

**PROBLEMATIC STORY OF NEGATIVE FREEDOM – FROM HOBBS
TO BERLIN – AND ITS CONNOTATIONS FOR TURKISH POLITY**

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ABSTRACT

PROBLEMATIC STORY OF NEGATIVE FREEDOM – FROM HOBBS TO BERLIN – AND ITS CONNOTATIONS FOR TURKISH POLITY

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In his defense of negative freedom, Isaiah Berlin's main target is the political voluntarism of enlightenment rationalism which has paved way to totalitarian and authoritarian political regimes of the 20th century which brought the sacrifice of individual freedom. For Berlin, in contrast to Platonic realism of enlightenment rationalism in which there is a substantial belief in reason's capacity for giving us the knowledge of the supreme good, the nominalist foundations of negative freedom can provide us a secure grounding in the justification of the rights over the goods. By declaring the inviolable rights and relying on the principle of neutrality, negative freedom eliminates the risk of political voluntarism stemming from enlightenment rationalism or scientism. Since the 1980s, in Turkey, political and social oppositions to Rousseauian enlightenment of the Turkish state have deployed the epistemic and political tools of negative freedom. This appeal has aimed to open a legitimate space for the language of freedom as non-intervention under which each individual chooses his personal values without the fear of state intervention. In contrast to the interventionist claims of state, negative freedom, it has been believed that, has provided a secure grounding for the rights of individuals. Besides, the meta-ethical thesis of the incommensurability of human goods has also been employed for delegitimizing the substantial belief in the monism of the republican regime which relied on the assumption presenting the

republican way of life as the supreme good. This missionary zeal for the reconstruction of the republic on the premises of negative freedom has not, however, gone unchallenged. Against such identification of democracy with free-market and value pluralism, the republican front defends the restoration of the foundational ideals of the republic by returning to the substantial understanding of national sovereignty under the formulation of ‘militant democracy’. In this study, even though I agree with the nominalist epistemology of negative freedom which manifests a skeptic and agnostic attitude toward the power of reason and the insistence of negative freedom on the necessity of the priority of right, I have demonstrated the reasons behind the failure of negative freedom in justifying the priority of the right over the goods. Actually, my analysis has already displayed that concerning the radical consequences of the thesis of incommensurability, it is doubtful whether negative freedom can provide political conditions even for the cause of peace without the presence of absolute sovereign as suggested in Hobbes’s political theory. At this point, I have argued that we should take into consideration the achievements of the ideal of autonomy in grounding the priority of the right over the good. Contrary to Berlin’s distorted representation of autonomy, I believe that the critical rationalism of autonomy and its understanding of law will protect us not only from the metaphysics of enlightenment rationalism and scientism, but also from the metaphysics of historicism envisaged by Berlin’s version of negative freedom.

Key Words: Negative Freedom, Nominalism, Thomas Hobbes, John Locke, Isaiah Berlin, Autonomy, Rationalism, Historicism

ÖZ

HOBBS'DAN BERLİN'E NEGATİF ÖZGÜRLÜĞÜN SORUNLU HİKAYESİ VE BUNUN TÜRK SİYASAL YAŞAMI İÇİN ÇAĞRIŞIMLARI

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Isaiah Berlin'in negatif özgürlük kavramlaştırmasında başlıca eleştirisi yirminci yüzyılda totaliter ve otoriter siyasal rejimlerin oluşmasına yol açarak birey özgürlüğünün feda edilmesine neden olan aydınlanma rasyonalizminin siyasal iradeciliğidir. Berlin'e göre, aydınlanma rasyonalizminin Platoncu realizminin aklın en üst iyinin bilgisini bize sağlayabileceğine dair temel ve sarsılmaz inancına karşın, negatif özgürlüğün nominalist temelleri bize hakların iyiler karşısında üstünlüğünü haklılaştırmada aradığımız güçlü temeli sağlayabilir. Berlin negatif özgürlüğün hem hakların vazgeçilemezliğini ve devredilemezliğini savunarak hem de tarafsızlık ilkesini temel alarak aydınlanma rasyonalizminin veya bilimciliğinin yarattığı siyasal iradecilik riskini bertaraf ettiğini iddia eder.

Türk Aydınlanmasının Rousseau'dan alınan özgürleştirici siyasal iradeciliğine karşı olan siyasal ve toplumsal hareketler Türkiye'de 1980'li yıllardan sonra negatif özgürlüğün epistemik argümanlarına ve siyasal hedeflerine – bireyin devlet karşısında konumunun güçlendirilmesi ve siyasal iktidarın sınırlandırılması – sıklıkla başvurdu. Bunda negatif özgürlüğün müdalesizlik olarak özgürlük anlayışının her bireyin devletin müdahalesi korkusu olmaksızın istediği yaşam tarzını seçebilmesini mümkün kılması, yine negative özgürlüğün değerlere ilişkin

benimsediđi kıyaslanamazlık tezinin cumhuriyetçi yaşam biçimini en iyi yaşam biçimi olarak sunan devletin tekçiliđine karşı güçlü bir eleştiri imkanı sunması temel bir rol oynadı.

Bu çalışma negatif özgürlüğün epistemik açıdan aklın gücüne karşı şüpheci ve bilinemezci bir tavır alan nominalist temellerini kabul eder ve Berlin'in aydınlanma rasyonalizminin realizmine getirdiđi eleştirilere katılır. Ne var ki negatif özgürlük kavramlaştırmasının hakların iyiler karşısında ki üstünlüğünü teorik açıdan haklılaştıramadığını savunur. Teorik açıdan böylesi bir eksiklik negatif özgürlüğü bir siyasal özgürlük modeli olmaktan çok doğal bir özgürlük modeli yapar. Bu ise negatif özgürlüğün siyasal iktidarın sınırlandırılmasına yönelik başat amacına ters siyasal sonuçların doğmasına neden olabilir. Diğer bir ifadeyle, negatif özgürlük aydınlanma rasyonalizminin metafiziđinin siyasal iradeciliđine karşı güçlü bir önlem sağlarken benzer bir önlemi tarihsiciliđin veya değerler romantizminin neden olabileceđi siyasal iradeciliklere karşı geliştirememektedir.

Bu çalışma hem aydınlanma rasyonalizminin ve bilimciliđinin siyasal iradeye yüklediđi özgürleştirici misyona hem de negative özgürlüğün tarihsiciliđinin doğurabileceđi tikel bir iyi anlayışının siyasal iradeyle özdeşleşmesi riskine karşı hakların iyiler karşısında ki üstünlüğünün temellendirilmesinde otonomi olarak özgürlük idealinin kazanımlarının göz önüne alınması gerektiđini vurgular.

Anahtar Kelimeler: Negatif Özgürlük, Nominalizm, Thomas Hobbes, John Locke, Isaiah Berlin, Otonomi, Rasyonalizm, Tarihsicilik

To Nazmiye Işık(s) in My Life

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CHAPTER 1

INTRODUCTION

In his defense of negative freedom, Isaiah Berlin's main target is the monism of positive freedom grounded upon the metaphysical assumptions of enlightenment rationalism. For Berlin, positive freedom is nothing but a quest for returning to the freedom of ancients in which there exists a substantial belief in the capacity of reason for revealing us the knowledge of the supreme good. Proponents of positive freedom as the philosophers of objective reason ranging from Rousseau, Kant, Fichte, Comte, Hegel, to Marx betray the achievements of the freedom of moderns originating from epistemic priorities of classical liberalism. For Berlin, in contrast to political voluntarism of enlightenment rationalism, (by deriving the priority of right from value pluralism and by identifying law as a restriction to freedom) classical liberals as the founder fathers of negative freedom attributed special normative importance to the limitation of the state power. They achieved this by declaring the inviolable rights and the principle of neutrality, negative freedom eliminates the risk of political voluntarism stemming from the Platonism of enlightenment rationalism and scientism.

Thus, Berlin's argument representing negative freedom as the only plausible way for political freedom is built on the conceptual necessity of distinguishing freedom and the conditions of freedom. As he points out repeatedly, a political order which does not separate freedom from its conditions cannot institutionalize two legal instruments, the instruments that are crucial in the protection of the priority of the right. First legal instrument is the establishment of the frontier between individual's private life and state authority. What is central here is the legal institutionalization of the 'absolute and inviolable' rights of individuals. Second legal instrument is the institutionalization of value-free or neutral position of political order vis-à-vis different world views. At this level, by envisaging the

principle of neutrality, political order allows its citizens to live according to their own choices.

However, a political order that does accept any ultimate principle as the condition of freedom cultivates the propensity for intervening into the decisions of its citizens for the sake of the protection of this ultimate principle. For example, a political society can accept 'equality' as the necessary condition in the protection of the individual freedom. In such a condition, political order sacrifices 'absolute and inviolable' rights of individuals for the sake of equality – the rights which are the *sine qua non* of individual freedom. Since such a political order forgoes freedom in order to promote the equality among its citizens, it constantly interferes with the decisions of individuals, thereby cannot legally institutionalize a protected space for the choices of individuals. Furthermore, since that political order recognizes equality as the supreme value among other values, its legal order will lose its impartiality towards different conceptions of the good life. Put it differently, such a legal order cannot be neutral among different set of preferences. Rather, it would have a teleological character oriented to the realization of freedom by promoting the equality among its citizens. In brief, for Berlin, the cause of freedom should not be connected with the conditions of freedom. In other words, freedom should not be upheld in the name of equality, peace, utility, property and even of freedom. Rather, when freedom will be admitted as a sacred and untouchable value, it is impossible to find any notion of supreme good which guarantees the realization of freedom. Hence, in modern times, the necessity for 'rights' is philosophically related to the development of an awareness concerning the impossibility of gaining the knowledge of the supreme good.

Berlin claims that in modern times marked by the irreducible plurality of human values and inevitable conflicts concerning the validity of these values, individuals face with the necessity of choice among these ultimate values. Otherwise stated, if human values, ends and ideals are irreconcilably plural, inherently conflicting and incommensurable, then individuals cannot avoid making choices among them. In such a condition, the moment of choice is the moment of freedom. Berlin argues

that such freedom can be best protected and promoted by the negative model, the freedom that allows individuals to make their own choices among competing world-views without the coercion and interference of other intentional actors such as individuals, communities and agents like institutions. On this normative model, the goal of political obligation appears as the establishment of the protected sphere of action within which the individual has full authority to choose whatever she wishes. Then, political obligation is accepted legitimate only insofar as it guarantees the inviolability of a maximum extent of individual freedom. Thus, freedom of choice can be protected and promoted only if political obligation is founded upon the establishment of a maximal sphere of action within which the individual has the right to pursue his arbitrary ends as he wishes – provided that the pursuit of individual ends does not violate the similar right of others.

In this respect, Berlin claims that the value-free basis of negative freedom makes it the prominent defender of the priority of the right, so classical liberalism is immune from the perils of rationalist dogmatism of enlightenment thought. This is why we should acknowledge the normative superiority of negative freedom in the protection of the priority of right *vis-à-vis* different conceptions of good.

At this point, let me apply the story of negative freedom to Turkish case. Since 1980s, in Turkey, political and social oppositions to the interventionist claims of the state have deployed the epistemic and political tools of negative freedom. One may argue that this appeal has aimed to open a legitimate space for the language of freedom as non-intervention under which each individual chooses his personal values without the fear of state intervention. In contrast to interventionist claims of the state, negative freedom, it has been believed that, has provided a secure grounding for the rights of individuals. Besides, the meta-ethical thesis of the incommensurability of human goods has also been employed for delegitimizing the substantial belief in the monism of the republican regime which relied on the assumption that the republican way of life is the supreme good. Therefore, an undeniable feature of the last decades of Turkish political, social and intellectual

atmosphere has been the discovery of negative freedom as an antidote to ‘authoritarian state interventions’.

For certain advocates of negative freedom, there is a strong link (or symbiosis) between free-market economy and the protection of the individual rights. Therefore, these intellectuals have supported the economic decisions of 24th January 1980 which has created a radical shift in the political economy of Turkey from Statism to market-oriented policies. They have told us that the limitation upon the privileges of the state in the field of economy has allowed and supported the protection of civil liberties, which has been nearly impossible under statism where the state used to interfere with the decisions of citizens on behalf of the national and common interest. In this respect, according to these figures, the value of free market is not merely related to the increase of productivity and efficiency. Rather, if the republican order can be organized around the rules of free-market economy, such transformation would automatically bring the protection of the civil liberties against the claims of the republican regime.

In line with the purpose of limiting the role of the state in polity, the proponents of the cause of negative freedom have supported the cultural, economic and political imperatives of globalization. It is obvious that so-called globalization process with its technological, financial, cultural, political priorities has brought an inevitable pressure on the conventional organization of the nation-state. First, new communication and information technologies have intensified the relationship between the local and the global and made possible bypassing national frontiers. Accordingly, new communication and information technologies have created new spaces for the local cultures to survive and to re-constitute themselves against the given homogeneity of national cultures. Furthermore, flourishing of private channels in the broadcasting has led to hearing of alternative voices and narratives *vis-à-vis* the official narrative. Repressed identities and cultures have gradually come into agenda and become one of the central topics of public discourse. Second, the imperatives of global economy have jeopardized the economic bases and functions of the classical nation-state. At the supra-national level, some

economic institutions such as the World Bank and International Monetary Fund have gained tremendous power in regulating the world economy and in interfering with the national economies. Besides, regional economic integrations like NAFTA and EU have lessened the autonomy and the power of classical nation-state's functions related to economy. Finally, the emergence and spread of multi-national companies under the conditions of the triumph of neo-liberalism has promoted nation-states to make some radical legal changes for the deregulation of national market. Parallel to the denationalization of the economy and the supra-national institutionalization of economic policies, the sovereignty rights of nation-state began to receive the challenge originating from the new imperatives of global political order. The paradigm shift in the international law, judicialization of international politics and political integration like European Union has limited sovereignty rights of nation-states. This process has exacerbated the conflict between the universalistic principles of constitutional democracies on the one hand and the particularistic claims of the states to preserve their political and social integrity on the other. Otherwise stated, a common feature of the global political condition in the last couple of decades is the tension between identity politics, particularism, and localism, on one side, and the uniformity of national political order on the other.

Under these conditions, the proponents of negative freedom in Turkish polity consider the foundational ideals of republican regime as a pathological and redundant ideology which remains as the major barrier to the integration with the global world. It is ironic that, if the declaration of the republican regime was justified in order to integrate with the western and modern world, the recent attempts for its radical re-construction pursued by reference to the epistemic priorities of negative freedom are also declared to be in line with the global world in which human rights rather than sovereignty rights, cultural rights rather than citizen rights and market economy rather than welfare state have pivotal role. For these reasons, missionary intellectuals of these political and social oppositions propose the renewal of the republic by the second one by making reference to the French experience. In this context, for the proponents of negative freedom, the

political, economic and normative imperatives of globalization bring unique opportunity for displacing the authoritarian and monist ideals of the republican polity by the ideals of negative freedom such as free market, limitation of the state power, admitting value pluralism and protecting the priority of civil liberties.

Faced with the epistemic challenges of negative freedom under the conditions of globalization, certain advocates of the foundational ideals of the state regime have defended the restoration of the political order by returning to the substantial understanding of national sovereignty. These intellectuals have frequently stated that political, economic and normative aspects of globalization have posed a direct threat to two pillars of the republican regime as the ‘indivisible unity of the state with its nation’ and ‘laic nature of the state’. They have emphasized that each democracy has the right to protect itself from the enemies of the constitutional principles. For this reason, the basic rights of individuals can be restricted if democracy is used as a means to change these two pillars of the republican political order. In this respect, contrary to the defenders of negative freedom who have identified democracy with free-market mechanisms or value pluralism, the proponents of substantial understanding of democracy have associated democracy with the militant defense of the two pillars of the state against its external and internal enemies. Under the discourse of ‘militant democracy’, citizens can enjoy their basic constitutional rights as long as they, with their speeches and acts, display their loyalty to the two pillars of the Turkish republican mentality. As a result, republican front has defended that the authoritarian practices and measures involving necessary laws and regulations should be taken by the state for the sake of protecting the basic principles of the constitution.

As expressed above, the discourse of ‘militant democracy’ along with its defenders has criticized liberal front’s “excessive emphasis” on the protection of basic rights of individuals that may lead to the sacrifice of the foundational ideals of the state. Considering this anti-democratic language of republican front which conceives politics *via* friend/enemy distinction, I completely agree with liberal front’s excessive loyalty to the protection of civil liberties. For this reason, I side with the

promotion of the language of 'rights' that bring certain restrictions on the authority of the state on behalf of its citizens. Nevertheless, the basic purpose of this study originates from a certain suspicion concerning the normative capability of the concept of negative freedom in justifying the priority of the right over the goods. Along the 1980s and 1990s, negative freedom with its emphasis upon free-market has been rightly questioned in terms of its deficits in the realization of social justice. But, reducing the critique of negative freedom to its lack of concern for social justice – even though such a critique is completely fair – seems to depict a picture in which the ideals of democracy and the protection of basic rights would be left to the discourse of negative freedom as if negative freedom had not certain deficits in these realms. For this reason, my objective in this thesis is not to pursue this line of criticism. Contrary to the dominant view that identifies democracy and the protection of basic rights with the paradigm of negative freedom, in this thesis, I will prefer to display the theoretical deficiencies of negative freedom in justifying the priority of right. The identification of the empowerment of democracy with the cause of negative freedom is not without problems and requires particular attention in terms of revealing its dilemmas on the formation of democratic will. Yet, displaying the problematic relationship between the discourse of negative freedom and the democratic tradition will not be the specific task of this study. Rather, by manifesting the epistemic limits of negative freedom in transforming itself into a theory of political freedom, I will emphasize the deficits of negative freedom in terms of democracy and the ideal of autonomy. Therefore, in this thesis, my aim is to show that the claim of negative freedom concerning the normative capability in grounding the priority of the right over the good is theoretically rootless.

If what I have presented so far can be seen as the context encouraging my study, let me now present the way I will problematize the story of negative freedom. To this purpose I will not only focus on its proponents such as Thomas Hobbes, John Locke and Berlin, but also refer to defenders of the ideal of autonomy such as Jean Jacques Rousseau and Immanuel Kant.

This thesis consists of three parts. In the first part, I will analyze the function of deploying epistemic and legal arguments of negative freedom in the deconstruction of the epistemic and legal priorities of the republican notion of freedom in Turkish political life. In the second part, I will disclose the dilemmas of negative conceptualization of freedom and law in terms of deriving the priority of individual freedom from the meta-ethical discourse of incommensurability. In other words, the task of Part Two is to unleash the fundamental problem faced by negative freedom in its basic mission of turning itself into the language of political freedom, the predicament that springs from its own epistemological foundations. The purpose of the final part is threefold: First, I will specifically elaborate the several oscillations in Berlin's pluralist model of negative freedom in the justification of the superiority of the right over the good. Second, I will propose the ideal of autonomy as an antidote to the deficiencies of negative freedom in defending the priority of individual freedom. Third, contrary to the opposite arguments of the proponents of pluralist model of negative freedom in Turkey, I will explicate possible negative consequences of the oscillations of pluralist model of negative freedom in promoting freedom of choice in Turkish polity. In this respect, by suggesting the freedom understood as autonomy to protect individual's freedom of choice both from the interventionist consequences of the rationalist metaphysics of republican freedom and the historicist metaphysics of negative freedom, my study intends to establish inter-textual relationships between the public debates of republicans and liberals about individual freedom and the philosophical debates in political theory on the issue of freedom. Thus, my dissertation starts from the Turkish case and develops to a theoretical analysis of the epistemic and legal grounds of negative freedom and then moves back to the elaboration of the Turkish case in the light of the theoretical findings of the preceding part.

Part I draws the picture of an encounter between 'republican epistemology' that promotes the ideals of enlightenment rationalism for the sake of the emancipation of citizens from their traditional and religious commitments and 'liberal epistemology' that advances the priorities of negative freedom for the recognition

of the particular attachments of citizens stemming from their traditional and religious world-views. In Chapter Two, my objective is to provide a theoretical framework under which the inter-textual relationship between the Turkish political case and political philosophy can be constructed. In Chapter Three, I will explore the reasons behind the discovery of negative freedom by examining the conceptual and political functions of three central notions of negative freedom – free market, co-existence and value pluralism – in the attempts to displace the epistemic and political claims of republican freedom. Given this framework, there will be two specific aims: first, I will uncover the Platonic realism of the epistemic grounds and law understanding of the republican formulation of freedom which originates from the articulation of Comte’s positivism with Rousseau’s notion of the general will. Second, I will concentrate on the function of the deployment of three central discourses of negative freedom – free market, co-existence and value pluralism – in the decline of the epistemic and political frameworks of the republican commitments. Besides, I will also depict the reaction of the followers of republican epistemology who appeal to the substantial understanding of the state sovereignty under the discourse of ‘militant democracy’ for protecting the republican way of life.

The method employed in Chapter Three is based on the phenomenological inquiry, which can be described as an attempt to explain the mind’s representations of the phenomena. Phenomenology seeks to develop a descriptive account of the phenomenon of consciousness. By means of a reduction to pure consciousness, all things are viewed from the point view of individual’s own experience of things and events. In other words, ‘we are to attend to our experiencing of the object, rather than to the object directly’ (Farber, 1966: 23). For this reason, the focus of phenomenological inquiry is not on concrete objects that are merely factual or causal, but rather on the phenomenon of consciousness of factual developments and events.

A word should be said on how I construct these divisions both in the liberal and republican fronts. I am aware of the difficulty of applying the phenomenological

approach to the debate between republicans and liberals due to the complexity of these political and social movements. I try to resolve this difficulty by concentrating upon the functional meanings of certain concepts in the construction of arguments, or mental structures rather than the bearers, vehicles or mediators of these arguments. The construction of these arguments involves several assumptions and commitments which may be essential for some of the actors but which may not be completely shared by others.

In the second part, (Chapters Four, Five and Six) my aim is to reveal several dilemmas of Berlin's pluralist model of negative freedom in the justification of the priority of the right by analyzing the epistemic and political foundations of negative freedom in the history of political thought. In presenting the negative freedom as an ideal form of political liberty, his thesis lies in its commitment to the belief in the possibility of the priority of the right – thus, limited state – under the normative and epistemic boundaries of the meta-ethical discourse of incommensurability. Contrary to Berlin's expectations, in Chapter Four, my purpose is to display the internal relation between nominalist grounds of negative freedom and political absolutism in Hobbes's political thought. In other words, Chapter Four is designed to demonstrate the substantial difficulty of negative freedom in grounding the priority of the right without the presence of absolute sovereign. Such an endeavor will be realized in three steps. First, Hobbes's intellectual effort to displace and marginalize both ancient and medieval conceptions of freedom and law will be examined. In the second step, the epistemological claims of Hobbesian negative freedom will be delineated. In the final step, the very impacts of the epistemic grounds of negative freedom on the doctrine of absolute sovereignty will be revealed. In the end, I will develop the argument that Hobbes's whole effort was to defend negative freedom by the doctrine of absolute sovereign.

