distinctive approaches of Hobbes and Rousseau to what is fundamentally a very similar arrangement was therefore hardly novel (Note 11).

The Social Contract approaches of Rousseau and Hobbes also show distinctive but also alternately flawed approach to their conception of natural rights. In order to exchange freedom for security then people must have at the very least certain natural rights that they could exchange for their participation in society. We saw in Hobbes that every human has one natural right and that is self-preservation. Lund has argued that it is difficult to delineate between this natural right of human beings and the natural liberty of animals. The difficulty is that the liberty he gives men makes rights worthless because if men have rights to everything then "the effects of this right are the same, almost, as if there had been no right at all". The difficulty with Hobbes is that it doesn't account for the natural rights that a man has before he enters the social contract because in the end the rights seem to be a semantic sleight of hand. Rousseau doesn't make his conception much clearer either because whilst undoubtedly the will of the parties must exist and be a morally relevant faculty and there are hints at fundamental or natural rights but he never makes it explicit in Social Contract. In his other writings it is difficult to tell what his opinions because as we shall see they are less aspirational and more premised on a factual account of the formation of society.

The natural rights approach of both is ambiguous to say the least, but there is the unifying concept that runs through Hobbes, Locke and Rousseau that "the centrality of self-preservation" is "the basis for politics and the denial of man's political nature". In a state of nature self-preservation would have been a "natural" concern and thus it is the one that has compelled formation of society. The important distinction between Hobbes and Rousseau is that Rousseau's account is an aspirational whereas Hobbes is descriptive. Rousseau was attempting to set an abstract standard to measure societies against

whereas Hobbes was interesting in charting the transition from a state of nature and society. Rousseau did an in depth empirical study into the back ground and reality of what humans must have been like in the state of nature and came to the conclusion that both Locke and Hobbes were probably correct about the first impulses that caused us to form society. Thus from Rousseau's point of view it may be valid to argue that he saw societies as being formed not as an exchange of individual freedom for security as such but a sociological process driven by self-preservation. Hobbes felt that this model was satisfactory and tube the touchstone of a society, however Rousseau perhaps saw his sales of a reality but as a model. The point has been made that this creates the interesting perspective that modern man could return to the state of nature, not in an empirical sense but in a theoretical sense "to the human condition outside mutually obliging covenants". The conceptual difficulty of grasping what life in modern society outside mutual covenants could possibly be like does create significant difficulty for this approach. However, it would seem that for Hobbes there is no opting out and this is reinforced when we consider the obligation not to rebel in a Hobbesian social contract.

Another interesting contrast between Hobbes and Rousseau is their apparent approach to democracy. Rousseau saw democracy as fundamental to the ideal social contract; it was only with a guarantee of some kind of participation in your ruling that one delineates slavery and society. However, Hobbes is distinctly antithetical to democracy as shown by a variety of his views. Hobbes saw democracy as what would naturally occur as men came out of the state of nature but that inevitably due to the instability of democracy they would choose either aristocracy or monarchy as more stable forms of government.

The writings of Thomas Hobbes and Jean-Jacques Rousseau are very different in design, form of government and treatment of individuality. However, the question for this work was to evaluate the statement at the beginning of this work that the social contract is an exchange of individual freedom for security. Hobbes and Rousseau both agreed on this premise but diverged over whether this legitimized legal systems and forms of government. Rousseau certainly seems to imply that democracy is fundamental to this surrender of rights and is the thing that legitimates the use of executive power against its individuals. Hobbes is antithetical to democracy because he is less concerned with the establishment of a normative ideal form of society than describing reality. Thus perhaps Rousseau is an extension of Hobbesian principles, undoubtedly writers such as Evers point to the fact that the treatment of executive power by Rousseau exhibits distinct facets of a Hobbesian social contract. The interpretations of Hobbes and Rousseau are divergent and the labels as liberals, absolutists, communists and many other seemingly conflicting doctrines.

2.7 Marx

Marx's conception of communism is interpreted as a theory of politics and historical transformation in which social actors are moved by a drive to freedom. In this view communism is a process of freedom expansion. By focusing on widely defined consumption choices, the extent of an individual's freedom is identified in the opportunity set delimited by his budget and time constraints. Social goods, i.e., those provided without rivalry and without exclusion, are allocated on the basis of the criterion "to each according to his needs" and, if they are financed by nonregressive taxation, also on the basis of the criterion "from each according to his abilities". Thus a process of growth of social goods supply turns out to be a process of construction of communism and, since social goods remove some budget constraints to choice options, a process of expansion of individual freedom. Social goods are mostly provided by the state to allow people to fully enjoy constitutional liberties and social rights, but their provision is strongly affected by the evolution of class struggle. In fact the privileged classes tend to oppose a process that raises their tax burden, whilst the unprivileged ones tend to favor a development

that extends their freedom. Since the majority of citizens in all capitalist systems have an income which is lower than the mean, communism tends to grow with the strength of democratic movements (Note 12).

3. Political Freedom

Political freedom (also known as political autonomy or political agency) is a central concept in history and political thought and one of the most important features of democratic societies. Political freedom was described as freedom from oppression or coercion, the absence of disabling conditions for an individual and the fulfillment of enabling conditions, or the absence of life conditions of compulsion, e.g., economic compulsion, in a society. Although political freedom is often interpreted negatively as the freedom from unreasonable external constraints on action, it can also refer to the positive exercise of rights, capacities, and possibilities for action and the exercise of social or group rights. The concept can also include freedom from internal constraints on political action or speech (e.g., social conformity, consistency, or inauthentic behavior). The concept of political freedom is closely connected with the concepts of civil liberties and human rights, which in democratic societies are usually afforded legal protection from the state (Note 13).

Besides these demands, there is also a group of conditions that a measurement tool for freedom should accomplish (see, for example, Carter, 2004; McMahan, 2010). The theoretical implications of these approaches are discussed in the next section. For theoretical and empirical reasons, a “negative freedom” approach is chosen for further examination. In contrast to existing measures, actions (and their restrictions) are considered to be the point of departure for constructing an index of individual freedom, which is dealt with in the next section. The second source for the index consists of liberty rights. The implications of this approach are analyzed in the following section, which also provides some reasons why this measurement is a potential improvement on previous ones. The last section presents the conclusion.

3.1 Theories of Freedom

Various groups along the political spectrum hold different views about what they believe constitutes political freedom.

Left-wing political philosophy generally couples the notion of freedom with that of positive liberty or the enabling of a group or individual to determine their own life or realize their own potential. In this sense, freedom may include freedom from poverty, starvation, treatable disease, and oppression as well as freedom from force and coercion, from whomever they may issue.

The socialist concept of freedom (“liberty”) as viewed by neoliberal philosopher and Nobel Memorial Prize Economist Friedrich Hayek:

... the use of “liberty” to describe the physical “ability to do what I want”, the power to satisfy our wishes, or the extent of the choice of alternatives open to us ... has been deliberately fostered as part of the socialist argument ... the notion of collective power over circumstances has been substituted for that of individual liberty.

Social anarchists see negative and positive liberty as complementary concepts of freedom. Such a view of rights may require utilitarian trade-offs, such as sacrificing the right to the product of one’s labor or freedom of association for less racial discrimination or more subsidies for housing. Social anarchists describe the negative liberty-centric view endorsed by capitalism as “selfish freedom”.

Anarcho-capitalists see negative rights as a consistent system. Ayn Rand described it as “a moral principle defining and sanctioning a man’s freedom of action in a social context”. To such libertarians, positive liberty is contradictory since so-called rights must be traded off against each other, debasing legitimate rights which by definition trump other moral considerations. Any alleged right which calls for an end result (e.g., housing, education, medical services and so on) produced by people is in effect a purported right to enslave others. [citation needed]

Political philosopher Alasdair MacIntyre theorized freedom in terms of our social interdependence with other people.