Yet, Locke (whose contribution to negative freedom will be examined in Chapter Five) offers something altogether different for the protection of negative freedom. What has inspired him was the profound belief that the nominalist foundations of

negative freedom are capable of providing an objective framework for moral and political standards, thereby having the normative measure not only for individuals but also for the political power. In contrast to Hobbes' exaggeration with respect to the fact of disagreement about individual values, ends and interests, Locke's major endeavor was to build on the optimistic belief in reconciling the nominalist grounds of negative freedom with the limited state. In this respect, deriving the priority of right from the doctrine of natural law by reconciling nominalism and rationalism in the establishment of the political society was the most crucial issue for Locke. His major aim was to demonstrate the possibility of public morality on the basis of 'property' for negative freedom. Nevertheless, although the Lockean effort of discerning particular public morality on the basis of property can be interpreted as promising for the protection of negative freedom from the whims and caprices of the absolute sovereign, the step from the necessity of absolute sovereign to the necessity of limited government brings its own difficulties, even inconsistencies for Locke's moral and political theory. In brief, in chapter Six, my task is to extract these difficulties of Locke's futile attempt to give solid foundation to negative freedom by reconciling the premises of nominalism with rationalism of the natural law tradition on the ubiquitous basis of property.

Both Hobbes and Locke take the sympathy of Berlin for different reasons. While Berlin sides with Hobbes in terms of his physicalist formulation of freedom and law and his strong faith in the incompatibility, even the incommensurability of individual ends, goods, and interests, Berlin is adamant in taking the side with Locke's struggle for limited political power through which the state's activities are restricted into a certain segregated area with the doctrine of natural rights of individuals. This area provides a legally protected sphere for individuals in choosing and pursuing their diverse ends, good and interests without intervention from the state. In short, although Berlin, like Hobbes, embraces both the physicalist formulation of freedom and law and the fact of disagreement among individuals about the definition of the highest human good, he agrees with Locke in linking the cause of negative freedom with the limitation of the state's activities.

However, although Berlin gives higher value to the existence of the maximum area of non-interference, unlike Locke, he does not appeal to the language of natural rights, which is derived from the law of nature. Rather, he keeps on insisting on the purely anti-foundationalist formulation of negative freedom. It is at this point that the return to the analysis of the epistemic and political foundations of negative freedom in the works of Hobbes and Locke intends the demonstration of the theoretical impasse of Berlin's version of negative freedom in arguing the compatibility of value pluralism and the priority of negative freedom. Let me describe this theoretical impasse: On the one hand, negative concept of freedom sticks to the doctrine of the incommensurability of values. On the other hand, negative formulation of freedom is addict to the idea of limited state. Nevertheless, an inquiry on political theories of Hobbes and Locke may easily demonstrate that it was impossible to connect these two doctrines on the epistemological grounds of negative freedom. In this respect, Hobbes and Locke's political theories can be read as two examples of the basic predicament of negative freedom in grounding the priority of the right on the relativist grounds.

At this juncture, it is necessary to point out that Berlin is also aware of this theoretical impasse of the classical liberalism in grounding the priority of negative freedom. In contrast to both the doctrines of absolute sovereignty and natural rights grounded upon the law of nature, Berlin turns his face to the historical knowledge in order to defend the superiority of negative freedom as political freedom. For this reason, in Chapter Six, my objective is to present an interpretation of Berlin's 'Two Concepts of Liberty' in order to clarify reasons behind his ambitious defense of the epistemic claims of negative freedom and his substantial objection to the ideal of autonomy as one form of positive freedom in terms of curtailing the scope of the freedom of choice as a result of trusting in the capacity of reason for the demonstration of ultimate value. In this respect, in Chapter Six, my task will be twofold: First, I will analyze the epistemic claims of Berlin's version of negative freedom in deriving the priority of negative freedom from the principle of incommensurability. Second, I will focus on the reasons that predispose Berlin to classify the ideal of autonomy as antagonistic to the freedom

of moderns. At the end of this chapter, I will ask this fundamental question as a preparation to move on to the final part of the thesis: Does the very conceptual framework of negative freedom succeed in reaching its original aim of justifying the priority of the freedom of choice without the normative support of the ideal of autonomy?

As I will argue in the last chapter (Seven), Berlin's attempt to ground the supremacy of negative freedom upon value pluralism by reconciling nominalism with historicism does not solve the fundamental predicament we face in transforming negative freedom into the language of political freedom. Indeed, his appeal to the epistemic postulates of historical knowledge make things much more complicated on behalf of the negative freedom in its defense as the freedom of moderns. In this respect, the last chapter is organized to demonstrate the dilemmas of Berlin's model of negative freedom in deriving the priority of the freedom of choice from the value pluralism under heavy influence of historicism and romanticism. Therefore, contrary to his identification of autonomy with the freedom of ancients, I will claim that epistemic and legal grounds of autonomy, theoretically and practically, provide better instruments to privilege the basic liberties of individuals over the conceptions of the good life which do not recognize the individual's right to freedom of choice. I will also add that if the goal of political society is to search for the cause of freedom rather the cause of peace, it would take the merits of freedom as autonomy into seriously. This is why, in the end of this chapter, in contrast to the Turkish defenders of negative freedom, my aim is to reveal the reflection of the possible difficulties, even inconsistencies of negative understanding of freedom and law in defending the supremacy of the right over the good in the Turkish context.

PART I

**AN ENCOUNTER BETWEEN REPUBLICAN AND LIBERAL
EPISTEMOLOGIES IN TURKISH POLITICAL CONTEXT**

CHAPTER 2

THEORETICAL FRAMEWORK

2.1. Nominalist Foundations of the Freedom of the Moderns

Benjamin Constant (1988) in his famous essay on ‘The Liberty of the Ancients and The Liberty of the Moderns’ distinguishes the freedom of the moderns from the freedom of the ancients. While the ancient freedom equates freedom with belonging to a self-governing community, the modern conception identifies freedom with the absence of external obstacles to the choices of individuals. Hence, to the modern individuals, freedom means the sense of being able to do as they choose. In simple words, moderns have considered themselves as free when they can act in accordance with their preferences, can choose to change their former decisions or to insist upon them, can choose to agree with any given ideas or opinions or to disagree with them and can choose the kind and the extent of obligations for their life or change them. Moreover, moderns are identified themselves as not free as long as they are prevented from following their choices or forced to choose something against their volition, whether by direct physical or psychological coercion. Therefore, even if they accept some given ideas, commands and obligations voluntarily, they cannot regard themselves as free as long as there exists the fear of the arbitrary intervention as a result of not obeying the given ideas and dictates.

In this sense, freedom of choice refers to freedom of the moderns by which individuals can choose their own ends without the fear of the interference by others – the state, the communities or other individuals. It is for this reason that freedom of the moderns refers to the establishment of a protected space within which individuals can consider different purposes as good, right and sacred. Freedom of choice concerns how, to what extent, and in what ways our choices are not considered as subject to coercion or constraint (both physical and

psychological) imposed by the state, the communities and the other individuals. In short, freedom of choice as the freedom of moderns necessitates the establishment of a protected area which shelters people from the possible interferences.

The modern conception of freedom is indebted to the destruction of the epistemic as well as political bases of the ancient and medieval notions of freedom, namely self-government and the freedom of will.¹ Pre-modern notions define freedom as something to achieve the supreme good, given by the Nature or God in a hierarchically ordered world. The emphasis of pre-modern freedom is upon conformity of individual's decisions with the supreme good, which means the complete realization of one's capacity for virtuous and sacred life. In other words, freedom lies in pursuing the good under the supervision of the final end. Otherwise stated, freedom consists in actualizing one's duty, being virtuous and holy. Indeed, both types of pre-modern freedom involve a strong 'teleological' dimension concerning people's choices.

Yet, these two ideas of freedom of pre-modern world have been gradually displaced and marginalized by the freedom of choice during the transition to modern world. In the emergence of the freedom of choice, (thus also in the valorization of the natural rights of man, by falsifying the metaphysical claims of medieval conception of the natural law grounded upon realist and rationalist doctrines), the philosophical and epistemological claims of nominalism had have the pioneer role. In contrast to the claim of scholastic realism and rationalism that has argued for the reality of the God as Substance and the rational intelligibility of the essence of God – as universal – that will intrinsically provide us the knowledge of good and bad actions, nominalist movement – which was associated with the name of William of Ockham – had declared the impossibility of knowing the essences of the substances. Claiming the unattainability of the knowledge of the universals led to the valuation of individuation in terms of the elimination of scholastic conception of the natural law understood as an objective and universal standard over human will. Hence, the transition to freedom of the moderns brought

¹ I believe that Benjamin Constant's modern-ancient distinction is incomplete in terms of its negligence towards the freedom of Scholastics.

three normative consequences *via* the epistemological challenges of the nominalism²;

- 1) The secularization of the will
- 2) The repudiation of the metaphysics
- 3) Relativisation of values.

These normative grounds of the freedom are internally related to each other. As a result of the secularization of human will, the individual acquires a sense of independence he never had in ancient and medieval societies. However, in the classical world, it is believed that nature *via* reason provides a certain cosmological map according to which not only we can know hierarchically where we locate ourselves in the universe but also we can decode the attributes of the well-ordered polity. *Arête* is the marker of both individual and polities in terms of displaying to what extent they conform to the dictates of nature. The location of virtue, thus freedom, was accepted as the *polis*. For the ancient world, the realization of freedom belonged to the perfection of virtue assigned by nature. On the other hand, in the Christian world, it is argued that will informed by the grace of God reveals us a divinely universal order by which the members of the community of believers are linked to each other. This vision shifted the location of freedom from the *polis* (whether ruled by the philosopher-king of Plato or *zoon politikon* citizens of Aristotle) to *Civitas Dei*. The Hellenic view of freedom as realized in a community of citizens was replaced by the scholastic doctrine of salvation as to be reached by subordinating ourselves to the Heavenly City. But, for moderns, freedom can not be considered any longer either as the perfection of virtue or as the freedom of will. In other words, the locus of human will is no longer determined by the Cosmos or the Divine will.

In the process of the secularization of will, the valorization of the empirical world had has the fundamental role. The epistemic inquiries of reason concerning the *summum bonum*, the immortality of the soul and the existence of God did no longer accepted as relevant to the freedom of man. When it was believed that

² It is interesting to note that the way of the nominalist movement is defined as ‘the modern way’ (*via moderna*) in the medieval philosophy (F. C. Copleston, 1961: 118-119).

reason cannot give us the knowledge of the highest good, the immortality of the soul and the existence of God, the faculty of reason began to leave the problems of the metaphysics aside. It would not be wrong to emphasize that two normative orders of pre-modern freedom sought to discover a metaphysical order beyond the appearance of empirical world. These teachings of freedom excluded the empirical world in order to achieve a perfect moral order. It is for this reason that the devaluation of the empirical world was the general philosophical tendency in the pre-modern world. Yet, the freedom of moderns denies the metaphysical separation between the ideal world such as *kallipolis* and *the City of God* and the empirical world such as *polis* and *city of Man*. This denial can be recognized as a turning point in the recognition of the freedom of choice. The abandonment of the metaphysical separation means the denunciation of the metaphysical priorities and hierarchies of the pre-modern world. In short, after nominalist limitation concerning the scope of reason – in order to abandon the metaphysical chimeras of *summum bonum*, the rational intelligibility of God and the immortality of the soul – the idea of freedom can no more involve the metaphysical pretensions of ‘virtue’ and ‘free will’ theses. Therefore, the elimination of the metaphysical claims of pre-modern notions of freedom has contributed to the valorization of the empirical world, by which each individual is considered as having the right to take the charge of defining good for himself without external interference.

In the pre-modern world, given the assurance of objective knowledge concerning the highest good as absolute, universal and eternal truth, disagreement towards the highest good was explained as the symptom of vice and sin. In this sense, the very possibility of disagreement was conceived as the destruction of the ideal of wholeness and harmony implicit in the internal connection of the good and the true. Yet, the elimination of metaphysical illusions from the scope of will and reason by the recognition of the limitations of the human mind inevitably brought the relativisation of values in the modern world. Human mind is no longer capable of providing precise knowledge in the matters of wisdom, virtue or holiness. We live in an era of ‘after Cosmos’, ‘after virtue’ and ‘after God’. Therefore, since the recognition of the limits of human mind brings the dissolution of the metaphysical

priorities and hierarchies of the pre-modern world, it is now up to each individual to shape and pursue his own goods. Otherwise stated, it is now up to each individual not only to choose which virtue he would like to affiliate, but to create his own virtues and even to be against the idea of virtue. In a similar vein, it is now up to each individual not only to decide which God to believe in, but to create his own Gods and even disbelieve the idea of God. Individuals can lead their life in accordance with the values which they choose themselves. However, individuals can also revise and change their opinions about values that have been affiliated before. In this sense, the freedom of choice inherently implies both the independence and the fallibility of our choices.

As I have argued, if the normative grounds of the freedom of moderns are taken into account, it is crucial to see the valorization of the empirical world. Indeed, it is not a coincidence that the basic right of individual that the other rights are internally connected is the right to life. It is declared by the moderns that the task of political society is accepted as the elimination of 'the fear of death'. However, even for Thomas Hobbes, the elimination of 'the fear of death' cannot be reduced to mere survival. It also refers to a happy life as far as it is possible. Yet, everyone has the right to pursue happiness in his own way. As Immanuel Kant emphasized once, 'Nobody may compel me to be happy in his own way'. In short, a happy life is the life in which individuals can choose their own ends, values and goods without any external intervention. Thus, the choices of individuals should not be subjected to coercive force or constraint.

2.2. Philosophical Challenges to Nominalism

At this point, for the moderns, the inevitable question is: who can be the actors of such intervention? Until now, there exist two answers to this question: the answer concerning the situation before the formation of political society and the answer concerning the situation after the formation of political society. In the former, the answer is clear: The other individuals. The answer is also obvious for the second level: The state. The task of political order grounded upon the freedom of choice is the establishment of the protected sphere of action for individuals in order to

protect them from the infringement of other individuals. Yet, the necessity to create the political society in order to protect individual's right to be happy in his own way from the infringement of others also brings the risk of intervention from the state. In this sense, the primary source of such intervention is political power. The freedom of moderns eliminates such risk by putting strong barriers to the exercise of state power. There should be a space of inviolable rights peculiar to individuals beyond which the state cannot penetrate. To sum, for the freedom of moderns, political society is founded upon the establishment of a maximum sphere of action within which individuals can choose their own ends without intervention either from other individuals or the state.

There are, I think, two legal instruments of the freedom of moderns which play prominent roles within our everyday lives. First, there should be the establishment of the frontier between private sphere and public authority maintained by the legal embodiment of the 'absolute and inviolable' rights of individuals. This legal embodiment creates definite barriers against the infringement of a protected space of individuals by others. Second, the principle of neutrality is another legal instrument of the freedom of moderns, by which legal order allows us to live in accordance with our own choices without imposing upon us what actions are good, right, beautiful or sacred. By envisaging the neutrality, legal order declares no interest in answering the questions of 'what is good?', 'what is the highest value?', 'what is beautiful?' and 'what is happiness?'. So, freedom is broadened in so far as the arbitrary power of the state is limited by the recognition of rights in legal order. All individuals are endowed with inalienable rights to life, liberty and the pursuit of happiness. The task of law begins only when the state or other individuals violate the rights of individuals. This is why, for the freedom of moderns, the emphasis is always on the damages of interference whether springing from the state, communities or individuals.

2.2.1. Rationalist Challenge

Isaiah Berlin in his famous lecture on ‘Two Concepts of Liberty’ (1958) praises freedom of the moderns and does accept the significance of the nominalist challenge in the elimination of both the ancient and medieval conceptions of freedom, which were based upon the rational intelligibility of the knowledge of the supreme good. In this study, Berlin suggested the negative concept of freedom as the only plausible way of political liberty in protecting freedom of the moderns. However, in the same lecture, Berlin accuses the enlightenment rationalism of curtailing individual freedom due to its epistemological belief in the discovery of the objective and universal knowledge of the truth as the supreme good. For this reason, according to Berlin, the program of the enlightenment rationalism developed through Rousseau’s *volonte generale*, Kant’s categorical imperative, Hegel’s *Geist*, Marx’s classless society and Comte’s positivism has betrayed the contributions of classical liberalism on behalf of the individual freedom. By reintroducing the rationalist metaphysics of the classical world, the defenders of the enlightenment rationalism have prepared the legitimate reasons for the formation of the authoritarian and totalitarian political regimes in the twentieth century, the regimes that have denied the epistemic and legal frameworks of the freedom as non-intervention for the sake of the ultimate goals. In sum, the metaphysical and dogmatic spirit of enlightenment rationalism is inevitably ended with political voluntarism in the name of the promotion of the supreme value, according to which other values, ideas and goods are judged as right and wrong or as good and bad.

2.2.2. Historicist Challenge

Nevertheless, Leo Strauss, in his book *Natural Right and History*, points out the destructive consequences of the negative freedom in terms of its relativist essence which is built upon the denial of an objective knowledge concerning the answer of ‘what is the supreme good’. Here, Strauss criticizes the nominalist grounds of modern conception of natural right that inevitably causes two major problems; namely, nihilism and historicism (1953: 6). According to Strauss, classical conception of natural right was defined in accordance with an objective supreme

good as a comprehensive conception of truth. Accordingly, political systems of the classical world were justified from the point of these conceptions of supreme goods, which also assigned each individual his social role in the realization of particular aspect of the supreme good. Yet, by recognizing the freedom of choice in which each individual pursues his own good in his own way, modern political system is founded upon the denial of the internal connection between freedom and the knowledge of what is good. For Strauss, when political system does not justify itself any more upon the knowledge of ultimate objective human good and when individuals define their own goods with their own standards, it leads to the equal admission of all choices of individuals as long as they do not intervene with the choices of other individuals (1953: 4). Since no objective criterion is deployed to determine good and bad choices, since every choice is classified as equal even if it is bad choice, freedom is understood as 'license': doing anything arbitrarily without any restriction on our choices. Individuals do not assume any obligation other than legal obligation to respect the freedom of others. On the other hand, apart from witnessing the nihilist consequences of committing to the temporality and relativity of the human goods, the freedom to do what is good in accordance with our own standards can support the absolute belief in the superiority of our single comprehensive world-view imposed on us by birth. Since man lives in a symbolic world, the metaphysical priorities of which is learned in the childhood, it is still possible to be affiliated with certain set of values due to its answer to the ultimate question of 'what is good life for man' (1953: 27). Therefore, as a result of the abandonment of the universal standards of the classical conception of natural right, moderns have propensity to consider their own symbolic values as the absolute and the highest value comparing to the other set of symbolic values. This aspect of negative model of freedom inevitably calls historicism by which particular set of values such as traditional and religious are regarded as beyond moral and critical evaluation and determine the ethical boundaries of the political community. As an antidote to the nihilist and historicist – relativist – consequences of negative freedom, Strauss defends returning to the classical/ancient concept of natural right where the nature was accepted as an objective standard over human will.

2.2.3. Rationalism or Romanticism?

It can be inferred from the ideas of Strauss and Berlin that both would like to take attention to different risks in the epistemic and legal grounds of the freedom of the moderns. While, for Strauss, since moderns have denied the knowability of the objective criterion of the distinction between good and bad choices, modern, nihilistic conception of freedom has the unavoidable risk to be culminated in historicism, for Berlin, the freedom of moderns has the potential risk to be ended with enlightenment rationalism and scientism. In the former, the freedom of choice can be curtailed for the sake of a particular comprehensive world-view, in the latter; the freedom of choice can be restrained in the name of the liberation of particular individual.

The upshot of the preceding is, then, that, it is possible to identify two major kinds of interference, which can be considered as the chief threats to individual freedom in modern politics:

- 1) The interference of the state with the choices of individuals for the sake of the promoting the rationalist conception of freedom.
- 2) The interference of the state with the choices of individuals in the name of the maintenance and advancement of a particular comprehensive world-view.

The first kind of interference – which is attributed to the enlightenment rationalism and scientism by Berlin – can be defined as ‘rationalist’ reaction to the identification of freedom with license. On this view, the idea of freedom as non-intervention does not recognize the distinctive feature of human freedom, which lies in man’s capacity to direct his actions in accordance with the laws that are discovered by reason. Hence, in contrast to freedom as non-intervention that does not believe in reason’s power to suspend the determination of will, for the devotees of rational freedom, genuine human freedom consists in our power to make choices according to the dictates of reason. According to Berlin, this rationalist doctrine has the strong tendency to turn into a weapon of oppression or despotism in a political society. Since freedom is identified as the mastery of ‘rational’ self over the ‘empirical’ self, the domain of law becomes a means of

imposing the way of life chosen according to reason. Such mentality has a deep commitment to the liberation of the authentic will from the pressures of appetites by interfering with the actions of individuals through the deployment of legal enforcement. As a result, polities that are founded upon the epistemic priorities of rational freedom are particularly disposed to interfere with the ordinary choices of their citizens for the sake of their version of the supreme good, which can be justified by referring to Rousseau's general will, Marx's classless society or Comte's positivism.

The second kind of interference can be depicted as 'romantic' reaction to the first one (identification of freedom with reason) in aiming to reproduce and advance a particular conception of the good *via* the states and communities. Here, in contrast to 'aggressive rationalism' and scientism of the Enlightenment thought, there is an historicist stress upon the uniqueness of different national and local cultures in terms of the meanings that they offer for their members. The anti-enlightenment spirit of this reaction focuses upon the need of individuals and nations for the maintenance of particular moral or cultural system of beliefs that cannot be subjected to a neutral rational examination. In other words, the validity of these values cannot be falsified by adopting the external perspective of science or philosophy. Nevertheless, although the historical sensitivity of romanticism is deeply suspicious of the identification of human freedom with reason, its strong commitment to the incommensurability of cultures does not leave any room for questioning its prescriptive practices by living members of given culture. If this is the case, then, the romantic and particularist celebration of cultures makes a powerful argument for the establishment of political societies that do not offer an area of non-intervention within which individuals may enjoy the inviolable right of questioning the priorities of their own affiliated culture. Therefore, romantic reaction to the claims of enlightenment rationalism *per se* does not necessarily entail the value of choice. If the identification of human freedom with the dictates of reason – whether it finds its expression in the discourses of 'the natural law', 'categorical imperative', 'classless society' and 'General will' – may lead to state intervention into the choices of individuals in the name of the promotion of

supreme good, it is crucial to emphasize that the denial of the possibility of normative standard provided by reason may also result in the establishment of authoritarian political regimes that impose a given particular way of life on their citizens. In this way, they may thus legally coerce their subjects to obey the norms of their culture against the imperialistic claims of enlightenment rationalism.