Nobel Memorial Prize Economist Milton Friedman, in his book *Capitalism and Freedom*, argues that there are two types of freedom, namely political freedom and economic freedom; without economic freedom there cannot be political freedom.

Robin Hahnel, in his article “Why the Market Subverts Democracy”, takes issue with Friedman’s concept of economic freedom, asserting that there will be infringements on the freedom of others whenever anyone exercises their own economic freedom and that such infringements can only be avoided if there is a precisely defined property rights system.

Political philosopher Nikolas Kompridis posits that the pursuit of freedom in the modern era can be broadly divided into two motivating ideals, namely freedom as autonomy or independence and freedom as the ability to cooperatively initiate a new beginning.

Political freedom has also been theorized in its opposition to and a condition of power relations, or the power of action upon actions, by Michel Foucault. It has also been closely identified with certain kinds of artistic and cultural practice by Cornelius Castoriadis, Antonio Gramsci, Herbert Marcuse, Jacques Rancière and Theodor Adorno.

Environmentalists often argue that political freedoms should include some constraint on use of ecosystems. They maintain there is no such thing, for instance, as freedom to pollute or freedom to deforest given that such activities create negative externalities, which violates other groups’ liberty to not be exposed to pollution. The popularity of SUVs, golf and urban sprawl has been used as evidence that some ideas of freedom and ecological conservation can clash. This leads at times to serious confrontations and clashes of values reflected in advertising campaigns, e.g., that of PETA regarding fur.

John Dalberg-Acton stated: “The most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities”.

Gerald C. MacCallum Jr. spoke of a compromise between positive and negative freedoms, saying that an agent must have full autonomy over themselves. It is triadic in relation to each other because it is about three things, namely the agent, the constraints they need to be free from and the goal they are aspiring to.

In scientific literature, two theoretical approaches to freedom, the so-called “positive” and “negative” concepts of freedom, dominate the debates (Berlin, 1969; Carter, 2004; Sillier, 2005). Even if both approaches can be taken as a theoretical point of departure, they are inherently incompatible and lead to different (practical) consequences. They also need different ways of being operationalized, as will be explained further on.

Positive freedom (or positive liberty) denotes the possibility of acting itself and refers in its broader sense to the fact that actors can realize their goals. It also involves conditions of granting the opportunity to realize the goals. Therefore, it presupposes the existence or presence of situations in which actors can behave in a self-determined and autonomous manner (Note 14).

In contrast to the positive understanding of freedom, negative freedom (or negative liberty) refers to the absence of obstructions that hinder actors in realizing their actions. Contrary to positive freedom, this approach does not assume the existence of conditions for providing opportunities for self-realization. Rather, it stresses the point that actors are not hindered in whatever they want to do.

After defining social freedom and freedom in descriptive terms, I shall explore the possibility of measuring specific social freedoms and freedoms in terms of their various parameters, and show why these magnitudes cannot be aggregated into a measure of overall social freedom. Finally, I shall deal with value attitudes toward social freedom of agents generally and of proponents of liberalism in particular. "Social freedom" is the concept philosophers, political scientists, and also economists are often concerned with—often without realizing it—when dealing with the subject of liberty. I shall define "social freedom" in descriptive terms, to enable individuals and groups with divergent political and moral views to agree on what it is they disagree about on the normative level. For the same reason, I shall propose descriptive criteria for the measurement of specific social freedoms and un-freedoms. Finally I shall ask under what conditions agents value their own social freedoms and what kinds of social freedoms are valuable to liberals.

Consider, as an example, that freedom is equated with political conditions such as democratic structures or aspects of wealth (Hanker & Walters, 1997). In this vein, measuring the number of democratic structures in a country could be seen as an attempt to measure political freedom. If indicators of democratic structures are taken as measures of freedom it is no longer possible to empirically separate effects of democracy and effects of freedom from each other. Since the theoretical debate about the notion of freedom was mostly conducted with regard to affairs of the state and the law, it is not unusual in the literature to mix up theoretically different things. And because freedom is often considered as a value of great importance for modern societies, theoretical propositions sometimes imply conflicts between values, such as the tradeoff between security and freedom. Take, as a practical example, a situation of national danger brought about by an impending military attack from another state. In such an emergency caused by an outside threat, the government might reduce civil rights in order to improve the national readiness to defend. For sorting out these conflicts between values, normative preferences must be applied. Typically, ideological or political ideas are associated with those and might cause a bias. For the measurement of freedom, the relevance of a political or ideological bias should not be underestimated, as it might suppress relevant content in the measurement process so that necessary information is not taken into account or is misinterpreted. Measurements attempts would then remain incomplete and comparisons with other measurement tools become complicated due to their theoretical differences inherent in their construction (Hanson, 2003). An ideological bias could also lead to an overestimation of the importance or effect of sources that restrict or provide the opportunity to act freely. This problem is closely linked to the well-known fact that freedom is often confused with other positively evaluated things (Carter, 1999, p. 274).

Even if some of these pitfalls cannot be avoided completely, the measurement of individual freedom must stick to a theoretical foundation, which means that one has to use one of the theoretical approaches and derive a valid and reliable measure from it. For this, freedom should not be considered as a value, or as Palmer puts it, "Let us not, and then, confuse freedom with ability, capability, knowledge, virtue, or wealth. Let us hold up a standard of freedom, expressed in clear and precise terms... But as we enjoy the blessings of freedom, let us not confuse those blessings with freedom itself, for on that path we are led to lose both freedom and its blessings" (2008, p. 16). Depending on the intention of applicability, a measure should also come relatively culture-free. At least, it should fulfill

the criterion that it is (potentially) applicable to every society in order to measure freedom (see Jackman, 1985, for the issue of comparability).

When referring to the “negative” understanding of freedom, scholars plead for restrictions of governmental actions in order to minimize the probabilities of action constraints upon citizens. In contrast to this, adherents of “positive” freedom accept governmental intervention in order to enable people to act according to their own will (given that the people are able to behave in a self-determined way). The different “camps” emphasize different aspects of the freely acting person. Scholars preferring the negative understanding of liberty focus on the degree by which actors or groups face obstruction from external forces (such as a government imposing restrictions); scholars who like the positive understanding of freedom bring more attention to the degree by which actors or groups act autonomously, even if there is a third party that enables them to act.

The biggest theoretical gap between these camps emerges from the assumption that the understanding of negative freedom implies the incapability of a third party (such as the state) of procuring positive freedom. For scholars adhering to the positive liberty camp, the state is able to create conditions for citizens that result in positive liberty, even if there are inherent problems with action rights (Gartner & Lawson, 2003, p. 407). If, for instance, all people have the same “positive right” to do something, such as get a medical treatment, then a third party or another person or group that granted this right can be held responsible for procuring it. This is contradictory to the rationale of scholars belonging to the negative freedom camp who say that people or groups are only in charge of their own actions and are not allowed to coerce others (which would mean a violation of their freedom, accordingly). In a strict interpretation of negative freedom, “invasive” rights are therefore considered as not being compatible with the ideas of this concept.

Since both approaches refer to different facets of human life, to obstructing actions or fulfilling self-determination, many attempts have been made in the literature to reconcile these contradicting ideas. McCullum (1967) made the most prominent effort to do so; he argued that both dimensions of freedom are part of each situation in which freedom is considered. If, for example, one desires to do something, then it is necessary that he or she has the freedom to do it without being obstructed. In this vein, aspects of freedom refer to the absence of prevention measures on the possible actions of a person. However, freedom is only conceivable for people if they have the opportunity to act according to their will, regardless of any obstruction that may get in the way. Therefore, even if the approaches of negative and positive freedom differ substantially in their political and social consequences, their weaknesses can be partly mended in theory, provided they are combined with each other. According to McCullum, scholars from the two different camps differ from each other to the degree by which they stress the three variables: “actor”, “freedom preventing conditions”, and “action opportunities”.