2.3. An Inter-Textual Inquiry into the Issue of Freedom in Turkish Context: Between Rationalism and Historicism

In the course of the past couple of decades, the debate over individual freedom has been at the center of much of our political problems. The general task of this thesis is to contribute to the recent discussions about individual freedom in Turkey by establishing an inter-textual relationship between the context of Turkish polity and political philosophy. Two major aspects of Turkish polity require the involvement of political philosophy into the debates concerning the removal of the interferences with the choices of individuals. First, the tools of political philosophy offer an important conceptual framework for the explanation of the predicament of Turkish polity in the removal of legal and cultural obstacles to free choices of individuals. The reasons of the predicament lie in the fact that the citizens of Turkey on the one hand have encountered with interference in their choices stemming from the state in the name of the enlightenment ideals and on the other the interference of government in terms of protecting historical and cultural values or practices. This bifurcation of Turkish political life between the state and the political government carries the footprints of Auguste Comte's thought. Comte's famous *Cours de Philosophie positive* – like Plato's *Republic* – separates the spiritual power from the temporal power. While the spiritual power governed by the new ruling class consisting of men of science and art – just as philosopher-king of Plato's ideal state – is concerned with the ordering of opinions and morals, the temporal power exercised by the political government is related to the management of everyday life under the normative bounds of the spiritual authority³ (Kelsen, 1949: 502-505)

³ For Comte, the political society, contrary to the thesis of the defenders of natural law doctrine, will be based on the principle of duty rather than the idea of rights .

In the first case, in Turkish context, at the foundation of the republican regime, under the impacts of Enlightenment rationalism and scientism, the lawgiver assigned the state an ethical mission of creating free individuals. In forcing its citizens to act in accordance with new laws, the purpose of the state was to liberate citizens from the determinations of traditional and religious values. The interference of the state with the choices of individuals for the sake of secularizing will and eliminating metaphysical values has been one of the basic features of Turkish polity. The republican elite whose epistemology has been affected by positivism have conceived the traditional culture and the symbolic priorities of Islam as the main obstacles in the liberation of citizens. Such an epistemology encourages the republican elite to govern a social engineering process for the sake of constructing a secular and national identity, the teleological character of which requires the suppression of religious, ethnic and traditional identities. Here, we observe the transformation of the enlightenment rationalism and scientism into a series of authoritarian state practices under the guidance of civil and military bureaucracy identifying themselves almost as Platonic guardians of the Enlightenment *Weltanschauung*. In short, the Turkish experience of modernity can be interpreted as a good example for Berlin's inversion thesis as the perversion of the freedom into its opposite.

On the other hand, in Turkish polity, the practice of democracy from its inception has also displayed a 'romantic' reaction to the authoritarian application of the enlightenment rationalism with the aim of reproducing and advancing traditional and religious values. The 'counter-enlightenment' nature of this reaction has laid emphasis on the recognition of the individual's need for a sense of belonging to his tradition and religion. In this case, it is possible to witness two political demands for the removal of the obstacles in front of certain traditional and religious practices. First, there is need for exception in legal order by which the authentic traditional and religious values will be protected against the imperialistic assumptions of the enlightenment rationalism. Second, there should be legal pluralism in legal order by which certain religious communities can have the chance to reproduce and advance their own values and practices by keeping their

members loyal to the dictates of their belief system. Therefore, Turkish polity has also suffered from the interference of right-wing governments with the choices of individuals by carrying traditional and religious values into the domain of law since 1950s.

In short, while the republican state has trusted in the discourse of general will for the liberation of citizens from the pressures of religious and traditional values, political oppositions in general have appealed to the doctrine of national will in order to protect certain religious and traditional values against the aggressive claims of the enlightenment scientism. For this reason, both republican tradition and its right-wing opponent can be considered as voluntarist, because while the former does not recognize the limits of reason and science in the application to the human world, and does not have any hesitation in restricting the choices of individuals in accordance with the dictates of reason, the latter does not cultivate any doubt about the restrictive claims of tradition and religion upon the choices of individuals.

Thus, I want to argue that it is vital to construct a dialogical relationship between the context of Turkish polity and the conceptual vocabulary of political philosophy in the analysis of the predicament concerning the elevation of the status of individual freedom before the claims of the state. Moreover, if we approach to the difficulties of Turkish polity in terms of the prevention of the interference with the choices of individuals in the light of political philosophy, we can have a chance to avoid reducing the reasons of these difficulties into the analysis of mere power and interest relations. Political philosophy gives us the opportunity to examine different approaches of political and social actors to the issue of individual freedom by shedding light on their epistemic grounds and the conceptions of law.

Also, recent commitment of political and social oppositions to the discourse of negative freedom (and its key components such as free market, the incommensurability of cultures, limited government and value pluralism) needs particular involvement of political philosophy in terms of examining the internal

consistency of the claims endorsed by negative freedom in the name of the freedom of choice. Hence, political philosophy provides a platform to investigate the coherence of the defense of negative freedom by looking its epistemic foundations and conceptions of law.

From this angle, I argue for the relevance of political philosophy to the predicament of Turkish polity on the issue of individual freedom, which has been bifurcated in the last two decades of twentieth century: one front emphasizes the recognition of the individual's need for the sense of belonging to his particular set of values by promoting the different versions of negative freedom while the other insists on the commitment to the ideals of enlightenment rationalism and scientism by sometimes even appealing to the *raison d'etat*. Although the genealogy of this bifurcation of Turkish polity has already been argued by Şerif Mardin's model of center-periphery and Metin Heper's transcendental-instrumental conceptualization, neither Mardin nor Heper applies to political philosophy in explaining the reasons of this bifurcation. I think, the relation between Turkish political context and the conceptual framework of political philosophy is a connection that many scholars do not take into consideration sufficiently.

As I have expressed before, the founding lawgivers have advanced an interventionist state to foster the republican way of life, the normative boundaries of which were determined according to the particular articulation of Comte's positivism with Rousseau's doctrine of the general will. Three fundamental pillars of this republican way of life consist in its scientism, monism and elitism. Its positivistic scientism lies in the belief that the human world can be investigated by the same methods of the natural sciences. Thus, scientific investigation can give access to the knowledge of the laws that should govern human world and make us free. Citizens would be authentically free when the political order is regulated in accordance with the legal positivist laws understood as scientific. The monism of Turkish republicanism stems from its commitment to the power of reason *via* science in demonstrating the knowledge of the laws that are good for all of citizens. Political order would be immune from the conflicts among citizens if and

only if their choices conform to the dictates of these laws that fix the hierarchy of needs and ends for them. In other words, laws give us the knowledge of a harmonious political society, the knowledge that does not and cannot err. The elitism of Turkish republicanism manifests itself in the necessity to guide the uneducated sections of society by military and civil bureaucracy identified as ‘enlightened forces of society’ who are able to know and live according to the pronouncements of reason. In this sense, the commitment of Turkish republicanism to the ideals of enlightenment stands for a peculiar notion of freedom, but also for scientism that ends in coercion: the citizen is forced to be free.

In the last decades of the twentieth century of Turkish polity, we have witnessed the discovery of negative freedom as an antidote to the interventionist claims of the state on the basis of the program of enlightenment rationalism. This discovery has aimed to open a legitimate place for the language of freedom as non-intervention under which each individual chooses his personal values without the fear of the state intervention. In this discovery, five essential features have played central roles. First, negative model of freedom has a particular kind of anxiety concerning the excessive demands of reason. Reason is conceived as powerless to determine the universal moral order according to which human goods can be rationally ranked. In contrast to the rationalism of the enlightenment that trusts in reason’s capacity to provide us the knowledge of the supreme human good, by denying such trust, negative freedom makes room for the possibility of choices that do not require rational justification in accordance with the supreme good. Hence, enlightenment rationalism and its monism as the belief in reason’s capability to know the ultimate human value are discredited by the epistemic arguments of negative freedom. Same epistemology provides strong reasons to challenge the reconstruction of the human world on rational lines by emphasizing the fundamental distinction between human world and the natural world. In sum, limitation of the power of reason has always been a goal of negative freedom. By determining the limits of human reason, negative freedom is intended to recognize

the inviolable right of individuals in shaping their lives freely in accordance with their wishes.

Second feature is that negative discourse of freedom also defends the meta-ethical thesis of incommensurability, the thesis that entails the plurality and irreducibility of human choices. Otherwise stated, the thesis of incommensurability declares that it is impossible to have an external normative standard according to which choices can be evaluated as good or bad. More importantly, the principle of incommensurability entails the belief that the clash among human goods, ideas and values are unavoidable in a way that human reason has no power to resolve such conflicts. Thus, as an antidote to the monism of enlightenment rationalism defending the compatibility of all human ends, negative freedom underlines the unavoidability of the conflicts in a human condition. By underlining the inability of human reason to reconcile the conflicts of incommensurable goods, negative freedom actually emphasizes the value of choice in a world of conflicting and irreducible goods.

Third, negative conception of freedom attributes special normative importance to the limitation of the state power. In other words, it assigns a central value to the establishment of a thick boundary between the state and individual's private sphere within which individuals can enjoy the free exercise of their choices without any intervention coming from the State. In contrast to enlightenment rationalism's deep commitment to the emancipation of human beings by means of legislation, epistemic priorities of negative freedom rule out the imposition of morality by legislation. Putting it differently, unlike the program of enlightenment rationalism that identifies freedom with the laws deducible from the order of reason, negative model of freedom considers the law as a restriction on freedom. Therefore, the meaning of law is to establish the absolute barriers to state-action, the barriers that might protect individual's right to choose.

Fourth, even though negative freedom attributes normative value to the protection and promotion of individual freedom, its defense of individual freedom, especially

in Turkish case remains sensitive to historical and communitarian values. This is why epistemic arguments of particular versions of negative freedom – as theorized by F.A. Hayek and I. Berlin – have been strategically deployed in order to eliminate the symbolic place of ‘the disembodied self’ backed by the republican state. In this respect, culturally and historically sensitive versions of negative freedom have been persuasive and politically affective in terms of undermining the historically and culturally blind arguments of enlightenment rationalism. Yet, at the same time, such preference pushed the Turkish advocates of negative freedom towards a more right-wing outlook than their counterparts in the world.

Finally, negative freedom’s rejection of ‘the disembodied self’ goes hand in hand with his denunciation of the elitism of enlightenment rationalism which has immanent potentiality to divide hierarchically society into ‘enlightened forces’ who are able to live according to dictates of the reason and ‘ordinary citizens’ who need the leadership of these enlightened forces in obeying the requirements of the supreme good. The elitism of enlightenment thought manifests itself in Turkish experience of modernity as the division between ‘republican elites’ who are able not only to know the principles of virtuous life, but also live up according to the constraints of these principles and ‘the ignorant section of the society’ who is neither able to discover the knowledge of virtuous life nor to be really virtuous without the interference of the state under the guidance of the republican elites. The epistemic constraints of negative freedom upon the claims of enlightenment rationalism have undermined the proximate basis of the republican elitism. Therefore, negative freedom’s skepticism concerning the power of reason is considered as in the service of promoting the cause of democracy in Turkey.

To summarize: In the last two decades, political and social oppositions in Turkish polity have repeatedly referred to both epistemic arguments and the law understanding of negative freedom as a reaction to the interventionist nature of the state which derives its justification from Rousseau’s famous phrase ‘forced to be free’. In mounting a substantial challenge to the priorities of the republican way of life and in demanding a recognition for individual’s particular religious, cultural

and ethnic identities, such as Islamic and Kurdish, two particular models of negative freedom have seized the moral high ground among the political and social oppositions: namely, neo-liberal model of negative freedom and pluralist model of negative freedom. Although the removal of the barriers on the exercise of individual's religious, ethnic and cultural identities is the basic motivation behind the deployment of two models of negative freedom, neo-liberal version differs from the pluralist one by its particular reference to the merits of free-market economy in minimizing the state power, as a result of which individuals could enjoy the free exercise of the religious and ethnic identifications without the fear of state intervention. On the other hand, the adherents of pluralist model of negative freedom, politically and philosophically aim to establish a substantial connection between the freedom of choice and value pluralism. For the proponents of value pluralism, the values, ends and ideals of human beings are irreducibly plural, potentially conflicting and incommensurable with each other. Since human beings are inevitably confronted with the fact of irreconcilable values, goods and ends, they cannot avoid choosing their particular ways of life among these values, goods and ends. For this reason, the foundational purpose of the state should be the recognition of these values and disagreements instead of coercing citizens to transcend them. Yet, the quest for pluralist model of negative freedom does not mean the quest for the communitarian model of enclosed societies. Rather, according to devotees of value pluralism, the legitimacy of state lies in the accommodation of plurality of human goods *via* the recognition of individual's right to choose his particular values, ends and ideals. Therefore, it is not in the free-market economy but in the fact of value pluralism that the ground of individual freedom should be sought.

This study will limit itself to the examination of the thesis of the pluralist model of negative freedom which justifies the freedom of choice on the basis of value-pluralism. In the course of the study, I will give particular attention to Isaiah Berlin's pluralist model of negative freedom. Accordingly, the investigation of neo-liberal model of negative freedom – based on the ideas of F.A. Hayek – that claims an inherent connection between the free market economy and freedom of

choice will be left aside for the present purposes of this dissertation. My study relies on an endeavor to investigate the epistemic grounds of pluralist model of negative freedom and law in terms of its capacity to justify the priority of individual freedom. (From now on, negative freedom is used to mark the pluralist model of negative freedom)

Nowadays, anyone who disagrees with the devotees of negative freedom is regarded as swimming against the tide and any person who argues against the claims of negative freedom is in danger of being accused of defending the interventionist and authoritarian state practices. At the outset, it is necessary to emphasize that I agree with negative freedom's skeptic and agnostic attitude toward the power of reason in revealing us the knowledge of the supreme human good. No doubt that showing the limits of human reason by distinguishing the human and natural worlds preserves the cause of freedom. Otherwise, if the demonstration of the knowledge concerning the ultimate human good were possible via the power of reason, then, it is obvious that the application of that knowledge to the human world would be left completely to the domain of technical knowledge that may lead to the suppression of freedom as the locus of the possibility of disagreement about human goods.

Moreover, apart from believing in necessity to distinguish the human world and the natural world from each other, I also concur with negative freedom's insistence about the impossibility of agreement among human beings concerning the content of the supreme human good. Needless to say, as a result of the dissolution of the metaphysical certainties of the classical and scholastic worlds, the modern world is characterized by a plurality of human goods in the form of cultural, religious and philosophical world-views. In other words, the elimination of the metaphysical illusions of the classical and scholastic realism inevitably results in the relativisation of values in the modern age. Therefore, individuals may commit themselves whatever they want in the matters of wisdom, virtue or holiness.

Finally, it is crucial to underline that I have the same opinion with the proponents of negative freedom that individuals should have the right to pursue their chosen values and ends without any arbitrary intervention from the state, communities and the other individuals. In pursuing their particular ways of life, individuals should have only the legal obligation not to interfere (physically and psychologically) with the choices of other individuals. In a world of pluralism, the task of political society cannot and should not be the imposition of the particular comprehensive world-view upon its citizens.

Nevertheless, underlining the limits of ‘republican epistemology’ by reference to the freedom of choice does not necessarily mean appreciating negative freedom as the only alternative to it, as if the epistemological priorities of negative freedom are exempt from such limitation. Therefore, this study aims to challenge both the proponents of ‘republican epistemology’ who have insisted on the priority of the republican way of live by subjecting it to the politics of nationalism under the discourse of *raison d’etat* and the defenders of negative freedom who have deployed the epistemic priorities of the notion of freedom as non-intervention in order to re-produce and advance certain traditional and religious values in society. For this reason, as opposed to the optimism of the prevailing intellectual and political climate, I think the call for negative freedom in the Turkish context is on a slippery ground; it pays lip service to the cause of peace rather than the cause of freedom by inviting a multicultural model of political society consisting of enclosed communities based on different belief systems. Looked from this angle, the political struggle between republican and liberal fronts gives us an opportunity to conceive the shortcomings of the positivism of enlightenment and historicism or romanticism of negative freedom in terms of the protection of the freedom of choice.

In the light of the above, the main purpose will be interrogating the profound trust of the proponents of pluralist model in the epistemic grounds of negative conceptualization of freedom and law by raising a fundamental question: Can pluralist model of negative freedom derive the absolute priority of individual

freedom from the epistemic grounds of the meta-ethical thesis of incommensurability? In answering this substantial question, my specific objective is to demonstrate the epistemic limits of pluralist model of negative freedom in grounding the priority of the right over the good. Otherwise stated, while questioning the theoretical and practical capability of negative freedom in terms of the accomplishment of its original political goal as the establishment of a maximum area of freedom as non-intervention, my aim is to disclose the difficulties, oscillations and even inconsistencies of negative freedom in the promotion and protection of the freedom of choice.

The irony of negative freedom lies here: On the one hand, as I will demonstrate in the study, nominalist grounds of negative freedom had fundamental contribution in the development of freedom of moderns by drawing certain limits to the claims of human reason. As a result of putting restrictions upon the scope of human reason, negative freedom had nullified not only the metaphysical, but also legal grounds of ancient and scholastic conceptions of freedom. On the other hand, due to its particular belief in the incommensurability of human goods, ends and ideals and because of its view of law as a restriction on freedom, negative freedom cannot derive the priority of the right over the good from the value pluralism it celebrates. Therefore, the epistemic and legal priorities of negative freedom hamper its transformation into the language of political freedom. Indeed, the negative formulation of freedom, due to the internal dilemmas, remains as the formulation of natural freedom, thus it ends up in articulating freedom understood as license.

Let me clarify my criticism further. Concerning its substantial trust in the principle of incommensurability, pluralist model of negative freedom does not establish any relation between several closed human goods, values and ends. Therefore, the meta-ethical thesis of incommensurability does not allow making a room for moral criticism. As a result of the denial of the relationality between human goods and values, as Bhikhu Parekh excellently underlines, pluralist model of freedom substitutes monistic absolutism of rationalism with pluralistic absolutism (1982: 223). In the case of the former, the Platonic objectivism has been resurrected under

the project of enlightenment. However, the principle of incommensurability is nothing but 'Platonism in a pluralist disguise' which recognizes the existence of values independently from human choice (Parekh, 1982: 224). Such recognition is extremely problematic in defending the priority of freedom of choice.

It is true that Plato's philosopher soldier kings as the guardian of the dictates of reason may lead to the subordination of the freedom of choice and the suppression of disagreement which is regarded as the fruit of ignorance. Hence, it is possible to give full credit for negative freedom which spells out the authoritarian and interventionist elements of the scientific enlightenment. Nevertheless, it is also true that radical subjectivism of negative freedom may bring the subordination of the freedom of choice to the dictates of particular value or belief system. Negative freedom does not have normative constraints to prevent the authoritarian demands of a particular belief system. In the end, pluralistic absolutism leaves the initial political task as unaccomplished. Consequently, and paradoxically, negative freedom grounded on value pluralism carries the similar risk of the monism of scientific enlightenment from a different direction.

The substantial risk in negative freedom in terms of perverting itself into the political language of its opponent especially appears in its understanding of law as a fetter to human freedom. If every individual has the freedom to act as he pleases and if the law is an encroachment of our negative freedom, on what grounds do political society may defend the priority of the right over the good? The conceptualization of law as impediment to human freedom does not leave a place for the legitimacy and enforceability of the laws that are required for the protection of the external freedom of individuals. No doubt that *raison d'etre* of the laws under the conditions of the rule of law is also creating barriers to the state power in order to provide a free area of action for each individual. However, the task of law cannot be reduced to the establishment of a thick boundary between individual and the state. Besides, the very purpose of the laws is also the prevention of the imposition of one individual's will on another by introducing certain legal limits to the acts of individuals that may violate the right of other individuals. At this point,

let me give two examples which problematize the possible ramifications of the combination of negative conception of law with the principle of the incommensurability of goods. First example is an anarchist/nihilist person as one of the possible models for the flexible/skeptic self who does not recognize any rules limiting his contingent choices and acts. There can be two political demands from this person or from group consisting of anarchist persons: first demand can be the recognition of their life-style by the state by giving some exceptions to them in the legal order without sacrificing the fundamental priorities of the right; second demand can be the recognition of the norms of 'anarchist Island' by ruling out the fundamentals of the legal order. Second example involves the religious/conservative person as one of the possible variants for the dogmatic self who does not pursue any reflection about the norms of his religion which does not recognize universal principles of the right. This person or religious sect he is affiliated may have the similar political demands from the public authority. They may claim the recognition of their life-style either by having some exceptions under the general rules of the legal order or by getting their legal autonomy so as to enforce their members to their norms which separate itself from the fundamentals of the civil legal order.

The upshot of my argument is not the suppression of the life-styles of these persons, groups and sects in any political society. Each legal system may give some exceptions to its subjects as long as these exceptions do not violate the basic liberties of person. John Rawls defines basic liberties in *A Theory of Justice* as following: 'political liberty (the right to vote and to hold public office); freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person, which includes freedom from psychological oppression and physical assault and dismemberment (integrity of the person); the right to hold personal property and freedom from arbitrary arrest....' (1971: 53). In this sense, I want to argue that when a state which is founded upon the freedom as non-intervention has faced with such political demands, negative freedom does not provide legitimate grounds for the legal action in defending the basic liberties of individuals. Otherwise put, negative freedom does not have any normative measure in the

protection of basic liberties in the front of nihilist or dogmatic claims of some persons and groups. Therefore, as mentioned above, just as the identification of freedom with reason, the identification of freedom with license may turn into the language of political intervention.

It is at this point that the second claim of the thesis appears: if negative freedom's endeavor is to ground the priority of the right over the good, then, it should take the normative support of the ideal of autonomy seriously. In other words, it is necessary to appreciate the epistemic grounds and law conception of autonomy in order to rule out the radical subjectivism of negative conception of freedom and law, which manifests itself in the different guises such as nihilism, historicism and romanticism. This is not to say that Berlin's denial of freedom as autonomy in terms of its strong propensity in cooperating with the positive notion of freedom is completely groundless. According to Berlin, the ideal of autonomy is guilty of undermining the freedom of the moderns due to its commitment to the metaphysical pretensions of Plato's rationalism and realism. For him, freedom as autonomy re-introduces the hierarchy of the pre-modern world between the ideal world and the empirical world by defending the claims of reason against the so-called whims and caprices of the empirical self. Moreover, by re-introducing the ideal of *summum bonum* into modern world, and by attributing the rational knowledge as *sine qua non* of freedom, freedom as autonomy regards the pronouncements of reason as superior to the choices of individuals. In addition to this, freedom as autonomy determines the realm of reason as the location of final harmony among conflicting ends. By relying on such expectation of harmony, this model considers the antagonism as exogenous phenomenon to the realm of reason. As a result, due to these shortcomings, although autonomy is historically younger than negative notion of freedom, it may envisage a teleological view of law, which sooner or later, will unleash its propensity to interfere with the choices of individuals in the name of the cultivation of the autonomy. As a result of its profound commitment to the metaphysical pretensions of reason, the ideal of autonomy, like other forms of positive freedom, cultivates an archaic model of freedom and law which is at odds with the freedom of the moderns.

Nevertheless, despite certain drawbacks of the conceptualization of freedom under the ideal of autonomy stemming from its endorsement of rationalism, it is obvious that Berlin ignores the capacity of autonomy in separating itself from the metaphysical presumptions of both classical rationalism and modern scientific rationalism. In contrast to the realism of Plato's rationalism, autonomy sides with the nominalist epistemology of negative freedom that draws certain limits to the metaphysical claims of reason. Besides, autonomy also restricts the scope of scientific knowledge in order to preserve the possibility of freedom in our moral and political choices. Yet, autonomy's attack on substantial rationalism and positivism does not mean accepting the subjectivism of negative freedom which presents itself sometimes in the form of nihilism/anarchism which cultivates the belief in the impossibility of normative rules binding for everyone, and sometimes in the form of historicism/romanticism which celebrates the authenticity of particular value systems. In this sense, the overall merit of autonomy originates from its challenge to the extremes of objectivism and subjectivism in the evaluation of human goods. In this respect, the epistemic priorities of autonomy assign the highest importance to the inter-subjective construction of human goods. Goods do not exist independently of human preferences. Nor do human goods are totally outside the spheres of questioning and reexamining just because individuals or communities choose them as their ultimate values. Therefore, normative boundaries of autonomy allow a dialogue between conflicting human goods and values which is essential for a democratic polity and a modern-formalistic conception of law.

At this point, my argument that freedom as autonomy has better epistemic and legal grounds than that of negative freedom in the protection of freedom of choice both from the interference of the state pursued in the name of enlightenment rationalism and from the interference of governments and communities in the name of historicism/romanticism can be considered as a normative/political intervention into the on-going debates in Turkey.

CHAPTER 3

A CHALLENGE TO REPUBLICAN EPISTEMOLOGY BY NEGATIVE FREEDOM

3.1. Introduction

In *Leviathan*, Hobbes argues:

There is written on the Turrets of the city of Luca in great characters at this day, the word *Libertas*; yet no man can thence infer, that a particular man has more liberty, or immunity from the service of the Commonwealth there, than in *Constantinople*. Whether a Commonwealth be Monarchical, or Popular, the *Freedom is still the same* (1997: 162).

The reason I begin to this chapter with a quotation is that this passage is accepted as one of the symbolic attempts of Hobbes in *Leviathan* to discredit the idea of republican freedom in the European political imagination (Pettit, 1997: 38). For Hobbes, the citizens of republican Luca and the subjects of Ottoman Empire have the same degree of freedom. From this perspective, nobody can claim the superiority of the republican regime over the monarchy on the basis of the quality of the freedom that its citizens have.

In the same manner with Hobbes' political challenge to the republican form of government albeit with different concerns, it has been a matter of public question in the last two decades of Turkish political life whether the citizens of the Turkish republic have more freedom than the subjects of Ottoman Empire. The so-called "unitary and monist establishment" of the republican epistemology on the basis of the enlightenment rationalism and scientism has been questioned in terms of the total negation of the religious, traditional and cultural experience of the people in Turkey. For this reason, the plural and multicultural setting of the Ottoman millet system has arisen so attractive to those who would like to open a legitimate space for the ethnic and religious identities of citizens in the Turkish republican polity, the political project which has forced individuals to transcend their particular

identities such as religious, traditional, ethnic or cultural through citizenship in order to create a secular and unitary nation-state. In this sense, Ottoman millet system as the model of non-interventionist political organization in terms of the recognition of particularities has been deployed to discredit the universalist and interventionist model of Turkish republicanism.

But, for the founding fathers of the Turkish republic, the advent of the Republican regime signified two normative ruptures from the Ottoman political body. First, it represented a radical break with the Ottoman past, with tradition and religion, with a strong confidence in the supreme authority of reason and science in political and legal affairs. The cause of the republican regime was linked to that of the Enlightenment rationalism and scientism. The epistemic claims of Comte's positivism were also crucial in the repudiation of the metaphysical order of Ottoman political regime. But, in contrast to Rousseau's strong criticism of the ideas of progress and science, the republican founders in Turkey did not have any hesitation to articulate the doctrine of the general will with the scientism of the positivist ideology.⁴ Second, the republican regime symbolized the change of sovereignty from *Sultan* to the nation. In this sense, the republic marks a free polity, which appeals to reason and will in the law-making process. Nevertheless, although the will of people is considered as the master of new political and legal order, it is always subjected to a critical deliberation of reason, which is nothing but the general will.⁵ Accordingly, Turkish republicanism is not immune from the major paradox of Rousseau's political thought, a paradox resolved by the lawgiver, who determines what is 'the people's will'⁶ In the Turkish context, founding

⁴ As Nilüfer Göle rightly argues "...positivism holds universalistic claims for the Western model. By not considering Western modernity an outcome of a particular Christian religious culture, positivism focuses on scientific rationality....It is Comte's ultimate positivist stage, which all societies will one day achieve" (1997: 3).

⁵ Republican commitment to the idea of the general will led to the construction of the sovereignty as a national sovereignty in which citizens are considered as passive in terms of their participation to the decision-taking processes instead of popular one in which the citizens are regarded as active in taking decisions concerning the regulation of public life in the republican regime. As Metin Heper argues in *The State Tradition in Turkey* "In the Turkish republic sovereignty was to belong to the people without any qualifications and conditions. This primarily meant that not even a portion of sovereignty was to belong to the Sultan....Atatürk was trying to substitute not a popular but a national sovereignty for a dynastic one." (1985: 49)

lawgiver assigns the state an ethical mission of creating the secular national community. For this reason, Turkish republicanism advances an interventionist state to foster the republican way of life in which the citizens are obliged morally and legally to liberate themselves from the determinations of traditional, religious and ethnical identities.

The appeal to the general will at the foundation of the republic had twofold character: one the one hand, the doctrine of the general will under the enlightenment scientism was deployed to secularize individual wills and to renounce the metaphysical order referred by the Ottoman regime. Since the source of the sovereignty was accepted as the people instead of Allah (God), the secularization of the source of the sovereignty was aimed to secularize the particular individuals due to fact that the locus of the individual will was shifted from the divinely ordered sovereignty of the *Sultan* to the nationally determined sovereignty of the people. Second, the secularization of the sovereignty brought the repudiation of the metaphysical foundations of the Ottoman order. On the other hand, even though the idea of the general will approves implicitly the existence of the different particular wills, the principle of generalizability was employed to provide the rationalist and objectivist justification to counter the subjectivist consequences of the individual freedom. The belief in the doctrine of general will was taken as the objective standard valid for every citizen in answering the questions of the right and wrong, just and unjust. Furthermore, the Republican commitment to the idea of the general will was deployed to protect the realm of law against the claims of ethical relativism and political pluralism.⁷ Therefore, the absence or diminishing of the general will was regarded as the destruction of the objectivity of the law, which inevitably brings the privileges and exceptions within the province of law originating from the subjective demands of individuals.

⁶ “Atatürk seems to have had a notion of general interest....the general will cannot be identified with the decision of a community by vote upon any simple issue. Every such decision may be an expression or consequence of the general will, but it needs interpretation in order to say whether it really represents the general will” (Heper, 1985: 51).

⁷ By following Heper, this can also be stated as such: The emphasis on General will has led to the formulation of democracy as a rationalist democracy which can be regarded as a serious obstacle to the development of adversarial or plural political setting in the republic (1985: 29).

Hence, Turkish republicanism due to this centrality of the idea of general will, has cultivates a permanent propensity to legislate the norms convenient to the republican way of life, which are still considered by some as the requirements of a secular and unitary morality. This propensity has considered legislation as a domain for the representation of the principles of the national republican community.⁸ It is for this reason that this line of reasoning has been have a deep commitment to the complete realization of the republican morality by means of legislation. In this sense, the legislation of the republican principles has imposed a legal obligation upon Turkish citizens to liberate themselves from the traditional, religious and cultural ways of life. Otherwise stated, the republican way of life has transformed itself into the legal rule for outlawing the legitimate pursuit of other ways of life. In short, legality has imposed an obligation upon Turkish citizens to subordinate themselves to the requirements of the general will, which is nothing but the republican way of life.

Furthermore, the imagination of the freedom under the normative boundaries of the general will has transformative dimension.⁹ This transformative dimension of Turkish republicanism has manifested itself in discouraging citizens, even coercively, not to be a follower of any ethnic, religious communities and factions other than the national republican community. The promotion of the general will has aimed at producing a remarkable transformation in individual's character by giving him a moral quality that was previously impossible when he is under the determination of his religious and ethnic identifications. This has created a demanding understanding of citizenship, by emphasizing the civic virtues. The

⁸ If we use Anthony D. Smith's terminology, it can be argued that the concept of nationalist sovereignty in Turkish republicanism has formulated as a 'territorial nation' in which the nation is defined as the territorial and institutional entity rather than as a 'ethnic nation' where the boundaries of the national community are determined on the basis of preexisting ethnical ties (1986: 134-35). Given this framework, as Heper has claimed once, the idea of Turkish nation for the republican fathers relied on a nominal meaning instead of referring to substantial elements of ethnicity (1985:56).

⁹ This transformative mission of the law was conceptualized and defended by Niyazi Berkes as 'revolutionary law' in his monumental work *The Development of Secularism in Turkey*. Education is another means of giving them the virtues required by the republican morality. In this respect, the school is regarded as the location of emancipation for the republican morality.

emphasis on civic virtue has stimulated citizens to learn how to make their particular wills compatible with the general will of the republican community. In such a condition, the logic of republican obligations takes precedence over the logic of individual rights. In this way, politically, Turkish republicanism has a Jacobinical character which objectifies the citizens vis-à-vis the general will and does not accept any demands for the exception.

In brief, 'Republic' meant a form of the state that pursues the creation of transcendental national republican¹⁰ community consisting of virtuous citizens who favors the national identity over their particular identities. In such a political and normative framework, to be free is considered as not to choose one's particular identities, interests or values but to participate to the republican way of life described by the state. This was the story justifying the active role of state in Turkish polity until 1980s.

However, in the last two decades, the very idea 'general will' has confronted a deep distrust towards its meaning and its basic institutions. Turkey has witnessed the discovery of 'negative freedom' as an antidote to the deficiencies of the republican epistemology. Indeed, this discovery has aimed to open a legitimate place in the Turkish polity for the language of freedom as non-intervention under which each individual has the right to choose his personal values without any intervention from the State. The political and legal tools of the negative freedom – freedom as non-intervention and neutrality – have welcomed the language of interest, faith and culture as the legitimate choices of the individuals, all of which have been considered as unacceptable preferences within the boundaries of republican epistemology, the normative and political boundaries of which have been drawn by the particular articulation of the general will with positivism. At this point, it is intriguing to note how liberalism on the basis of negative formulation of freedom has gained a new meaning in the Turkish context. Although liberalism, in the world, due to its rationalist, universalist and

¹⁰ "Transcendentalism (Statist orientation) refers to the belief that man primarily belongs to a moral community, its interest expresses more than the aggregate of the interests of its members; the association is taken to be uniformity; the law is seen as the expression of the collective reason and will of the membership....it connotes the high ideals of duty, service" (Heper, 1985: 7).

individualist connotations has been criticized for its blindness to the historical and cultural constitution of the self, in Turkey, it has been deployed as an opportunity to rescind the symbolic place of ‘the disembodied self’ supported by the republican epistemology. That is to say, negative concept of freedom has been promoted in order to establish a thick boundary between the state and individual’s private sphere within which individuals can enjoy the free exercise of their religious, cultural and ethnic identities without any intervention stemming from the State. Thus, the major sensitivity in terms of intervention was against solely to state intervention.

Yet, an oscillation seems to be hidden somewhere in this commitment to the epistemic claims of negative freedom. On the one hand, the endorsement of negative freedom emphasizes the individual’s freedom in determining his particular goods. Therefore, the interventionist and duty-oriented language of republican epistemology has been discredited on behalf of the basic rights of individuals. On the other hand, the quest for negative freedom involves seeking a legitimate place for the religious, ethnic, and cultural goods in the republican polity.

In this thesis, I will argue that this oscillation between the discourse of rights and the language of goods is not limited to the Turkish advocates of negative freedom. Rather, albeit the presence of several disassociations, this oscillation causes from the theoretical incapacity of negative formulation of freedom in grounding the priority of the right over the good. Yet, before examining the theoretical deficiencies of negative freedom in justifying the priority of right, let me explain both the symbolic function of negative freedom in the displacement of the normative claims of republican epistemology and the Kemalist reaction to the deployment of this kind of liberalism in Turkish context. Hence, in the course of this chapter, in general, I shall explore the reasons behind the discovery of negative freedom by examining the symbolic functions of its two pillars – free market and value pluralism. In particular, each section will focus on the analysis of the symbolic role of these particular pillars of the negative freedom in the

deconstruction of the normative grounds of the republican epistemology. Then, in the last section, I will briefly portray the reasons of this recent Kemalist reaction to the liberal epistemology.

3.2. The Quest for Negative Freedom and Law

In the last two decades of the twentieth century, a deep sense of pessimism has gripped Turkish society resulting from the political and normative disappointments at the ideals of the Enlightenment and promises of the republican way of life which have been constituted the corpus of the Turkish polity. Accordingly, the republican epistemology, for the most part, has lost its credibility and has encountered with a series of deep legitimacy crisis concerning its meanings and its institutions. There can be identified two major reasons that lead to the dissolution of the political and normative grounds of the republican epistemology in Turkish polity. First is related to the crisis of the modernity, by which not only the teleological character of the Turkish republicanism¹¹ but also the very logic of the separation between science and metaphysics lost its normative legitimacy. Second, one of the most remarkable developments of the new international order since the end of the cold war has been the vital emphasis on human rights rather than the rights of the state. Political, economic and normative imperatives of the global developments advance the inviolability of individual rights rather than that of state sovereignty. The inviolability of individual freedom means that the sovereignty rights of the state can no longer be deployed to force its citizens for the preference of certain conceptions of the good life. On the contrary, the sovereign should be constrained in the name of different conceptions of the good life of the citizens. Accordingly, the political and social oppositions have welcomed the political, economic and normative aspects of globalization in order to weaken the ethical world-view of the state arising from the secularist and nationalist repercussions of the general will. In this context, for certain opponents of republican epistemology,

¹¹ The central mission of the republican regime was to elevate Turkish people to the contemporary level of the Western civilization. The discourse of the progress is crucial in the realization of this project. However, the idea of progress has lost its credibility with the crises of the modernity that negatively affects the legitimacy of the republican epistemology. For the analysis of the internal relation between the crisis of the progressive discourse and the crisis of the Kemalist model of modernization, please see Levent Köker, (1993).

the current climate of the world fostering the globalization of markets and human rights is considered as an opportunity for transforming the authoritarian republic of Turkey toward a liberal and pluralist one.

Underlining this appeal to liberalism and its negative conception of freedom, I detect three fundamental reasons. First, political and legal tools of liberalism are considered as legitimate shelters for those who have suffered from the authoritarian practices of the State. Since liberalism is the political theory of freedom as non-intervention, it is not an accident that the political and social oppositions complaining about the interventionist republican state could refuge to it. Two pillars of the negative freedom – free market and value pluralism – are positioned as the voice of political and social groups opposing to the republican epistemology. Second and more interestingly, according to the advocates of the negative freedom, before and after the republic, there has been a liberal tradition in Turkey, which has been suppressed by the republican regime.¹² Hence, the premises of the globalization stimulate the revival of liberal reading of modernity as the new basis for relationship between the state and individual in the Turkish polity.

Finally, and more importantly, recent public debates in Turkey have marked the normative power of negative freedom in the protection of individual freedom. Epistemic and legal tools of negative freedom liberalism – freedom as non-intervention, neutrality and conviction about the impossibility of the general will – accepted as the mere instruments for the enrichment of individual freedom against the arbitrary interference of the state. In contrast to liberalism's dominant position on the issue of individual freedom, republicanism is identified with the political expression of the search for the common good. For this reason, political and legal tools of republicanism, such as freedom as self-determination, a robust belief in the existence of objective general will and state intervention for the sake of the

¹² It is interesting to note that in the 1990s, there has been a booming in the studies which emphasized the existence of liberal political tradition in the Ottoman-Turkish history which was however suppressed by the republican founders in 1920s. To see one of the most robust defense of this argument, please see Aykut Kansu, (1996). Please see also Ahmet Demirel, (1993).

common good, have been attacked as the reasons for the impoverishment of individual freedom. In this context, this taken-for-granted normative superiority of liberalism has prompted political and social oppositions' appeal to negative freedom in Turkey in order to provide a secure grounding for cultivating a secure ground for individual freedom against the interventions of the republican state.

Concomitant with these intellectual and theoretical transformations, Turkish people from politicians, journalists to common men have split into two political positions, namely liberal and nationalist in addressing the major problems faced by Turkish polity. The liberal position has denounced what the republican epistemology signifies and has accepted no excuses for any attempt to restore Turkish polity in terms of republican ideals, but instead has offered an alternative polity where the republican principles are de-constructed exclusively by the conceptual tools of negative freedom. Basically, two versions of negative freedom have been discovered. Following phenomenological method, I want to argue that an undeniable feature of the last two decades of the Turkish political and intellectual atmosphere has been the *discovery of negative freedom* in two versions: *neo-liberal version of negative freedom* and *pluralist liberal version of negative freedom*. Let me investigate the symbolic meaning of the each version of negative freedom in the displacement of the general will grounded upon the premises of republican epistemology.

3.2.1. Neo-Liberal Version of Negative Freedom

Liberalism of interest suggests the re-construction of the state on the ideals of free market. It supports market freedoms and demands the restriction of the state's role over economic activities. Contemporary devotees of the free market such as F.A. Hayek and R. Nozick presuppose a causality between market freedoms and civil and political liberties (Kymlicka, 1990: 95). They tell us that limitation upon free market by the state inevitably brings limitations on the basic civil and political rights of individuals (Kymlicka, 1990: 96). In this respect, the merit of the existence of free market cannot be reduced to the maximization of individual's private interest. Rather, it has qualitative implications in the protection and

promotion of individual's civil liberties. The political order built upon the imperatives of free market would be considered as domesticated against the evils of interference. In other words, the very rationale of the free market prevents the state from intervening not only into individual's economic life but also into individual's civil, political and cultural lives. For this reason, the promotion of idea of market as 'spontaneous order' transforms interventionist state into the state as the pioneer defender of the neutrality principle in political and legal affairs. The other qualitative merit of free-market liberalism is that both the commitments to freedom as non-interference and to the principle of neutrality would not allow the defense of any conception of common good within such a political order. Therefore, the end of law would be limited to the prevention of the force in the relationship among individuals.

From the perspective of the political and social groups, there are very good reasons to advance the idea of the free market in Turkish polity, which has assigned the primary role to the state both in the production and the distribution of economic assets, thus has been characterized by the refusal of any kind of division between the state and market. In this context, the idea of eliminating the state's main role over the production and the distribution of economic resources and re-establishing the priorities of the political order under the guidance of the premises of free market fascinates political and social groups basically for three reasons. It is believed that the advent of free market elevates the position of individual vis-à-vis the state in Turkish polity, whose commitment to an active and interventionist state in economic activities also has been identified with the intervention in all aspects of individual lives for the sake of the republican conception of the good life. Because the control of the state over economic resources and activities has prepared the way to privilege the republican way of life over the other ways of life, the withdrawal of state from economic activities inevitably results in the elimination of state's intervention into individual choices. In this sense, the appeal to market freedoms connotes the prevention of the imposition of the republican

way of life by the state, thus the protection of other conceptions of the good life before the state.¹³

Re-organization of the relation between the state and individuals according to the premises of free market is also attractive because it ceases the moralization of economic activity, a mentality of the nationalist republican that obliges individuals to pursue their economic interests for the sake of national interest in Turkish polity. Therefore, the cultivation of the logic of free market and the language of private interest bring the demise of the duty-oriented economic activity and the emergence of the priority of the right over duty.

Finally, the end of the regulative role of the state on economy also manifest the end of the doctrine of general will, the doctrine that accuses free market of creating the fractions that corrupt the political order and destroy the communal harmony. For this reason, the quest for the liberalism of interest signifies qualitative shift in Turkish polity in terms of the status of the politics of the general will. The protection and promotion of the premises of the free market would bring the formation of autonomous interest groups which, naturally, would be skeptical of the republican insistence concerning the necessity of the general will. In this context, intellectual defenders of the liberalism of interest¹⁴ hope that the republican claim about the existence of the objective common good could no longer be pursued under the normative restrictions of the free market. They think that the impersonal, spontaneous and competitive characters of the free market disclose the truth to the citizens of the political order that the republican claim about the existence of the general will is nothing but an illusion. By learning to pursue their private interests, by being part of sectional interest groups, individuals would disbelieve the existence of the general will.

¹³ To consider the political meaning of the discourse of the free market, please see Ahmet İnsel, (1990).

¹⁴ Different versions of the liberalism of interest aiming the elimination of the primary role of the state in economics have been defended by Coşkun Can Aktan (1996), Mehmet Altan (1992, 1993, 1994a, 1994b), Mustafa Erdoğan (1993, 1995, 1998), Atilla Yayla (1992, 2000, 2001). Common to these intellectuals is the deep commitment to the logic of free market as the mere guarantee in the creation of the protected sphere for individual freedom against the claims of the republican state.

As a result, the basic motivation for the discovery of the liberalism of interest is to establish the legitimate barriers to the republican ambitions of the law obliging individuals to serve for the general will. It is argued that liberalism of interest would foster a protected private sphere for individual, which has been considered something as out of question under the normative features of the republican politics. In this sense, the representatives of the liberalism of interest defend the privatization policies, the reinforcement of property rights against the state, the changes in the constitution that would outlaw the intervention of the state to the spontaneous order of the market.

3.2.2. Pluralist Liberal Version of Negative Freedom

While the defenders of the liberalism of interest apply to the rationale and institutions of free market in order to curtail the state intervention into the individual's lives, the proponents of the pluralist version of negative freedom advance meta-ethical discourse of incommensurability by which the recognition of individual's cultural, religious and ethnic identifications would be possible.¹⁵ In this version, it is possible to classify two sub-versions. In the first version, which can be called as culturalist version of pluralist model, the principle of incommensurability is determined in accordance with the belief systems of communities. In the second version, which can be defined as the individualist version of pluralist model, the belief in the incommensurability of goods is identified on the level of individual. While the former privileges the ideal of *modus vivendi*, the latter points out the centrality of value of choice.

¹⁵ Different versions of the pluralist model of negative freedom positing the peaceful co-existence of the different conceptions of the good life as the mere *raison d'être* of the political order have been suggested by Ali Bulaç (1992a, 1992b, 1993a, 1993b), Abdurrahman Dilipak (1992, 1993), Hikmet Özdemir (1993), Mete Tunçay (1993), Ali Bayramoğlu (2001) and Etyen Mahçupyan (1997, 1998). Bulaç and Dilipak have argued the necessity of Medine Vesikası as the basic document of the peaceful co-existence of different religions and laws. Özdemir's claim is based on the argument favoring Ottoman Millet system. These intellectuals share in common the necessity of the federations based different religious and ethnic world-views.