In the (philosophical) literature that deals with the general distinction between positive and negative freedoms, recent publications and attempts to measure freedom still distinguish between the objective element of (non-) liberties, such as legal restrictions, and cognitive (partly “psychological”) elements such as attitudes. However, measurement ideas that refer to positive freedom are usually developed and applied in accordance with Social Choice Theory. Those authors call attention to both McCullum’s integrative view and to postulations by Sen (1988, 1991). This literature deals with axiomatic measures of the availability of choices and seeks to find ranking scores for individual liberties while at the same time making use of measurement issues for negative freedom. Babette, for instance, applied McCullum’s triadic concept to situations in which people have freedom of choice and reviewed the literature according to the correspondence between conceptions of liberty and their measures. He found

that the measures used in the freedom of choice literature consist of many dimensions of liberty (such as availability of choices or autonomy) and suffer from a lack of validity, accordingly. His main criticism is directed toward the measurement of individual freedom: “In each and all cases constraints are defined in terms of unavailability of the relevant opportunities. In the literature, they do not provide independent information about how a measure of freedom of choice should be constructed” (Babette, 2004, p. 47). Adherents of Social Choice Theory focus on a person’s capability, which identifies the person’s freedom to be useful and create useful things.

4. The Win-Win-Win Papakonstantinidis Model as a Tool towards the Freedom

It is argued that the win-win-win papakonstantinidis concept supports a strong philosophical theoretical infrastructure of independent thought, which is contrasted with one of a bound and measurable material freedom.

According to Peter Graeff (Note 15) valid and reliable tool to measure freedom must reveal congruence between the theoretical ideas and their measurement, even if the analyzed construct is rather broad and general.

We do not agree with the whole view:

Concepts such as freedom cannot be measured and give material measurable results. Freedom is not measured. It leaves its philosophical imprint on independent thought. According to Jean-Jacques Rousseau (Note 16), it recedes only to leave room for political freedom.

Obviously, the supposed freedom of material gain is far from philosophical freedom. The supposed absolute freedom based on the quantity of material goods and choices actually leads to the commitment of individualism.

As it is difficult to change this relationship between materialism and individualism, we focus on philosophical freedom through self-knowledge that will answer the triple question (1) what is best for me (2) what is best for you (3) what is best for community in which we negotiate a win-win-win reasoning for everyone who negotiates with another in the community.

Thus arises the “freedom” “bound” by individualism and the “unbound” freedom based on self-knowledge and the socialization of the individual within the community.

Win-win-win papakonstantinidis helps you to think socially beyond individualism. It connects freedom with an internal process, the empathy that motivates you to take the place of the other. This is true philosophical freedom, beyond individual commitments.

Empathy is defined as the emotional identification with another person’s mental state, and the understanding of his or her behavior and motivations. Empathy is the ability to recognize, understand, and share the thoughts and feelings of another person, animal, or fictional character. Developing empathy is crucial for establishing relationships and behaving compassionately. It involves experiencing another person’s point of view, rather than just one’s own, and enables prosocial or helping behaviors that come from within, rather than being forced. Empathy helps us cooperate with others, build friendships, make moral decisions, and intervene when we see others being bullied. Humans begin to show signs of empathy in infancy and the trait develops steadily through childhood and adolescence. Still, most people are likely to feel greater empathy for people like themselves and may feel less empathy for those outside their family, community, ethnicity, or race (Note 17).

Empathy definitions encompass a broad range of phenomena, including caring for other people and having a desire to help them; experiencing emotions that match another person's emotions; discerning what another person is thinking or feeling; and making less distinct the differences between the self and the other.

Having empathy can include having the understanding that there are many factors that go into decision making and cognitive thought processes. Past experiences have an influence on the decision making of today. Understanding this allows a person to have empathy for individuals who sometimes make illogical decisions to a problem that most individuals would respond with an obvious response. Broken homes, childhood trauma, lack of parenting and many other factors can influence the connections in the brain which a person uses to make decisions in the future. According to Martin Hoffman everyone is born with the capability of feeling empathy (Note 18).