3.2.2.1. Culturalist Version of Pluralist Model

The advent of the logic of the incommensurability carries three significant meanings, which are strictly related to each other. First, meta-ethical discourse of incommensurability attracts political and social oppositions in terms of going beyond the concerns of the foundationalist liberalism, which obliges the state to protect individual's natural rights. Stressing the centrality of the idea of incommensurability brings the denial of rationalism, individualism and universalism, which are considered as the deficiencies of the foundationalist liberalism under the conditions of radical pluralism of late modernity, therefore, prevent the assimilation of the different cultures to the liberal culture. John Gray, as the pioneer defender of *modus-vivendi* liberalism, argues that insisting on the claims of natural rights in societies that have different ways of life, goods and virtues is to deny the original aim of the liberalism, which is based on a search for *modus vivendi*. (Gray, 2000: 34-37). For this reason, the negation of the foundational certainties in the justification of liberalism gives us the possibility to return to the authentic end of the liberalism as *modus vivendi*, which finds its roots in the political ideas of Thomas Hobbes. In contrast to the foundationalist liberalism, which represents the idea of natural rights as a rational consensus on the best conception of the good life, *modus vivendi* liberalism is identified with the search of the terms for the co-existence among different conceptions of the good life. In this sense, the end of the state, thus the end of law is regarded not as the applications of the natural rights but as the peaceful co-existence of the different conceptions of the good life.

As mentioned above, the philosophical defense of the political and legal ideal of *modus vivendi*, as Gray puts, lies in the notion of incommensurability of values relating to the conceptions of the good life (2000: 12). In other words, the notion of incommensurable values presupposes the irreducible pluralism of comprehensive conceptions of the good life and the impossibility of making comparison between them. The irreducible pluralism of comprehensive world-views connotes the impossibility of agreement among different conceptions of the good life about the foundational norms of the political order. In this sense, if the

deep disagreements exist about the determination of the foundational norms, the reason behind the formation of the political order cannot be other than the peaceful co-existence of different conceptions of the good-life, thus *modus vivendi*. On the other hand, the impossibility of making comparison between different conceptions of good life also necessitates the logic of *modus vivendi*. In other words, if we cannot compare one conception of the good life with another, it means that they can be considered distinctively valuable. Then, the inevitable result is the necessity of *modus vivendi* for the peaceful co-existence in which the task of the political order is not to impose any conception of the good life implicitly or explicitly. For example, because we cannot agree on the meaning of individual freedom, and because we cannot compare different conceptions of the individual freedom in different cultures, seeing natural rights as the mere definition of individual freedom inevitably brings the merging of different cultures into a liberal culture.

As a result, liberalism of culture defends the principle of incommensurability of co-existence in a world of conflicting and irreducible conceptions of the good life. For this reason, it cultivates trust on liberal institutions such as freedom as non-intervention and neutrality rather than the liberal conception of the good life which is based on individual's capacity of choice in determining his conception of the good life. It is argued that freedom as non-intervention advances the limited government not for the liberal conception of individual, but for the co-existence of the different conceptions of the good life.

In this respect, the end of the law is to provide a secure sphere for them, not for individual freedom. Neither neutrality principle is deployed for the liberal understanding of liberty and property. Rather, it is used for the peaceful co-existence of the different world-views. For this reason, laws based on the neutrality principle are nothing but to punish the aggression and coercion. Laws are not to impose liberal values of autonomy or property, but they are means to provide peaceful co-existence between different world-views and considered as arbiter if any aggression or coercion happened between individuals. However, laws grounded on the idea of natural rights will inevitably result in

impoverishment of the common life, which should not rest on one conception of the good life as the original aim of the liberal political project. In this respect, the merit of liberalism does not stem from the protection and promotion of individual freedom grounded upon natural rights but from institutions to provide peaceful co-existence.

The effect of this culturalist liberalism finds its way also in Turkish polity in the 1980s and the 1990s with the rise of political Islam and Kurdish ethno-nationalism. Indeed, political Islam and Kurdish ethno-nationalism pursue different versions of the same politics of co-existence. In this context, if we consider the basic premises of the liberalism of culture, it is not difficult to find the answer to the question why the representatives of political Islam and Kurdish-ethnic movement in Turkish polity have defended the logic of incommensurability. Otherwise stated, it is easy to understand the various meanings of the reconstruction of the Turkish polity on the political ideal of *modus vivendi*.

First, the state based on the political ideal of the peaceful co-existence is regarded as the limited state, which cannot have any purpose rather than the peaceful co-existence of the different conceptions of the good life. In this respect, when the basic end of the political order is the co-existence of the different ways of life, the state is designed to refrain from any intervention to the cultural, religious and ethnic lives of individuals and communities. For this reason, the logic of co-existence will bring the abolition of the restrictions on individual and community's religious and ethnic identities and practices. At this level, the basic issue is to pursue religious and ethnic practices without being penalized by the state, which is used to impose the republican way of life. At the other level, the political ideal of *modus vivendi* brings not only outlaw the intervention of the state to the religious and ethnic practices, but also guarantees the survival of religious and ethnic identities.

Second, the idea of incommensurability makes impossible the defense of the secular and nationalist way of life as the superior way of life in comparison with

Islamic and Kurdish ways of life. In other words, the logic of incommensurable good lives would bring the end of privileging the republican way of life over the other ways of life. In this respect, the appeal to the argument of incommensurability prevents the imposition of the republican way of life and leads to the protection of individual's religious and ethnic attachments. Therefore, the reasoning based on the incommensurable conceptions of the good life manifest the invalidity of the argument, which insists on the necessity of the general will in the Turkish polity.

In this sense, the appeal to the incommensurability aims at important consequences for the transformation of the image of the law in Turkish polity on behalf of the political and social oppositions. Firstly, the idea of incommensurable conceptions of the good life necessitates the freedom as non-intervention in which each individual practices his religious, ethnic and cultural ways of life freely. Secondly, the argument about the incommensurability of the conceptions of the good life privileges the principle of neutrality in the formulation of the laws. For this reason, laws cannot be made to oblige individuals to follow the republican way of life, which is presented as the general will of the citizens of Turkish polity. Rather, the new image of the law reveals the impossibility of the republican insistence concerning the necessity of the general will.

At this point, it is argued that this brand of liberalism brings the protected private sphere for individuals in exercising their ways of lives, which have been considered as impossible under the republican regime. On this view, the conditions determining the subject are not the projection of the self of secular nation but that of the religious and ethnic. The self of republic tells us nothing about the Islamic culture and Kurdish culture. Rather, it devalues both of them and tries to substitute them by secular and Turkish culture. In this respect, for the political movements relying on liberalism of culture, at the age of pluralism, difference and diversity, necessary measures should be taken for the re-organization the state on the ideals of the peaceful co-existence. Otherwise, the

inevitable result would be the assimilation of the Islamic and Kurdish ways of life by the secular and Turkish culture of the republic.

3.2.2.2. Individualist Version of Pluralist Model

While liberalism of interest and culture seek the abolition of the restrictions on individual's economic activities, religious and ethnic identities, liberalism of choice defends the removal of the normative and legal constraints of the state on individual's choices in the determination of his life. In this sense, liberalism of choice differs from two other kinds of the liberalism with its particular attention to the capacity of individual in making decisions about his own life. Thus, liberalism of choice is premised upon the assertion of the individual's capacity for free choice. The normative commitment to the individual's capacity of free choice connotes to the capacity of the individual to question his particular social circumstances. It allows individuals to make choices independently from his historical and social conditions. In other words, this kind of liberalism grants individuals a freedom of choice in terms of how they conduct their lives. Individuals can lead their life in accordance with their opinions. On the other hand, this brand of liberalism also accepts that the individuals can revise and change their opinions about the good life that is chosen before. For this reason, the freedom of choice involves not only to make choices about our own life independently from our historical and social determinations, but also to revise and change these choices in accordance with our wishes. This second character of the free choice stems from the belief about the fallibility of our decisions. In this sense, the capacity of choice inherently implies both the independence and the fallibility¹⁶ of our choices, which is nothing but being left to the rule of our own opinions in deciding what to do. For this reason, the aim of the liberalism of choice is to create the conditions that allow the peaceful enjoyment of the independence of our own decisions.

¹⁶ For the defense of the internal relation between the falsification and liberal political order, please see Karl Popper, (1945).

In this respect, this particular emphasis on the capacity of individual's choice brings important differences with other kinds of the liberalism in terms of the perception of the society, state and law. The assumptions that individuals can make choices independent from their social conditions is closely related to the conception of the society consisting of voluntary relations between individuals. Liberalism of choice promotes the kind of society in which the relations among individuals are not determined by certain prior conceptions of the good life, conceptions that are considered as advancing partial and dogmatic. This is why very foundation of political society is logically dependent to the choice by which individuals manifest their capacity in questioning the limits imposed by their historical conditions. For this reason, a legitimate state should presuppose individuals as free individuals.

However, this does not mean that the citizens of the state cannot be adherent of the ethnic, religious, or philosophical conceptions of the good life. Rather, for the proponents of the liberalism of choice, the peculiarity of the political unit lies in its twofold structure: on the one hand, the state should regard its citizens as free individuals in terms of their inherited capacity to question their historical determinations. In this respect, the very rationale of the state is based on the protection of this capacity. On the other hand, the state should be based on the toleration of the diverse ethnic, religious and philosophical conceptions of the good life as long as they do not challenge to this very rationale of the state. Individuals are free to pursue different ways of life. Thus, the state presupposes the individual as free, but there cannot be any legal obstacle to the individual in following the particularistic conceptions of the good life as long as he does not try to constrain the choices of the others.

Apart from the protection of the right to choose, the legitimate state should be built on any particular conception of the good life about how individuals should conduct their lives or what choices they should make, which refers to the neutral character of the laws. The task of the neutrality is to permit individuals to pursue their conceptions of the good life independently from other individuals and the state. In

this respect, the idea of neutral state is also logically dependent to the conception of the self having capacity to choose their ends independently from his historical and social conditions. For this reason, the liberal image of the neutral state carries an explicit concern for the creation of a private, protected sphere for the individual in which the intervention from the communities, state and other individual is accepted as illegitimate. Thus, this protected sphere from any kind of intervention is the place for the exercise of individual's choices. As a result, starting from the value of choice and coming to the principle of neutrality, liberalism of choice demands for each individual a sphere, which would be immune from any interference of any conception of the good life supported either by the state, the community or other individuals. In this context, in contrast to the liberalisms of interest and culture in which the cause of the choice is strictly linked to the market freedom, or the peaceful co-existence of the different ways of life, this version of liberalism has placed the individual's free choice at the center of its thought. Every individual should have the right and be able to make choices without any fear of interference.

In this respect, it is obvious that under the normative guidance of the individual's power of choice, liberal conception of freedom understood as non-interference, the defense of the neutrality principle and the denial of the existence of the common good have gained different meanings. First, the task of law is to provide legal conditions to protect individuals from any interference of the particular conception of the good life in choosing their ends. Therefore, laws are designed to protect individual's right to choose. For this reason, the primacy of the value of choice necessitates the freedom as non-intervention by which individuals choose their ends without any interference. Second, the value of choice necessitates neutral laws among the various conceptions of the good. Finally, in addition to this, the idea of choice makes illegitimate the politics of the general will, which is antagonistic to the belief about fallibility. For this reason, the laws based on the idea of choice is only concerned with realizing justice as neutrality and not defining any conception of the general will presented as the highest conception of the good life for the citizens of the polity.

It is important to keep in mind, however, that the defenders of the liberalism of choice have been the minor group of academic and intellectuals in 1980s and 1990s in Turkey; hence the scope of the liberalism of choice has remained quite limited. This is not to say that political and social oppositions have paid little attention to the arguments of these intellectuals. Rather, their strong justifications on behalf of the individual's right to choose his values without any interference of the state have deployed against the claims of the state on the lives of individuals. This version of liberalism also enjoys the sympathy of political and social oppositions which are against the conquest of Turkish polity by republican epistemology which makes legal claims upon the individuals to comply with the republican way of life. Although liberalism of choice involves the minor group of intellectuals, it would not be an exaggeration to argue that it has major effects in the embodiment of the arguments of the political and social oppositions. This embodiment covers in general the defense of individual right to choose his own values, and in particular, the defense of individual's religious and ethnic preferences, such as Turban case and the cultural rights of Kurds.

For the adherents of the liberalism of choice, the normative power of the right to choose provides significant causes to prevent the republican justification of the intervention to the preferences of individuals. The argument favoring individual's capacity to choose suggests a strong justification for denying the radically disembodied self - transcendental - of the republican laws, the laws outlawing the choices of individuals apart from secular and national life and foreclosing the proliferation of the conceptions of the good life as an alternative to the republican way of life. As mentioned before, liberalism of choice presupposes that individuals can take decisions independently from their own religious and ethnic communities.

This is not to suggest, however, that they should legally be forced to transcend their religious and ethnic identifications and be subordinated to the national and secular identity of the republic. It is true that the communities based on religious and ethnic identifications might not be necessarily supportive of the value of choice. On the other hand, the uniqueness of the liberalism of choice lies here: Do

not force individuals to make choices independently from their historical and social attachments. In this sense, the cause of the value of choice cannot be deployed to force individuals to transcend their ways of life even if these lives are contradictory to the purposes of society based on voluntary relations. The only task of the state then, is to guarantee a private sphere in which individuals may take decisions according to their own goods without any intervention from the others.

In determining the existence of intervention, liberalism relies on two instruments: First, the protection of civil liberties requires the prevention of the legislation of any particular conception of the good life about which choices individuals should make. Thus, the enforcement of the morality is contradictory to the very purpose of the civil liberties including freedoms of opinion, property, association, speech, life and religion. Second, the function of laws is defined negatively in such a way that laws require nothing more than the observance of civil liberties. In this sense, laws impose legal obligation to each individual not to violate the civil liberties of other individuals. Therefore, the existence of the intervention appears only when any individual violates the civil liberties of the other individuals. As a result, liberalism defines interference both as the legislation of any conception of the good life and as the hindrance of the individual's civil liberties.

Considering Turkish polity in this normative context, it is obvious that the promotion of the republican way of life is against the very rationale of negative freedom; by forcing individuals to transcend their religious and ethnic attachments, the republic has a polity, which is contradictory to the aims of liberalism. Consequently, the argument of free choice has offered an important alternative against both to the transcendental aims of the republic and the communitarian aims of the communities. First, it considers the religious and ethnic conceptions of the good life as the legitimate preference of the individuals as long as they are not deployed to intervene in other individuals. Second, it provides an arena to flourish the alternative conceptions of the good life independently both from religious, ethnic and national, secular identifications. In this respect, the promotion of the

republican way of life is considered as an obstacle to the free exercise of the choice.

Generally, it is argued that in favoring the substantive notion of the common good, Turkish republican polity rejects the cultural pluralism, which is the unique condition of the individual freedom in the modern world. By imposing republican conception of the good life then, Turkish polity displays the basic character of the pre-modern polity in which the separation between the common ethical good and the common political good is absent. However, the very idea of choice includes both the impossibility of the agreement on what constitutes the highest good and the fallibility of the choices made for the sake of the good. In this respect, the idea of choice gives the principle of neutrality, the ground of the very possibility of the disagreement and the fallibility of our choices. As negative freedom is grounded upon this disagreement and the fallibility, the task of the political unity then, is not to overcome this disagreement; rather to govern it by maintaining neutrality among different conceptions of the good life. And yet in Turkish polity, monism as a pre-modern vision of constituting a political society still prevails because of this republican epistemology.

Another important point to note is that the value of choice does not admit the existence of collective ends. In other words, collectively given ends are antagonistic to the idea of free choice. The republican way of life as the collective end by definition is not compatible with the exercise of free choice since it brings the sacrifice of individual's right to choose to this collective end, and promotes the language of obligations rather than rights. In this sense, the advent of the value of choice in Turkish polity would end the duty-oriented understanding of the relation between the state and citizens.

In this context, the devotees of the liberalism of choice favor the reinforcement of individual's position vis-à-vis the state. Because its focus is the protection of individual's choice about his conception of the good life, it promotes constitutional and legal changes for the reinforcement of the civil liberties. These changes range

from the deployment of due process against the state, the abolishment of the barriers on the freedom of speech, opinion, association, the reinforcement of civil society against the state, to the cultivation of tolerance in society and the institutionalization of the rule of law.

To be sure, there are deep disagreements among liberals about the conceptual instruments in the protection of individual freedom. However, the adherents of negative freedom share the legal ambitions of freedom as non-intervention, neutrality and the impossibility of reaching common good, whether or not they are justified by the spontaneity of the social order or by the value pluralism. To put it differently, these two versions of negative freedom come from different theoretical horizons and disagree in many significant issues. Yet they all try to replace the republican epistemology by the epistemic claims of negative freedom. Neutrality principle of liberalism provides legitimate claims for the political and social oppositions to criticize the promotion of the republican way of life. The principle of neutrality necessitates advancing the state which does not, and can not have any purpose to promote any particular conception of the good life. On the contrary, the state should be neutral among the particular ways of life. Liberal conception of freedom emphasizes individual's initiative in determining his personal values. In this respect, in the context of Turkish politics, the aim of political and social oppositions is to protect individual's choices regarding the conceptions of the good life from the intervention of the republican state. Liberalism's skepticism towards the general will is deployed to prevent the justification of the state intervention to individual's choices for the sake of republican way of life.

Furthermore, the liberal camp promotes freedom as non-intervention as an alternative to the interventionist nature of Turkish republicanism, which is identified with Rousseauian republicanism.¹⁷ Within this framework, new image of the law has appeared in Turkish political context as an antidote to the possible

¹⁷ Among the scholars of Turkish politics, there exists consensus on the Rousseauian nature of Turkish republicanism. To see the recent studies which has analyzed the Rousseauian nature of the republican regime, please see Z. Arslan, "Rousseau'nun Hayaletleri: Yeni Devlet Eski Söylem" (2002) ; C.B. Akal, "Rousseaucu Cumhuriyet Spinozacı Devlete Karşı", (2002) ; H.B. Kahraman, "Türk Siyasetinin Rousseaucu Kısıtlamaları", (2003).

interventions of the state to individual freedom. This new image of the law would entail the establishment of a thick boundary between the state and individual's private sphere. Thus, the meaning of law is to establish a strong barrier to the state, which would allow individuals to pursue their private purposes without any interference of the state. This image of the law establishes a direct linkage between the priority of right and the institutionalization of negative freedom.

3.3. An Appeal to the State: The Nationalist Reaction

This missionary zeal for the re-construction of the republic on the liberal premises has not, however, gone unchallenged. Against the liberal front, the republican front defends that the current problems of Turkish polity stem not from the ideals of nationalist sovereignty, but on the contrary from leaving them in favor of the liberal promises. This camp does not accept any guilt for the political and normative disappointments of the republican regime, but usually resorts to an explanation in which the republican regime has 'really' meant something different from what has come into existence after 1950s. Thus, this view aims to demarcate the deviations from the foundational ideals of the republican regime as an explanation for the political and normative disappointments. It may be argued that the nationalists offers an apologia and expresses 'nostalgia' for the foundational years of the republic. For this reason, nationalist front defends the restoration of the republic by returning to the substantial understanding of national sovereignty. In this respect, proponents of the nationalist front argue that the revival of the substantial formulation of national sovereignty is inevitable under the political, economic and normative challenges of the liberal globalization.

The trend towards globalization has posed a direct threat to national unity. Politically and normatively, by stimulating the discourse of human rights and by the creation of political institutions - like European Union - on the supranational level, liberal globalization brings restrictions on external and internal sovereignty of the nation-state. Economically, liberal globalization fosters the denationalization of the economy. Therefore, political, economic and normative aspects of liberal globalization create both supra-national and sub-national spaces

where individuals can develop new attachments eroding the identity of the nation-state.

For the defenders of the substantial understanding of national sovereignty, the erosion of the national identity and diminution of state sovereignty would bring the disintegration of Turkish nation into the religious, regional and ethnic communities. By lamenting the diminution of the state sovereignty, national front gives primacy to the protection and the promotion of the substantial national sovereignty. For the protection and promotion of the substantial national sovereignty, it is suggested, four commitments must be met. First, political right to self-determination should include re-interpretation and re-negotiation of the universal human rights by the sovereign people, namely the Turkish nation. Second, nation is considered as the *sine qua non* for the existence of the political body. Third, the ideal of nationalist/militant citizenship should be revived, which necessitates the willingness of the citizens to identify themselves with the national-secular identity. And finally, substantial popular sovereignty refers to the elevation of historical consciousness in the justification and the organization of the political body. According to the proponents of the national front, these commitments can protect Turkish nation-state from the intrusion of the liberal rationale into the political and legal spheres. Otherwise, political and social integration of Turkish nation has been weakened by liberalism's individualist and culturalist methodology, by its explicit concern with the priority of the human rights over the national sovereignty.¹⁸

In contrast to the defenders of negative freedom who associate democracy with market or value pluralism, the proponents of substantial understanding of sovereignty suggest 'militant democracy' in order to protect the republican way of life from its external and internal enemies.¹⁹ Militant democracy attributes to the law four meanings: First, the national-secular identity as the ethical world-view of the state should have priority over other conceptions of the good life chosen by

¹⁸ For a similar reaction to liberalism in French political context in 1990s, please see Jeremy Jennings, "Citizenship, Republicanism and Multiculturalism in Contemporary France" (2000).

¹⁹ Please see Vural Savaş, (2000)

individuals and communities. Therefore, laws should reflect this priority. In order to protect the national-secular identity, laws should penalize the attempts to create independent religious communities and ethnic minorities. Second, laws should be enacted in order to protect the independence and the unity of Turkish nation against the political, economic and normative colonization of the liberal globalization. By doing so, if we use Jurgen Habermas's terminology, concerning nationalist front in Turkey too, some intellectuals consider the state as an existential entity. This existentialist consideration of the state connects the direct connection between national independence and individual freedom, thus between political body and individual body. Third, laws should be deployed for the protection of the ascriptive character of the state. Finally, laws should determine the obligations of citizens to the state in addition to the rights.

For the devotees of the nationalist republicanism, the task of political society is the protection and promotion of the substantive common good, which should take precedence over the choices of individuals. Individuals can enjoy freedom as long as they do not challenge the constitutive ends of Turkish polity. In this sense, the promotion of the freedom of choice is considered as an invitation for the destruction of the constitutive ends of Turkish polity and the disappearance of the individual's obligations towards the state that are necessary for the harmonious unity of society. In brief, the defenders of the nationalist republicanism criticize severely against the mobilization of liberal political and legal rationales as an alternative to the values of nationalist republicanism and consider liberal political and legal instruments as a threat to the communal harmony of Turkish society.

3.4. Concluding Remarks

The inspiration for this thesis came when I began to believe that neither republican front nor liberal front in Turkey is aware of the necessity for the ideal of the autonomy which was developed by Rousseau and Kant in grounding the priority of right over the goods. Neither liberal front's belief in negative freedom, nor republican front's existential emphasis on the national sovereignty could recognize the significance of autonomy for the protection and the promotion of individual

freedom. On the contrary, if one considers the interpretations and the conceptual and political tools that are suggested in the debates, he immediately can understand that the epistemic claims of autonomy have been ignored. Proponents of the both-side avoid facing with challenges of autonomy and its construction of the relationship between law and freedom.

At first, this sounds very surprising, especially for the nationalist front, but it is not. The omission of autonomy is rooted on certain deliberate preferences. For the defenders of republican front, the step from Empire to the Republic requires the fusion of republicanism with nationalism. By providing a secular source of legitimation, nationalism defines a political domain independent of the interventions of religious and traditional ways of argumentation. Moreover, nationalism offers a new form of social integration in which religious, ethnic and traditional ways of integration have lost their importance. In this respect, since nationalism, during the inception of the Turkish nation-state, made possible a secular national community, in the mind of the representatives of nationalist republicanism, there should be a semantic connection between nationalism and republicanism to protect the secular-national community. If we follow the ideas of Habermas concerning the relationship between nationalism and republicanism, we can see that the link between these two has been historical rather than conceptual (1999: 155). In this sense, the historical achievements of the nationalism - such as secular legitimation of the state and social integration- in the formation of the nation-state are significant. However, for Habermas, republicanism is never tied to nationalism in logical terms (1999:129-158). In other words, republicanism's appeal to nationalism has been temporary. In the inception of nation-state, 'nationalism appeals more strongly to citizen's hearts and minds rather than to dry ideas of popular sovereignty and human rights' (1999:140). Whereas nationalism needs the ideal of belonging to a pre-political community based on a shared history, ethnicity and common language, republicanism is built on the ideals of voluntary association and universal human rights. According to Habermas, republicanism does not derive its identity from nationalism but from the praxis of citizens who actively exercise their political rights (1999:145). For this reason,

conditions of globalization erode the historical convergence of republicanism with nationalism and further the universalistic principles of republicanism against the particularistic claims of nationalism. In other words, for Habermas, in the conditions of globalization, republicanism can stand on its own feet and actualize its basic ideals. However, missionary intellectuals of republican front in Turkey are insistent on the necessity of nationalism for the protection of republican community based on secular and unitary morality.

The republican front's insistence on the protection of the semantic connection between republicanism and nationalism cause an attribution to the law three meanings which are paradoxical with the ideal of autonomy originating from the ideas of Rousseau and Kant. First, unlike Rousseau and Kant, republican front defines national sovereignty as the transfer of political power from below to above, thus from people to the state. For this reason, it advances an active state rather than active citizens in the process of legislation. Second, in contrast to Rousseau and Kant's idea of voluntary contract in the constitution and legitimation of political society, republican front conceives the political society as an historical pact. In other words, although, for Rousseau and Kant, political community should rest on the demos, republican front defines political community as ethos based on pre-political identities.²⁰ That is why laws are employed to defend the particularistic characteristics of the nation-state. Third, whereas Rousseau and Kant's notion of popular sovereignty has deep commitment to practical reason with ethical sensitivity, nationalist republicanism gives an ontological priority to the sovereign will. This line of reasoning prevents the crucial relation between legislation process and practical reason.

The skepticism toward the normative and political extensions of autonomy is also valid for the representatives of liberal front. At first sight, this skepticism can be

²⁰ For the contradictory relation of self-legislation to the self-constitution, please see Seyla Benhabib, (1992). In contrast to the claims of communitarians who insist on the internal relation between the self-legislation of the political body and the self-constitution of the community, Benhabib argues that self-legislation of the political body does not necessitate the self-constitution of the community and claims that the very possibility of the distinction between self-constitution and self-legislation can be found in the ideas of Rousseau and Kant.

understood and can be seen promising in favor of individual freedom if we especially keep in mind the priorities of republican epistemology, normative boundaries of which are determined in accordance with the particular articulation of Rousseau's doctrine of general will with Comte's positivism. It is not impossible to share the criticisms of liberals posed to nationalist republican commitments. It is true that nationalist republican mentality is guilty of subordinating individual's freedom to the Unitarian world-view of the state. The obligations of citizens toward the state stemming from the substantial understanding of sovereignty do not leave free space for the autonomous lives of individuals. The border separating the state and individual moves too far on behalf of the republican way of life, thus it is too thin for the recognition of individual's different attachments. For the nationalist republicans, the purpose of the law is the protection of the secular and national republican morality, which means the authoritarian deployment of laws in order to eliminate alternative conceptions of good life chosen by individuals. For this reason, it seems that the call for negative freedom on behalf of individual freedom is fair in Turkey. Therefore, considering this in my mind, like liberals, I am critical of the nationalist republicanism's mentality of the law which puts a curb on individual freedom. Individuals should be free to choose their conceptions of good life. Looked from this angle, I wholly agree with liberal insight that laws should not be deployed to force individuals to live according to the premises of secular-national morality. For this reason, I concur with liberal conviction that the purpose of the state should be protection of individual freedom against arbitrary interference, whether from the state, communities or other individuals.

However, as mentioned above, the defenders of liberalism privilege the epistemic claims of negative freedom instead of autonomy in grounding the priority of right. It is for this reason that my general purpose in this study is to question the claims of negative freedom in the protection of freedom of choice in the light of the ideal of autonomy. Yet, my primary concern will revolve around the arguments of the pluralist version of negative freedom which derive the priority of the right from the value pluralism. As indicated above, the discourse of negative freedom has been

questioned by nationalist republicans in terms of being individualist. However, my aim is not to follow this line of criticism. Rather, instead of questioning negative freedom for its excessive individualism from the republican standpoint, in this study, I will criticize the epistemic priorities of negative freedom not being sufficient in grounding the priority of the right over the good. Hence, my objective is to unleash the dilemmas and even inconsistencies of negative freedom that may lead to the sacrifice of rights.

Yet, before examining the limits and problems of pluralist version of negative freedom, the study should investigate of the epistemic foundations of negative freedom by returning to its founding fathers, Hobbes and Locke. Let me start with Hobbes.

PART 2

**DILEMMAS OF NEGATIVE FREEDOM IN GROUNDING THE
PRIORITY OF THE RIGHT**

CHAPTER 4

ADVANCING NEGATIVE FREEDOM WITH THE DOCTRINE OF ABSOLUTE SOVEREIGNTY: THOMAS HOBBS

4.1. Introduction

Epistemologically, the classic formulation of the negative freedom paradigm is the work of Thomas Hobbes. Hobbes's conception of freedom is the focal point of his conception of the state in spite of his doctrine of absolute and indivisible sovereignty. This is the point where Hobbes's originality arises. On the one hand, individual freedom is accepted as the main component of human condition. On the other hand, it is haunted by skepticism as the source of disorder, uncertainty and chaos. In this section, I argue that Hobbes's negative concept of freedom stands in the foundation of both his liberalism and his absolutism. Finding the liberal spirit in Hobbes's thought is meant to understand a determined thinker who creates an irreversible break with the ancient and medieval notions of freedom and builds the normative ground *de novo* for modern negative conceptions of freedom and law. In other words, the key to his political innovation is a new conception of freedom and law. Nevertheless, Hobbesian appeal to the necessity of absolute sovereign should not be interpreted as a contradictory statement to his normative starting point, because the quest for an absolute and indivisible sovereign is not at odds with his lust for individual freedom. Rather, what makes Hobbes a liberal as the progenitor of individual freedom is equal to what makes him an absolutist as the follower of the doctrine of unlimited and indivisible sovereign. That is to say, his development of new concept of freedom inevitably requires a political embodiment grounded upon the absolute sovereign mimicking the attributes of the God.

It is with Hobbes that individual freedom becomes *raison d'être* of the political society. However, this does not prevent him from grounding the sovereignty of the state on absolutist premises. Often, his oscillation between unlimited freedom and

unlimited sovereign is interpreted as a Hobbesian paradox that is impossible to overcome without giving up either individual freedom or the doctrine of absolute sovereignty. In contrast to his thesis that defends the consistency of individual freedom with the unlimited power of the sovereign (1997: 161), it is argued that he can not be admitted as the theoretician of individual freedom and unlimited sovereign at the same time. Actually, this approach does not reflect the internal logic linking his normative and political stance. As it will be displayed, Hobbes's normative stance is based on his new conception of freedom as the absence of an 'external impediment on motion'. Also, Hobbes's theory of absolute sovereign is logically dependent upon the internal *rationale* of negative freedom. In brief, interpreting this oscillation as the very nature of outcome of negative freedom and law rather than mutually exclusive phenomenon would be my basic purpose in this chapter. Instead of considering mutual opposition between individual freedom and absolute sovereign, I suggest to analyze the *ultimo ratio* of Hobbesian negative freedom that necessitates the absolute sovereign.

Such an endeavor will be realized in three steps that are internally related to each other: In the first step, Hobbes' intellectual effort to displace and marginalize both ancient and medieval conceptions of freedom and law will be explicated. In the second step, the epistemological claims of Hobbesian notion of freedom will be analyzed. In the final step, the very impacts of the negative freedom on the formulation of absolute sovereign will be demonstrated.

4.2. 'Absurdity of Classical and Scholastic Conceptions of Freedom and Law'

It is enough to read only a few pages of *Leviathan* to see a great deal of skepticism in Hobbes toward the aims and claims of classical and medieval conceptions of freedom and law. In his works, it is easy to observe the repetitive emphasis on the absurdity and error of classical and medieval teachings of freedom. Indeed, he presents his new conception of freedom in opposition to classical and medieval notions. Hence, Hobbes's work can be evaluated as an ambitious program for defending a new idea of freedom launched against the two dominant meanings in his time: respectively, 'virtue' and 'free will'.

Hobbes finds nothing to attract him in the arguments concerning ‘virtue’ and ‘free will’. By contrast, he deploys the conceptual tools of new scientific epistemology grounded upon Galileo’s ideas²¹ in order to shake the intellectual credibility of so-called ‘Greek’, ‘republican’ and ‘Scholastic’ notions of freedom.²² In his time, philosophy and politics is once caught between Greco-Roman model of a self-determining state on the one hand, and the Scholastic doctrine of free will on the other. Hobbes presents his conception of freedom as a third alternative by relying on the empirical method provided by Galileo’s work. Norberto Bobbio in his book *Thomas Hobbes and the Natural Law Tradition* points out the essential distinction between mathematical and dogmatic kinds of knowledge in Hobbes’s works (1993: 33). What separates mathematical knowledge from its counterpart lies in its capacity to be “free from controversies and disputes” (1993:33). Yet, dogmatic or metaphysical knowledge leads to the controversies and disputes. Then, it is fair to read his work as an ‘empiricist construction of freedom’ *versus* ‘metaphysics of freedom’ based on classical and scholastic doctrines. In brief, to understand negative notion of freedom, we have to understand what happens to the ancient and medieval notions of freedom in Hobbes’s work. Before examining the internal structure of Hobbes’s intellectual deconstruction of two pre-modern notions of freedom, I will summarize these two previous approaches.

4.2.1. Metaphysics of Freedom

Before the emergence of negative freedom, the concept of freedom has been encumbered with dogmatic knowledge. Although it can be labeled as the

²¹ It is important to emphasize that Hobbes’s account of matter in motion is an adaptation of Galileo’s theory of the conservation of motion in which the conventional question why the objects keep going is interpreted as a wrong question and is displaced by the questions why objects or things change their direction or why they stop. This theory of the motion is adapted by Hobbes to his political theory. According to Hobbes, ‘when a thing is in motion, it will eternally be in motion, unless somewhat else stay it’ (1997: 97).

²² Both Leo Strauss and Quentin Skinner consider Hobbes’s conception of freedom as the scholarly endeavor to marginalize and displace the Greek and the Roman conceptions of freedom. For Strauss, Hobbes is the creator of modern natural right doctrine and liberalism that neglects the conceptual inheritance of the Greek world by promoting the doctrine of perfect right instead of perfect duty, by identifying the task of the political society as the protection of natural right of individual rather than producing a virtuous life, by replacing the standard of *summum bonum* with *summum malum*, thus the standard of ‘the good life’ with the standard of ‘commodious living’. For the contextual reading of Skinner, Hobbes’s aim is to supersede the republican tradition of freedom in which individual freedom is identified with the republican ideal of free state (Skinner, 1998: 10).

metaphysics of freedom, there is wide difference between the metaphysics of freedom advanced by the Greeks and the metaphysics of freedom promoted by Christianity. While the classical notion is based on the metaphysics of reason, the scholastic concept of freedom is located in the metaphysics of will. In the classical world, it is believed that nature *via* reason provides a certain cosmological map according to which not only we can know hierarchically where we locate ourselves in the universe, but also we can decode the attributes of the well-ordered polity. *Arête* is the marker of both individual and polities in terms of displaying to what extent they conform to the dictates of nature: For individuals, virtue is the conformity of action to the function of individual assigned by Nature. Deviation from virtue is accepted as the marker of vice. For polities, the best political regime is the regime that cultivates and perfects the nature of individuals. In this sense, in the Greek world, the rules which make state good are identical with the rules which make individuals excellent and *vice versa*. Hence, the location of virtue, thus freedom, is the *polis* as the community of citizens. On the other hand, in the Christian world, it is argued that will informed by the grace of God gives us cosmological map by which the other-worldly believers are united to each other and shifted the location of freedom from the *polis* (whether ruled by the philosopher-king of Plato or *zoon politikon* citizens of Aristotle) to *Civitas Dei*. The Classical view of freedom as realized in a *polis* was replaced by the scholastic doctrine of salvation as accomplished by subordinating ourselves to the City of God. In sharp contrast to the Greek idea that the *polis* is accepted as the political embodiment of the good life, the scholastic worldview insists about the superiority of *the divinum regimen* over the *humanum regimen* which cannot make individuals perfectly virtuous. That is to say, metaphysics of *homo credens* – the individual created for believing in the God – should displace the metaphysics of *homo politicus* – the individual as a free citizen of *polis*.

Until now, I have noted briefly the apparent differences between the two metaphysics of freedom. Yet, to understand the meaning of Hobbesian challenge, we should be more specific about the differences between them and about the impacts of these two concepts of freedom on the idea of law.

4.2.1.1. The Classical Conception of Freedom and Law

Human beings have described and still do describe the good life in various ways. These conceptions of the good life rest on certain assumptions which determine and shape the ideas about the meanings and attributes of the ideal polity. These ideas reveal the way we conceive the nature and structure of human beliefs and activities. Accordingly, if we examine the meanings and tasks attributed to the ideal polity, we can understand how human beings describe the aspects of the good life.

Little wonder that it is by Plato and Aristotle that the search for the conditions of the ideal polity becomes the hallmark of a philosophical activity. Although Plato and Aristotle have disagreement on certain issues, their philosophical inquiries share the common point in investigating on the permanent features of ideal polity that develop certain characters, habits and virtues in the citizens, the virtues that their natures have made them capable. Unless we understand the permanent features of ideal polity, we cannot give an adequate account of freedom envisaged by the Greeks. First of all, ideal polity is the polity that organizes people according to an objective supreme good, rational intelligibility of which is possible. The attributes of the well-ordered polity can be rationally derived from the knowledge of *arête*, the knowledge that gives us the separation of what is right from what is wrong. In this sense, the Nomos of the ideal polity should take into consideration this knowledge instead of opinions or beliefs, whether such knowledge is provided by the speculation of philosopher or by practical wisdom, *phronesis*. The knowledge of virtue should supersede the conventions, beliefs and opinions in the promulgation of laws. Moreover, the knowledge of *arête* as an objective standard – derived from Nature by reason – determines not only the hierarchical order of values, but also the hierarchical order of men corresponding to the hierarchy of values in the well-ordered polity. Accordingly, the Nomos of the ideal polity should rely on the knowledge of virtue which determines for each individual a standard of what he should do. Finally, the task of the ideal state should be the cultivation of virtuous citizens by developing individual's moral and physical excellence, which is necessary for the actualization of the supreme good. Here,

what is crucial for the ideal polity is the coincidence of the objectively given purposes of nature with the determined standards of action for us by Nomos. It is in this coincidence that the real purpose of the polis as the moral fulfillment of its citizens can be attained. In ideal polity, any action obeying the standards of Nomos is accepted as virtuous action which actualizes the requirements of its objectively determined function in the cosmos. This is why the state is natural in the sense that it supplies the legal environment for the perfection of individual's virtues ordained by nature. From this perspective, *polis* is accepted as the spatio-temporal location of virtue and good life. To face a life outside the polis, as a non-citizen, would be to face the prospect of life without virtue. It is, indeed, for this reason that Socrates has taken the famous poison hemlock, instead of accepting the exile as his students urged him. Anyone who can live outside the community of *polis* must be either a god as super-human or a beast as sub-human. Therefore, individuals could completely actualize themselves only as being citizen, being citizen, in turn, endows the participation in the legislative and judicial functions of the polis. They meet to debate, to make judgments and to decide on the way to execute their judgments in the polis. The inevitable features of these meetings in the *agorae* are speech, presentation, argumentation and verbal confrontation on the all aspects of policies. As Pocock said 'citizenship is not just a means for being free; it is the way of being free itself in Ancient Greece' (1995:32). In brief, the life of citizenship is accepted as the way of good life and freedom. To be free, individual must be a participant in the public and political life. Because only by participating into the public affairs of polis that citizens can attain their perfection.

Before explaining the scholastic conception of freedom and law, let me summarize three features of classical thinking about freedom and law. First, the classical idea of freedom is defined by the discovery of the knowledge of the virtue, against the authority of convention, as a standard derived from nature by reason. Thus, here, the idea of law grounded upon the knowledge of virtue takes the place of the conventions. Second, virtue as objective value imposes its standard of what each person ought to do independently of his own inclinations. By promoting virtue, laws determine what kind of virtue corresponds to which group of citizens

according to the natural hierarchy given in the cosmic structure. Finally, the classical political thought links the actualization of freedom with the fulfillment of virtue *via polis*. Hence, freedom is internally related to the virtues of citizenship.

4.2.1.2. The Scholastic Conception of Freedom and Law

In contrast to classical Greek world where the citizen attains his freedom by the fulfillment of virtue assigned to him by nature, in the Christian world, it is by God's grace that man achieves his liberation, thus salvation. While the reason (whether in the form of theoretical or practical) is accepted as active faculty in the attainment of the knowledge of virtue in classical thought, Saint Augustine emphasizes the limits of reason by declaring the idea of '*credo ut intelligam*'. Here, Augustine demonstrates the incapacity of reason and points out the need for the belief in understanding God's grace as the highest good that can not be attained by reason (Wills, 1999: 96-97). This is why he said that "Understand in order that you may believe, believe in order that you may understand. Some things we do not believe unless we understand them; others we do not understand unless we believe." Devaluation of human reasoning and virtues derived from it brings the emergence of the human will as the locus of God's grace.²³ Therefore, for Augustine, only the faculty of will can attain God's grace. If man would like to achieve his salvation, his soul should turn to God's grace rather than worldly and human things. Man's salvation stems from the grace of God.

It is interesting to note that for Augustine, the doctrine of grace by no means nullifies the validity of man's free will, *arbitrum liberum*. At first sight, the doctrine that man's salvation resides in the free choice of will and the doctrine that man's salvation directly comes from God's grace seem contradictory with each other. This contradiction becomes evident especially after the argument made by monk Pelagius that man can have his own salvation by the effort and initiative of his own free will (Oates, 1980: xix). On this view, the grace of God is already granted to men as a result of their merits (Oates, 1980: xix). Pelagius's argument

²³ Hannah Arendt in *The Life of the Mind* identifies Augustine as the first philosopher who attributes the faculty of will the primary role (1978:3).

presupposes a weak doctrine of grace, and thereby weakens the authority of Church as the means of man's eternal salvation. Actually, the position of Pelagius is not so different from the position expressed in St. Augustine's early treatise *On Free Will (De Libero Arbitrio)* which maximizes the role of free will and minimizes the role of grace (Oates, 1980: xxix). Later, the Pelagians become one of the powerful heretical groups in the Church.²⁴

Pelagian stress on free will has been one of the most difficult challenges that the Church has ever had confronted (Oates, 1980: xix). Then, the question arises: 'what would be the answer of Augustine to the claims of Pelagius and his own early position?' On the one hand, he may argue that this thesis does not recognize God's omnipotence and omniscient by attributing a relatively independent role to the faculty of will both from divine intervention and divine illumination. And what's worse in this argument is that it denies the Christian virtue of humility and seduces man to carry out the sin of pride as the deadliest of all the sins (Oates, 1980: xix). Yet, to accepting this answer does not solve the problem altogether. Rather, the problem becomes complicated. Because, the problem about the origin of sin remains. If God's grace by divine intervention and divine illumination predetermines the acts of will, who would be responsible for the sinful acts of men? If we ask the question from the other side, what would be condition of man's free will?

In his late anti-Pelagian treatises, *On Nature and Grace*, *On The Grace of Christ and On Original Sin*, but particularly in *On Grace and Free Will*, Augustine, contrary to the position of Pelagians who overestimated the role and initiative of free will in the path to salvation, claims that it is evident from the testimony of Scripture that Christians should maintain the strong doctrine of grace without denying the validity of free will (Augustine, 1980: 733). His line of reasoning on behalf of the authority of Church (which has constituted one of the Church's greatest doctrines throughout its history) can be summarized as follows. First of all, according to Augustine, through His Holy Scriptures, God had revealed us that

²⁴ By the year of 418 A.D., the Pelagian heresy was condemned (Oates, 1980; 582).

there is no incompatibility between the necessity of God's grace and free will (Augustine, 1980:556). As opposed to Pelagianism which leaves no room for God's assistance in leading a Good Christian life, in order to prove that free will is established by Grace (Augustine, 1980: 503), Augustine depicts the human condition before the grace of God, the condition which corresponds to the period after Adam's fall. This era can be identified as the dominion of mere volition without the possibility of the inability to sin (Oates, 1980: xxvii). Therefore, although this era manifests the unlimited free will, man only chooses among the alternative courses of action which all lead to sin because of the absence of the knowledge concerning God's grace. That is why in that period the freedom of will is only an illusion (Oates, 1980: xxvii).

Yet, this does not mean that man's nature was created at first with sin (Augustine, 1980: 523). Because nothing evil can be attributed to the nature of God (Augustine, 1980: 451). Evil, (sin) comes not from God, but from the will of man (Augustine, 1980: 442). In this sense, although man is created without sin, his nature has been depraved or corrupted by sin with the failure of Adam. As Augustine says "The tree was forbidden to Adam not because it was evil, but because it was Good for man to be subject to God" (Augustine, 1980: 445). But, Adam failed by choosing the evil of disobedience. That is to say, although man was not created with a will which is able not to sin (*posse non peccare*), after Adam's failure, his will becomes perverted, 'able to sin' (*posse peccare*). After that era, men cannot be without sin because of the original sin of Adam transmitted to his descendants by birth (Oates, 1980: xxix). Hence, this era can be called as the time of free will without the knowledge of Grace. Before examining the meaning of free will after the advent of Grace, I should open the short parentheses for the interpretation of Augustine concerning the period after the law which is given by Moses. For him, the effect of commandments is to become aware of the knowledge of sin for man. But, this does not change the situation of man but adds the quilt of willful transgression to it (Augustine, 1980: 727-728).