Since empathy involves understanding the emotional states of other people, the way it is characterized is derived from the way emotions themselves are characterized. If, for example, emotions are taken to be centrally characterized by bodily feelings, then grasping the bodily feelings of another will be central to empathy. On the other hand, if emotions are more centrally characterized by a combination of beliefs and desires, then grasping these beliefs and desires will be more essential to empathy. The ability to imagine oneself as another person is a sophisticated imaginative process. However, the basic capacity to recognize emotions is probably innate and may be achieved unconsciously. Yet it can be trained and achieved with various degrees of intensity or accuracy.

Empathy necessarily has a “more or less” quality. The paradigm case of an empathic interaction, however, involves a person communicating an accurate recognition of the significance of another person's ongoing intentional actions, associated emotional states, and personal characteristics in a manner that the recognized person can tolerate. Recognitions that are both accurate and tolerable are central features of empathy.

The human capacity to recognize the bodily feelings of another is related to one's imitative capacities, and seems to be grounded in an innate capacity to associate the bodily movements and facial expressions one sees in another with the proprioceptive feelings of producing those corresponding movements or expressions oneself. Humans seem to make the same immediate connection between the tone of voice and other vocal expressions and inner feeling.

4.1 Distinctions between Empathy and Related Concepts

Compassion and sympathy are terms associated with empathy. Definitions vary, contributing to the challenge of defining empathy. Compassion is often defined as an emotion people feel when others are in need, which motivates people to help them. Sympathy is a feeling of care and understanding for someone in need. Some include in sympathy an empathic concern, a feeling of concern for another, in which some scholars include the wish to see them better off or happier.

Empathy is distinct also from pity and emotional contagion. Pity is a feeling that one feels towards others that might be in trouble or in need of help as they cannot fix their problems themselves, often described as “feeling sorry” for someone. Emotional contagion is when a person (especially an infant or a member of a mob) imitatively “catches” the emotions that others are showing without necessarily recognizing this is happening (Note 19).

In any case, we have to choose between theory and its measurement in material goods or the equivalent between independence and dependent-predetermined freedom.

Empathy is the philosophical concept that is not measured in material gain.

It is that inner impulse that allows you to think about the other person's position, his worries and his dreams.

It is also an element of independent thought that is not imposed by an external factor, it is an internal element.

Empathy is the heart of the model, in the sense that it allows man to triple reasoning, i.e., (1) what is best for me (2) what is best for you (3) what is best for community in which we negotiate, that is a win-win-win reasoning for everyone who negotiates with another in the community.

Thus arises a win-win-win inner freedom with an immeasurable result, which at its limit is identified with the complete independence of the soul and the spirit.

The above are reflected in the two equivalent equations

$$FREEDOM = \frac{(theory - measurement \text{ in material terms})}{theory}$$

$$0 \leq FREEDOM \leq 1$$

It's equivalent also,

$$FREEDOM = \frac{INDEPENDENT - DEPENDENT}{INDEPENDENT}$$

$$0 \leq FREEDOM \leq 1$$

Cases

a. equation

1. if theory=0, then FREEDOM is not defined
2. if measurement=0, then FREEDOM takes its maximum value=1
3. if theory=measurement, then FREEDOM takes its minimum value=0

b. equation

1. if independent=0, then FREEDOM is not defined
2. if dependent=0, then FREEDOM takes its maximum value=1
3. If independent=dependent then FREEDOM takes its minimum value=0

5. Conclusions

We showed the different interpretations of freedom according to Socrates, Plato, Aristotle, Thomas Hobbs, J. J. Rousseau

We conclude-up as far as possible- to the following:

- 1) Freedom, generally, is having the ability to act or change without constraint.
- 2) Freedom is not measured in terms of material fairness.

This form of freedom is identified with individualism so with a new commitment and denial of freedom.

- 3) Freedom approaches empathy, having the freedom to take the place of the other to sympathize.
- 4) Freedom contains no element of dependence except that which arises from empathy.

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