For Augustine, the possibility of avoiding sinning is inherited in man's creation. But, it becomes possible only after God sent his Son to us in order to give us the knowledge of Grace, the only knowledge that can save man from the bondage of sin. At this juncture freedom of will gains its genuine meaning. He explains in his *City of God*:

The will, therefore, is then truly free, when it is not the slave of vices and sins. Such was it given by God; and this being lost by its own fault, can only be restored by Him who was able at first to give it. And therefore, the truth says, "If the Son shall make you free, ye shall be free indeed;" which is equivalent to saying, If the Son shall save you, ye shall be saved indeed. For He is our *Liberator*, inasmuch as He is our Saviour (Augustine, 1969: 88). (emphasis mine)

It is with the advent of grace that the faculty of will may separate right action from wrong action, and thus manifests its choice: "either to incline towards faith or turn towards unbelief". If the right action is chosen, the choice can be identified as genuinely free. However, if the wrong action is preferred, it is not really free choice (Oates, 1980: xxviii). Therefore, since God's grace is necessary for choosing good action (Augustine, 1980: 539), the manifestation of free will is internally related to the grace of God. By contrast, sin as failure belongs to man's contemptible will, the will that loses its touch with God's Truth. Hence, he is responsible for his sins.

Then, contrary to the thesis of Pelagius which emphasizes self-sufficiency of man for acting rightly, Augustine insists that grace establishes free will. Yet, this does not mean that

Do we then by grace make void free will? God forbid! Nay, rather we establish free will...since grace cures the will whereby righteousness is freely loved (Augustine, 1980:503).

Free will will be really free only when it is subject to the grace of God. It is for this reason that free will and the necessity of God's grace is not incompatible. Rather,

Grace is necessary along with free will to lead a good life: Therefore, my dearly beloved, as we have now proved by our former testimonies from Holy Scripture that there is in man a free determination of will for living rightly and acting rightly; so now let

us see what are the divine testimonies concerning the Grace of God, *without which we are not able to do any good thing*.....not received by all men, may yet be received by some, there are both the gift of God and free will (Augustine, 1980: 739) (emphasis mine).

As understood from the passage, Augustine classifies humans into two branches, one of which does not understand the Grace of God and lives according to the dictates of the flesh and the other that understands the Grace of God and lives according to his dictates. This separation results in the doctrine of the 'two cities': the 'city of God' (*Civitas Dei*) and the 'earthly city' (*Civitas terrana*). By examining this doctrine we can understand the role of law in the scholastic conception of freedom. On the one hand, the domain of law can not be interpreted as the realization of the supreme good, the freedom of will as inability to sin. In contrast to the Greek vision of law, for Augustine, *humanum regimen* has no place in God's cosmic order, thereby even the good state cannot cure man's orientation towards the evil. Thus, neither the state nor the human law can have any positive function in the liberation of man's will. The institutional location of grace - the route to the freedom of will - is the Church, which brings God's Word to man by offering him the sacraments. It is for this reason that only the church can take care of the cultivation of man's Christian values such as faith, hope and confession. Thanks to the active membership of the Church, each individual can attain his own salvation. Liberation is impossible with the laws of Earthly Kingdoms and Pagan States.

On the other hand, given man's fallen nature, the earthly city and its laws are inevitably evil, because they serve to maintain order and peace in the world. There is internal connection between the State and sin. Political society becomes necessary as 'a fruit of sin', as a legal instrument for the punishment of sin, without which social life can not be possible. In this respect, by maintaining order and peace, the laws of the State may have a positive social function in providing the necessary conditions under which the Church can fulfill its own mission of liberating man's will. Thus, the state, endowed with the power of coercion has a supplementary role in the attainment of eternal salvation, even though the province

of law is completely outside of the grace of God. In brief, the purpose of State and law is to protect man from the destructive consequences of the evil in him.

Augustine's doctrine of free will has been also adapted by another medieval philosopher, St. Thomas Aquinas who emphasizes the significance of free will in following manner:

The proper act of a free will is choice: for we say that we have a free will because we can take one thing while refusing another; and this is to choose...Now two things concur in choice: one on the part of the cognitive power, the other on the part of the appetitive power. On the part of the cognitive power, counsel is required, by which we judge one thing to be preferred to another: and on the part of the appetitive power, it is required that the appetite should accept the judgment of the counsel (Aquinas, 1953: 152-3).

At this point, before examining Hobbesian challenge to the classical and medieval notions of freedom and law, let me draw a chart that outlines the pillar of two different models of metaphysics of freedom in the broadest terms.

Classical Conception of 'Free Citizen'

The Highest Good	Virtue
The Supreme Faculty of the Soul	Reason
The Location of the Virtue	Polis (city-state)
The Actor of the Virtue	Citizen
The <i>telos</i> of being citizen	Perfection of Virtue
The Role of the Law and law-giver	Positive
The primary act of the Citizen	Participation

Scholastic Conception of 'Free Will'

The Highest Good	God
The Supreme Faculty of the Soul	Will
The Location of the grace of God	The City of God
The Actor of the grace of God	Believer/Christian
The end of being Christian	Salvation (freedom of Will)
The Role of the earthly state and its law	Negative
The primary act of the Christian	Confession

4.3. Hobbesian Challenge

As mentioned at the beginning, Hobbes not only shakes the established traditions of freedom and law but also suggests a new conception of freedom which aims at marginalizing and displacing the classical and medieval notions. He is not persuaded by the free will argument and the assumption of virtue argument. Indeed, he attempts to make ‘a conscious break’ with the past, yet at the same time a novelty occurs which introduces a discourse of negative freedom that constructs a new political relationship between individual and the state. I want to argue that it is Hobbes who breaks deliberately with the ancient and medieval concepts of freedom and builds the groundwork for a negative concept of freedom, the freedom which we call modern. Hobbes identifies himself as the founder of a new political order which would be free of the metaphysical assumptions of classical and medieval notions of freedom and law. He is persistent in claiming the failures and absurdities of the past notions of freedom as well as in defending the novelty of his concept of freedom. In this respect, his strategy fosters the abolition of the intellectual inheritance of the arguments of ‘virtue’ and ‘free will’ and the promotion of the new form of freedom which makes an irreversible break with the past. It is for this reason Hobbes is identified as one of the founders of political modernity.

Although there is widespread consensus about the novelty of Hobbes’s political thought – even though some attributes pejorative meaning to his novelty – among Hobbesian scholars, there is serious disagreement in terms of locating Hobbes’s genuine target: either the classical conception of Natural Right as Strauss claims, or the Neo-Roman conception of ‘free state’ as Skinner claims. No doubt these different readings of Hobbes rely on different attitudes to modern political thought; namely, philosophical and historical. Strauss’s philosophical methodology insists upon the independent meaning of the text separate from the historical context in which the text is written. On this view, the major concern should be the examination of the internal structure and consistency of the writer’s arguments (Lively & Reeve, 1989: 14). From such angle, Strauss claims that Hobbes’s early political thought sides with the humanist position of the classical natural right.

However, after his acquaintance with Euclid and Galileo's scientific revolution, he parts company with the humanism of classical political thought and becomes the creator of modern natural right which is nothing but the language of political hedonism (Strauss, 1963; 33). On the other hand, Skinner's historical methodology is critical of ahistoric and anachronistic interpretations of the philosophical argument that ignores the historical context in which the thesis of the writer has been constructed.²⁵ The argument of the writer cannot be apprehended simply by dealing with his texts directly (Lively & Reeve, 1989: 15). The basic inquiry should be based on the examination of the argument by uncovering the political, social and economic tensions of its time and the groups the author attacked (Lively & Reeve, 1989: 16). From this perspective, Skinner argues that Hobbes's genuine target was not the classical natural right, but neo-roman conception of freedom aiming to strengthen his thesis about the necessity of monarchy.²⁶ To Skinner, Hobbes's project was to discredit neo-roman theory of free states on behalf of his monarchism and this preference was an inevitable result of his utilitarian-individualist conception of human nature.

On my view, these alternative approaches should not be interpreted as mutually exclusive, but, rather as complementary to each other. Hobbes's infatuation with Galileo's scientific method could have been as effective as the English Civil War. While the textual approach undermines the details of historical context, historical reading of the text restricts the repercussions of Hobbes' philosophical outlook for today's world.²⁷ More importantly, neither the text nor the context carries an objective truth beyond the intentions of researcher. Both the interpretations of the

²⁵ In another context, John Dunn, in his book *The Political Thought of John Locke* defends the historical approach to modern political thought. To see the comparison of historical, philosophical and theological attitudes to modern political thought, please see James Alexander, 'An Essay on Historical, Philosophical, and Theological Attitudes to Modern Political Thought', (2004).

²⁶ As Skinner points out: "As Hobbes himself always emphasized, one of his aims in putting forward this analysis was to discredit and supersede a strongly contrasting tradition of thought in which the concept of civil liberty had instead been associated with the classical ideal of the *civitas libera* or free state" (1998: 10).

²⁷ For a review of the recent studies on Hobbes which interrogates both Strauss's philosophical method and Skinner's historical approach, please see Samantha Frost, 'Hobbes Out of Bounds', (April 2004).

text and context are bounded with the purpose of the researcher. For example, in accordance with their scholarly intentions, neither Strauss nor Skinner focuses on the missionary zeal of Hobbes's argument against free will. Skinner may even claim that Hobbes' concept of freedom has no objection to the traditional discourse about the faculty of will concerning human actions (Skinner, 1998: 7).

Leaving this debate aside, I will develop the line of argument that finds the originality of Hobbes's political thought in its representation the transition to political modernity by the promotion of negative freedom against both the classical defense of virtue and scholastic notion of free will. Such an endeavor benefits from merits of the philosophical and the historical accounts at the same time. Let me now examine Hobbes's criticism of the classical and medieval notions of freedom and law.

4.3.1. The Errors of Classical Conception of Freedom

Hobbes's works, particularly *De Cive* and *Leviathan*, can be read as his encounter with the classical thesis about the nature of freedom and law. Yet, from its inception, Hobbes seems confident about the validity of his idea and failure of the classical thesis. In *De Cive* and *Leviathan*, he demonstrates repeatedly the errors of Greek and Roman authors on subject matters such as 'scope of reason', 'definition of virtue', 'the condition of human beings' ' the origin of political society' and 'the nature of democracy'. More importantly, for Hobbes, the obvious mistakes of Aristotle, Cicero and others do not remain as mere opinion in the pages of their books. By assigning them in the universities, individuals get wrong ideas and habits about the nature and the limits of their freedom in political society, so they become dangerous doctrines for the maintenance of the political society. Hobbes even suggests implicitly the censorship for the deceiving opinions of Greek and Roman moral philosophers such as Plato, Aristotle, Cicero, Seneca, Plutarch, which cast seeds of disorder that can inevitably lead to the dissolution of a Commonwealth (1998: 133 ; 1997: 163). He seems insistent that they should not be taught in the universities, which should be place of civil doctrine rather than the

forum of seditious doctrines. New moral and political philosophy cannot resign the task of showing the errors of the classical moral and political philosophy.

First of all, classical moral philosophy considers the function of reason as ‘infallible faculty’ from which we can learn the evident truth of first principles (Bobbio, 1993: 118). Reason was deployed to give us the knowledge of *summum bonum*. However, human reason cannot give us the access to the knowledge of the highest good as the universal and indisputable truth if reasoning begins to take into account the impact of senses. More importantly, reason has not capacity to reveal us the knowledge of the essences of the substances. Therefore, Hobbes’s account of reason is not metaphysical, but nominalist. Here, we see the emergence of individuality in this nominalist account of reason in which true and false are determined according to the speech of individuals, not according to the attributes of things (Hobbes, 1997: 48). Otherwise stated, instead of being an attribute of a supreme good, reason becomes the attribute of a living person who can judge what is good for him independently of the supposedly supreme good. Moreover, each individual may interpret the good and bad independently from others. Hence, human reason cannot provide the knowledge of universally acknowledged supreme good. As the act of reasoning, at most, it can give us the conditions of co-existence for the longest possible preservation of life and limb (1998: 33). In this sense, for Hobbes, ‘...there is no such *finis ultimus*, utmost aim, nor *summum bonum*, greatest good, as is spoken in the books of the old moral philosophers’ (1997: 80). So, the supreme good cannot be any longer ‘inertial frame of reference’ in the analysis of the reasons for the foundation of political unit.

The second error of the classical thought consists in the definition of virtue as the state of mind rather than as mores. Since its authority is derived from the doctrine of *summum bonum* discerned by the faculty of reason, classical conception of freedom focused upon ‘the decency of behavior’. Thus, virtue, as the path to the happiness, has been regarded as a neutral court of appeal to differentiate what is good from what is bad, thereby to separate the good actions from bad actions. However, as mentioned above, classical doctrine of virtue is based on false

reasoning as well, because when reasoning begins to operate with the senses, the definition of virtue – knowledge of what is good and bad – should become the individual's discretion. In such a condition, individuals can identify good and evil by the different measures. As he emphasizes both in *De Cive* and *Leviathan*:

Men's desires differ, as their temperaments, habits and opinions differ; one may see this in the case of things perceived by the senses, by the taste, for instance, or by touch or smell, but it is much more so in everything to do with the ordinary actions of life, where what one man *praises*, i.e. calls *good*, the other *abuses* as bad; indeed the same man at different times *praises* or *blames* the same thing (1998: 55) (emphasis original)

....For these words of good, evil, and contemptible, are ever used with relation to the person that useth them: there being nothing simply and *absolutely so; not any common rule of good and evil*....(1997: 48) (emphasis mine)

....For one man calleth *wisdom*, what another calleth *fear*; and one *cruelty*, what another *justice*.... (1997: 45) (emphasis original)

Thus, virtue in its classical version cannot be neutral in differentiating what is good and evil. Rather, because of the relativisation of the criterion of virtue, it leads to the confusion among individuals. Therefore, the discourse of virtue can be recognized any longer as the necessary ground for agreement among individuals. In such a condition, Hobbes claims, only neutral virtues remaining to us are the mores “ *modesty, fairness, good faith, kindness, and mercy*’.....necessary for peace....” (1998: 55) (emphasis original). Contrary to mores, classical virtues cannot be justified any more in providing the conditions of political co-existence.

The third error of the classical moral philosophy is related to the definition of the human condition which does not recognize the naturalness of both the equality of individuals and the conflict among them. By contrast, classical thinkers relied on two major assumptions about the condition of humans: the natural inequality of men and natural impossibility of conflict among them. For Hobbes, Aristotle is one of the robust defenders of these two basic assumptions from which he derived his assumption about the nature of political society. On this issue, Hobbes explicitly contests Aristotle's claims and tries to prove that they are false.

Regarding the equality of men, Aristotle asserts that some men created naturally to rule while the others to serve (1998: 49 ; 1997: 120). For Hobbes, this thesis assumes that the distinction between master and slave is constituted not by agreement among men but by natural talent based on the difference of wit (1998: 49 ; 1997: 120). Nevertheless, to accept this argument, man should be so foolish. But, for Hobbes, "...there are very few so foolish, that had not rather govern themselves, than be governed by others" (1997: 120). For this reason, Aristotle's claim is against both reason and experience (1998: 49 ; 1997: 120). According to Hobbes, in contrast to Aristotle, all men are made by nature equal in terms of the faculties of the body and mind (1997: 98, 120 ; 1998: 49-50).

Another false claim of Aristotle stems from his ascription of an inclination of some animals to humans: like bees and ants living social and towards a common good. No doubt that bees and ants naturally live together and orient their actions in accordance with the common end. But, Aristotle asserts that this is also valid for humans. According to Hobbes, it is important to explain the reasons why this condition of some animals cannot be valid for the condition of humans. First, unlike animals, the human condition is the condition of competition for honor and dignity that leads to the sentiments of resentment and envy, the sentiments that cast the seeds of sedition and war (1998: 71 ; 1997: 131). Second, since the natural appetites of these animals are uniform, it is impossible to find the distinction between the private good and the common good in these animals (1998: 71 ; 1997: 131). Actually, animals are following the common benefit even if they are naturally inclined to follow their private benefit. However, man enjoys comparing himself with other men. Third, because animals are devoid of reason, they do not see any defects in the administration of common affairs. Yet it is otherwise with men – because they suppose themselves wiser – who continuously demand reform in the government in order to make it better, from which intellectual dissension and conflict emerges (1998: 71 ; 1997: 131). Fourth, because animals do not have speech – though they are able to deploy their voices for the communication – they are, naturally, devoid of the art of words, by which men have the ability to represent the good like evil and the evil like good (1998: 71 ; 1997: 131). Hence,

“man’s tongue is a trumpet to war and sedition” (1998: 71). Fifth, irrational creatures are not aware of the distinction between injury and damage (1998: 71 ; 1997: 131). Finally, whereas the agreement between these animals is based on their natural appetites, the agreement between men can be only possible with covenant (1998: 72 ; 1997: 131). While the former is natural, the latter is artificial. For Hobbes, if all these differences are taken into account, it is not difficult to see the invalidity of Aristotelian claim concerning the condition of humans, from which it is impossible to derive the knowledge of political existence. Rather, what we need is a new political language that does acknowledge the equality of men and the inevitability of the conflict among them. The fourth error of classical moral and political theory, which proceeds from the false assumptions, stems from the axiom that “man is by nature political animal” (1998: 22). Consistent with his arguments given above, Hobbes argues that it is a big mistake to ground civil doctrine upon friendship rather than the preservation of peace (1998: 22). What is at stake in human affairs is not the love of friend but the love of self (1998: 23). Furthermore, the view based on the definition of man as an animal born fit for society (1998:22) cannot discern the meaning of political togetherness as completely different phenomenon from the swarms of animals (like bees and ants) for whom to maintain peace is based on the natural appetite instead of the voluntary agreement (1998:71). In this sense, the political is the distinguished feature of human relations.

The last error of classical political thought stems from the assumption of democracy or popular state is the *sine qua non* condition of individual freedom. To Hobbes, this view does not reflect the true face of democracy albeit it is presented as a freedom-friendly theory of government. Hobbes provides many reasons for disbelieving democracy to be the best way of promoting the liberty of the individual.²⁸ His criticism of democracy begins with an inquiry why large

²⁸ No doubt that Hobbes’s political purpose is to defend monarchy against democracy. My opinion concerning his motivation for this is different from that of Skinner, who simply takes into account the political struggle in England and identifies Hobbes as royalist. I rather think that Hobbes’s quest for monarchy should be interpreted as a result of new definition of the human condition, thereby as a quest for absolute sovereign, which more or less corresponds to the modern state in which absolute power of the sovereign is not considered as an impediment to individual freedom.

participation to deliberation in public matters or equal participation in public offices results in the repudiation of individual freedom. In this sense, his attack on democracy is not for its excessive attention to individual freedom, but for its vulnerability in transforming itself into a political environment uncongenial to individual freedom. The political conditions of the individual freedom that are degenerated by popular state can be seen in four categories: 1) the defense from external threats; 2) preservation of internal peace and stability; 3) the minimum corruption in public expenses; 4) the enjoyment of individual liberty. For Hobbes, deliberation in public matters has disadvantage in defending commonwealth from external enemies because of three reasons. First, uninterrupted schedule of meetings in large assemblies defers the necessary decision to defeat the threat posed by the enemy. Second, democracy denies the importance of expertise knowledge concerning the size and power of external threats stemming from the neighboring country (1998: 123). For Hobbes, very few people can be competent in the foreign affairs (1998: 123). Hence, ‘what can that large number of debaters contribute to policy with their inept views but a nuisance?’ (1998: 123). Finally, the open and transparent character of deliberations in large assemblies prevent keeping secrets from the foreign countries (1998: 124).

According to Hobbes, by promoting everyone’s participation in public issues, democracy risks the preservation of internal peace congenial to the exercise of individual freedom. In a democracy, where each individual is allowed to involve in public matters, where everyone is given permission to publicly expose his eloquence, the constant effort to win a reputation and rank spreads the seeds of abhorrence in the commonwealth.²⁹ In this sense, rather than promoting friendship among individuals (what Aristotle expected from participating equally in public offices), uninterrupted schedule of meetings in large assemblies cast the seeds of hatred among debaters. He points out this strong proximity of democracy:

To see the proposal of a man whom we despise preferred to our own; to see our wisdom ignored before our eyes; to incur certain enmity in an uncertain struggle for empty glory; to hate and be hated because of differences of opinion (which cannot be avoided,

²⁹ However, Hobbes states that in Monarchy, the road to constant struggle for winning praise and rank is blocked for most of the citizens (1998: 122).

whether we win or lose); to reveal our plans and wishes when there is no need to and to get nothing by it... (1998: 122).

Furthermore, democracy also suffers from the epistemic limitations of eloquence, which displaces correct reasoning conducive to the maintenance of the peace and substitutes the passion of victory grounded upon the effort to be attractive to the audience instead of truth, which is based on true principles, not on persuasion (1998: 122-123). Since the purpose of eloquence is to make things different from what they really are – such as to make the Good the bad, to make the unjust the just...etc. – this attempt to get the support from the audience results in:

votes are cast not on the basis of correct reasoning but on emotional impulse. This is not the fault of *man* but of *Eloquence* itself, whose end (as all the masters of Rhetoric point out) is not truth (except by accident) but victory; and its task is not to teach but to persuade (1998: 123). (emphasis and parenthesis original)

Apart from the trap of eloquence, democracy faces permanently with the problem of sustaining stability because of the constant formation and confrontation of the factions in the commonwealth, which is nothing but the source of sedition and civil war (1998: 123). Initially, these groups confront each other with the adversary speeches of orators, whose aim are to ensure the audience that their policy is better than their opponents for the country (1998: 123). Then, even if one speaker is defeated, the group still keeps its hopes to win the majority vote by some intrigues (1998: 124). In the end, when a faction does not get enough votes for their policy by eloquence and intrigue, they try to get it by taking up arms (1998: 124). Therefore, by allowing the endless struggle of the factions, democracy may lead to civil war.

Another disadvantage of democracy springs from the negative impacts of factions on the corruption of public expenses. For Hobbes, it is impossible to deny that sovereign may exact money in order to enrich his children, relatives and supporters (1998: 119). However, it is not true that democratic government is immune from the corruption of public expenses. By contrast, he claims that democracy is much more lenient for public corruption. Because,

...if a *Monarch* does choose to enrich them, there are not many of them, because they depend on one man. But in a *Democracy* the large numbers of *Demagogues*, i.e. the orators who have influence with the people (and there are a lot of them and new ones come along every day), are so many men who have *children, relatives, friends* and *flatters* to be enriched. For individuals desire not only to make their families rich, powerful and illustrious, so far as they can, but also want to bind others to them with favors in order to strengthen their own position (1998: 119). (emphasis original)

Finally, for Hobbes, as a proponent of democracy, classical political teaching entails the deprivation of individual freedom by creating an illusion that the actions of the sovereign can be controlled by the subjects as if sovereign was their equal (1997: 163) and by compelling individuals to participate in public matters (1998: 122). As Aristotle maintains in his *Politics*, man's freedom is to be supposed by definition, as if man cannot be free in any other kind of government (1998: 122 ; 1997: 163). For Hobbes, this claim does not explain the real story. If freedom is understood as exemption from the subjection to the law, it is impossible to find freedom neither in a democracy nor in any other form of government (1998: 121). But if it is understood by submitting to few laws that forbids few things in order to sustain political co-existence, then monarchy or absolute sovereignty can provide such liberty as well as democracy, indeed even better than democracy (1998: 121). Since democracy spreads the impression that equal participation of individual citizens in public offices makes them equal in power with the sovereign, it leads to the wrong reasoning that the act of submission and individual freedom are contradictory to each other. For this reason, the logic behind democracy fortifies the wrong habits among individual citizens such as having sympathy with tumults and licentious control of the decisions of sovereign which inevitably results in catastrophe (1997: 163). Nevertheless, Hobbes declares that "in the act of our submission, consisteth both our obligation, and our liberty" (1997: 163). Contrary to the logic of democracy, obedience should be accepted as the precondition of genuine individual freedom.

Furthermore, he also objects to the classical conviction that participation in public matters is *sine qua non* for the protection of our freedom. At first sight, the

freedom to participate in public issues seems to enhance our freedom. However, in the last instance, it creates an obstacle to the enjoyment of our freedom by leading us to ignore our private affairs constantly (1998: 122). The freedom of ancients is something like a smoke-screen. Its real aim is the liberty of the commonwealth rather than the liberty of particular individual (1998: 162). Hobbes explains this point as follows: “For even if liberty is inscribed on the gates and towers of a city in the largest possible letters, it is not the liberty of the individual citizen but of the city” (1998: 121).

Having presented Hobbes’s objections to the classical moral and political thought let me derive his possible objections to the classical notions of freedom and law. First of all, as explained above, since classical moral philosophy treats reason as an infallible faculty which does not recognize the impacts of senses, it can be legitimately argued that freedom envisaged by classical philosophy turns out to be the freedom to have access to the supreme good, instead of being an attribute of particular individual, with which individual can take decisions by his own reason on the basis of his senses. Otherwise stated, classical conception of freedom does not consider reason as individual’s own discretion. Rather, the faculty of reason is given priority over the particular reasons of individuals. Second, by identifying freedom with the life governed according to virtue, the classical view does not leave a place for a life according to the claims of passions, a life that can be called ‘commodious’ instead of ‘good’.³⁰ In this sense, what is denied in the classical notion of freedom is the language of want. Third, ancients never conceive a situation in which the decisions of individuals may conflict both with the other individuals and with the public decisions. Hence, there is no room for antagonism. At most, when it is faced with the truth of antagonism in human affairs, it is evaluated as deviation from virtue. In addition, by denouncing the truth that men are equal by nature, classical notion of freedom does not admit that each individual

³⁰ Here, I accept Strauss’s charge that Hobbes lowers the goals of humans by substituting the idea of commodious living with the good life. However, in contrast to Strauss, I do not think that this is a negative feature of Hobbes’s thought. Because in this way Hobbes takes the standpoint of common men as the standard for political co-existence, instead of an elitist criteria of *summum bonum*.

can rule himself without the aid of others. Finally, the so-called freedom to enter into public matters does not give us enough time to deal with our private affairs.

Under the normative guidance of classical notion of freedom, it is believed that a good law can be made according to reason, which enables philosophers or citizens to make good constitutions in accordance with the supreme good. Here, classical vision of law ignores the fact that the reason at most reveals us only the principles of living together. Classical political thought regards the task of law as the cultivation of virtue by prescribing to individuals the objective standards of behavior. However, for Hobbes, the virtue of the citizens is not something which law can promote, not because virtues do not have significance, but because it is impossible to determine a virtue valid for everyone. Finally, by promoting the participation in public affairs, ancient thinkers presuppose a collective law-making process, through which each individual may play a role in the government of the polis. But, due to the formation of factions and the role of eloquence in the polis, the law cannot provide its real function of forbidding few things and becomes unstable, proliferated and unpredictable, the attributes that are contrary to the protection of individual freedom. Thus, overall, for Hobbes, classical conceptions of freedom and law do not accord with the freedom of individual. For this reason, neither the Athenians, nor the Romans were free.

4.3.2. The Absurdity of the 'Free Will' Argument

As Hobbes objects to Aristotle about the definition of human nature as *zoon politikon* at the very beginning of the first chapter of *De Cive*, he contends against the doctrine of free will at the very beginning of *Leviathan* by regarding the word free will as an example of absurd speech (1997: 43). Indeed, Hobbes presents talk on free will in the category of absurd speech in several places of *Leviathan* (1997: 43, 46, 160). Then, the language of a free will should be displaced and marginalized as much as the language of virtue, in order to advance the freedom of individual.

It is important to note here that Hobbes's missionary zeal against the doctrine of free will creates uneasiness among the defenders of the scholastic distinction between will in physical sense and will in moral sense, one of the leading figures of which is an Arminian Bishop John Bramhall of Derry. In the end, the discomfort with the physicalist notion of freedom endorsed by Hobbes creates one of the famous debates between him and Bramhall about the nature of freedom.³¹ Although Hobbes's comment about the deficiency of free will doctrine is concise and very strong in *Leviathan*, he gives certain concessions in the debate with Bishop Bramhall, which was published under the title of *Liberty, Necessity, and Chance*.

Maurice Cranston in his book *Freedom* underlines a denial of the freedom of the will as a leading feature of Reformation teaching (1967: 82). Luther and Calvin defend the doctrine of predestination which is based on the belief that man's will was completely predetermined in all its actions and choices during his life (Cranston, 1967: 83). As Cranston points out that the spread of the predestination doctrine marginalized the belief in the freedom of will in the northern Europe, particularly in England (1967: 84). England as a Puritan Commonwealth has a record manifesting that people went to prison due to believing in the freedom of the will (1967: 84). Like Luther's controversy with Erasmus, who defends the doctrine of free will, Hobbes-Bramhall controversy can be considered as one of the central debates about the freedom of the will. Now, let me summarize the central arguments of both parties in the controversy. In doing that, I will benefit from

³¹ The debate took place in Marquess of Newcastle's castle, who invited his two acquaintances on the occasion of a philosophical discussion about human freedom in Paris in 1645. Newcastle was already aware of the antagonistic views of his guests (Chappel, 1999: ix). After the occasion, Newcastle orients participants to exchange their ideas in the form of written statements (Chappel, 1999: ix). Bramhall wrote down his ideas and sent them privately to be responded by Hobbes. Hobbes replies but not aiming for publication. This exchange of the ideas might be the last exchange among them. But, a French friend of Hobbes asks permission to read the copy of his reply. No doubt that Hobbes is unaware of the fact that French acquaintance would create one of the most celebrated debates about freedom by publishing it with a polemical epistle that glorifies the position of Hobbes and rebuke the position of Bramhall (Chapel, 1999: x). Bramhall supposes that Hobbes deliberately betrays the intimacy of their discussion and prints their controversy under the title of *A Defence of the True Liberty from Antecedent or Extrinsic Necessity* (1655). Hobbes answers with *The Questions concerning Liberty, Necessity, and Chance* (1656). Bramhall returns to the charge with *Castigations of Mr Hobbes's Animadversions* (1658). Hobbes never takes any notice of the Castigations (Chappel, 1999: x).

Vere Chappell's edited book about the debate, which is titled as *Hobbes and Bramhall on Liberty and Necessity*.

For Bramhall, unlike Hobbes, the will as 'rational appetite' should be separated from 'animal appetite' of the body. While the former is a power belonging to man's spiritual or intellectual nature, the latter consists of emotions, sensual desires, all of which are located in the body. True freedom requires that a will should not be determined by 'antecedent and extrinsical' causes. Thus, a free action can occur only if a will be able to "determine itself" (Bramhall, 1999: 1-14 ; 43-68). But, a will can determine itself or have "power" or "dominion over itself" only if it can determine its action in accordance with 'rational appetite'. Bramhall argues that the will may be necessitated 'morally' because it has the power to resist to be necessitated 'physically'. Otherwise stated, in the case of moral or hypothetical necessitation, the will has the freedom to act independently from physical or absolute necessitation, which is entailed by animal appetite. In this sense, for Bramhall, the will is a "self-determining power". Nothing other than the will can determine or originate its own actions. Free action should rule out the possibility that the will is merely controlled or manipulated by natural appetite. In brief, the will 'has the power to move itself' (Bramhall, 1999:60). For this reason, the freedom of the agent originates from the freedom of will (Bramhall, 1999: 61).

What Hobbes understands from freedom is very different from that of Bramhall. For him, Bramhall's account of freedom makes no sense. He claims that the definitions of will as "the will having power over itself" or "dominion over itself" are nothing but confused and empty notions (Hobbes, 1999: 16). Hobbes is against the intelligibility of the very idea of moral necessitation separate from the natural one: "whatever we imagine (think) is finite" (Hobbes, 1997: 31). Hence, there cannot be the idea or conception of free will. Furthermore, the doctrine of free will is against the maxim that

nothing taketh beginning from itself, but from the action of some other immediate agent without itself. And that therefore, when a first man hath an appetite or will to something, to which immediately before he had no appetite nor will, the cause of his

will, is not the will itself, but something else not in his own disposing (Hobbes, 1999: 85)

On this view, moral necessitation, Hobbes charges, is contradictory and impediment to the omnipotence and liberty of God (Hobbes, 1997: 160). Because, “every act of man’s will, and every desire, and inclination proceedeth from some cause, and that from another cause, in a continual chain, whose first link is in the hand of God the first of all causes” (Hobbes, 1997: 160). Then, the cause of the will of man to do something cannot originate in itself. Rather, the will is determined or necessitated by antecedent causes (i.e. passions, desires or intentions), of which God’s will is the first cause. Liberty of man as to do what he wills is compatible with the necessity of doing something that God wants, though he may do many things against God’s commands (Hobbes, 1997: 160). For Hobbes, man can have voluntary actions even if his will is caused antecedently or extrinsically. Here, we can say that man can do what he wills. However, to say that man can will if he wills would be senseless speech. Because, this leads to an infinite repetition of the word will such as man will will or he will will will which is nothing but absurd and insignificant speech (Hobbes, 1999: 70). As he points out in *Leviathan* against the doctrine of free will:

Lastly, from the use of the word free-will, *no liberty can be inferred of the will*, desire, inclination, but the liberty of the man; which consisteth in this, that he finds no stop, in doing what he has the will, desire or inclination to do (Hobbes, 1997: 159). (emphasis mine)

This debate can be interpreted as a textual evidence for Hobbes’s project of superseding all constellations of scholastic position on freedom. In his article ‘Will and Legitimacy in the Philosophy of Hobbes’, Patrick Riley also pinpoints Hobbes’s aim as the elimination of the Scholastic view of volition (1982: 509). Otherwise, Hobbes’s theory of universal determinism would have been overthrown (Riley, 1982:509-510). Therefore, wherever the doctrine of free will comes from or whatever its genuine aim is, in the last instance, it is a Popish doctrine, and justifies the authority of the church (whether the Catholic or Anglican). In this sense, although Hobbes’s justification may feed from different sources, and though he appeals to the Protestant theology, his reasons for

challenging the scholastic doctrine of free will manifest significant normative, political and legal connotations. Let me now turn to these connotations of Hobbesian objection to the freedom of the will.

First of all, by challenging the intelligibility of God (1997: 31), he actually questions the faith in divine illumination and divine intervention. Scholastic doctrine of free will requires the theory of divine illumination, which is planted by God in man's soul. By such intellectual light given by God, man knows not only the existence of God, but also the truth necessary for the proper life. Here, the theory of divine illumination brings us the providence of God, which inevitably requires the endless divine intervention in human affairs. However, by rejecting the existence of rational appetite separate from natural appetite (1997:54), and by connecting the cause of natural appetites to the God as the first cause, Hobbes leaves no space for either the divine illumination, or for the divine intervention. While the theory of divine illumination requires the rational appetite distinguished from natural ones, it connects the possibility of conceiving the existence of God to the existence of rational appetite, which makes man superior to animals and plants. However, Hobbes chooses the opposite direction in proving the existence of God. By linking the existence of God with the natural appetite, he refutes the scholastic doctrines of divine illumination and divine intervention. It is for this reason that at the end of chapter 11 of *Leviathan*, he accuses the Church of deceiving the ignorance of men:

...so also by the visible things in this world, and their admirable power, a man may conceive there is a cause of them, which men call God; and yet not have an idea, or image of him in his mind. And they that make little, or no inquiry into the natural causes of things, yet from the fear that proceeds from the ignorance itself, of what it is that hath the power to do them much good or harm, are inclined to suppose, and feign themselves, several kinds of powers invisible; and to stand in awe of their own imaginations...; making the creatures of their own fancy, their gods....And this seed of religion, having been observed by many; some of those that have observed it, have been inclined thereby to nourish, dress, and form it into laws; and to add to it of *their own invention*, any opinion of the causes of future events, by which they thought they should be best able *to govern others, and make unto themselves the greatest use of their powers* (1997: 85-86). (emphasis mine)

Furthermore, by refuting the key theological doctrine of free will, Hobbes also objects to the necessity of religious virtues which are concerned only with the inner world of the subject oriented to purification of the soul from the sin. Hobbes' conception of virtue is completely distinct from spiritual interrogation, because it is not directed towards cleansing the sinful nature of man or not purported to correct imaginations of man. Accordingly, virtue does not necessitate the turning away from the earthly desires to the city of God. Rather, its aim is to protect civil obedience. Its merit consists in the maintenance of social peace. Unlike the seditious Church priests who promote religious virtues by spreading the fear of eternal punishment for sinfulness, Hobbes' whole effort is to eliminate the notion of the original sin from the account of virtue. By opposing the spiritual interrogation in the domain of virtue and by discrediting the authority of church, Hobbes indeed grounds the law on a new foundation. Law is not dealing with the inward sin. Rather, it is deal with outward act which breaks the law. Legal authority has nothing to do with the imaginations of men. He clearly gives us the new task of law in these passages of *De Cive*:

To be delighted in the imagination only, of being possessed of another man's goods, servants, or wife, without any intention to take them from him by force or fraud, is no breach of the law, that saith, *Thou shalt not covet* (1997: 216). (emphasis original)

So that every crime is a sin; but not every sin a crime. To intend to steal, or kill, is a sin, though it never appear in word, or fact: for God that seeth the thoughts of man, can lay it to his charge: but till it appear by something done, or said, by which the intention may be argued by a human judge, it hath not the name of crime...(1997: 216).

For the use of Laws, which are but rules authorized, is not to bind the people from all voluntary actions; but to direct and keep them in such a motion, as not to hurt themselves by their own impetuous desires, rashness, or indiscretion; *as hedges are set, not to stop travellers, but to keep them in the way* (1997: 256). (emphasis mine).

Thus, by describing law as a "hedge" designed to keep people wandering through the ways without attempting to determine their choices, Hobbes takes the most significant step towards the negative concept of freedom by denying the Christian

belief in sinful desires. Because, neither desires nor passions are in themselves sin (1997: 101 ; 1998: 11). He makes it clear that desires and passions are one of the main constituents of the human condition and to describe man independently of passions and desires is contradictory to being man. Besides this, Hobbes advances a new legal standard to keep people within the boundaries of civil togetherness. The purpose of law is not the retribution of past actions, but rather the deterrence of possible transgressions of law (1997: 229).³² In this sense, the scholastic effort to liberate man from the sinful desires and passions is a futile effort. As he points out:

...nor is the pleasure of a man may have in imagining or dreaming of the death of him, from whose life he expecteth nothing but damage, and displeasure, a sin;...For to be pleased in the fiction of that, which would please a man if it were real, is a passion so adherent to the Nature both of man, and every other living creature, *as to make it a Sin, were to make sin of being a man* (1997: 216). (emphasis added)

In brief, Hobbes's charges against the doctrine of free will shows similarities with his charges against the classical view of virtue. The scholastic position is as ridiculous as the classical position in terms of annihilating individual freedom. Its real aim is to control the minds of ordinary people by subjecting them to the authority of church.³³ Hence, if Greco-Roman view of freedom is nothing other than the liberty of city, the scholastic doctrine of free will is the freedom of will rather than the freedom of man. Moreover, free will for Hobbes is an absurdity which leads to devastating political consequences not only by "contention, and sedition or contempt" (1997: 46) but also by promoting the obedience to the clergy instead of monarch. It is for this reason that the speech of free will is *ignes fatui*.

³² This is also sixth precept of natural law in *De Cive*: 'In revenge or Punishment consider future good, not past evil....the violation of this law is usually called cruelty' (1998: 49).

³³ As Hobbes emphasizes in *De Cive*: 'But evil men under pretext that God can do any thing, are so bold as to say that any thing when it serves their turn, though they think it untrue; it is the part of a wise man, to believe them no farther, than right reason makes that which they say, appear credible. If this superstitious fear of spirits were taken away, and with it, prognostics from dreams, false prophecies, and many other things depending thereon, by which crafty ambitious persons abuse the simple people, men would be much more fitted than they are for civil disobedience' (1997: 27).

4.4. Negative Conception of Freedom

Until now, my account of Hobbes' critique of classical and scholastic views of freedom has emphasized two points of Hobbes's rupture: One is with the metaphysical account of reason supposed to provide us the objective knowledge of what is good. The second rupture is with the metaphysical account of the will supposed to give access to God's grace as the highest and the unchangeable Good. Although the differences between the ancient and medieval senses of freedom are great, it seems evident that the analysis of Hobbesian challenge so far allows us to derive several common features of them. First of all, whatever they attribute to the faculties of reason and will, for Hobbes, they both entail a language contrary to sense-experience. Second, both of them describe virtues as character traits which predispose individuals to perfect their assigned roles in society, or to purify their sinful natures. Desires and passions as the claims of body are accepted as the major impediments to the actualization of virtue or the salvation of the soul. Third and finally, neither can recognize the truth that the conflicts among individuals are an intrinsic and irremovable element in the human condition. Rather, both rest on the conviction of an *a priori* guarantee which makes the conflicts among individuals impossible. Accordingly, freedom as it was understood in ancient and medieval worlds does not involve individual freedom sought to be articulated by Hobbes. Neither the community of citizens nor the community of believers can offer us an adequate account of human freedom. Neither the participation of a citizen nor the confession of a Christian can be taken as a ground for human freedom. But the absurdity of these old views would be merely silly if these doctrines were not taken as authoritative by the universities. Unfortunately, the classical and scholastics doctrines dominate the curriculum of universities which deceive directly the scholars and priests and indirectly the common man. In other words, the domination of the classical and scholastic teachings penetrates the whole society which hitherto has been defrauded by these erroneous doctrines. In *Leviathan*, Hobbes frequently charges that the classical and scholastic philosophers deceive the common people with their insignificant and senseless words (1997: 32, 86, 163). The privilege of absurdity is peculiar to the ancient and

medieval philosophers. The following passage reflects the one of his famous attacks of on the leading figures of this tradition:

For words are wise men's counters, they do but reckon by them; but they are the money of fools, that value them by the authority of an *Aristotle*, a *Cicero*, or a *Thomas*, or any other Doctor whatsoever, if but a man (1997: 37) (emphasis in original).

If this is the case, then the pursuit of Hobbesian challenge implies a radical change in curriculum of the universities which is conducive to individual freedom. By teaching the true moral philosophy (of course, this should be his theory of freedom as he defends on page 147 of *De Cive*) in the universities, he aims to eliminate ignorance in society concerning the true grounds of human freedom. The knowledge of true moral philosophy grounded upon new view of freedom would end the phenomenon of ignoramus, who is vulnerable to be deceived by absurd philosophers.

It is evident that Hobbes identifies his view of freedom as something which is against the conceptions of freedom that he had inherited. He understands himself as the founder of a completely new conceptualization of freedom. He is always eager to declare the novelties of his model of freedom, the goal of which is to save the idea of freedom from the metaphysical traps of 'virtue' and 'free will'. A new definition is necessary in order to attain the true knowledge concerning freedom. As Hobbes points out: "By this it appears how necessary it is for any man that aspires to true knowledge, to examine the definitions of former authors; and either to correct them, where they are negligently set down, or to make them himself" (1997: 37).

In accordance with this goal, Hobbes introduces, in the fourteenth chapter of *Leviathan*, the definition: 'the absence of external impediments' (1997: 103). Later in chapter of twenty-first, which is attributed to the definition of the liberty of subjects, he explains what 'the absence of external impediments' means. Here, in a similar vein, he begins with the definition of freedom as 'the absence of opposition' and by opposition, he implies 'the external impediments of motion'

(1997: 159). In this critical chapter (21), he makes certain clarifications. If any object is bounded in a way that it can move in a certain space which is determined by the opposition of some external body, then it is difficult to talk about that the freedom of this object (1997: 159), because this object has not liberty to move further. For Hobbes, this condition of freedom is valid not only for rational creatures but also for irrational and even inanimate creatures (1997: 159). Concerning living creatures, he gives an example of being imprisoned or restrained with chains and walls. Concerning inanimate creatures, he refers to the condition that water kept in by banks or vessels. For Hobbes, in either case, the condition of liberty does not exist. In the former, living creatures cannot go further, although without the external impediments of chains and walls, they would. In the latter case, water does not spread into a larger area in a way that it would without the external impediments of banks or vessels. Until now, we understand that all creatures whether rational, irrational or inanimate can be defined as free as long as they are not impeded by something, without which they would move further.

Hobbes also points out that, if the impediment of motion springs from the constitution of the thing itself, then it is impossible to talk about the lack of liberty. Here, we can speak at most about the lack of power, instead of the lack of liberty. A stone which lies still because of its own lack of power to move, or a man who is fastened to his bed due to his own weakness exemplify what Hobbes means by the lack of power. In both conditions neither a stone nor a man has the lack of liberty; rather they have a lack of power to move due to an internal impediment. From here, it is possible to infer that the liberty is at stake when the impediment is external. Otherwise, the issue is related to the lack of power. Freedom pertains to external, rather than internal impediments to motion. The condition of a sick man represents the lack of power to move, not the lack of freedom. The condition of a prisoner illustrates the lack of liberty, not the lack of power.

The externality of impediment in the case of freedom is also emphasized in his almost shocking claim that liberty is completely consistent with fear, which is

nothing other than an internal incentive in determining to do something or to omit it (1997: 159). Actions springing from fear should be accepted as free, because fear is an internal impediment. Hobbes states that if a man throws his baggage into the sea because of the fear that the ship is going to be submerged, since he has complete liberty to do, or not to do so, this action is freely done (1997:159-60). Despite the fact that the fear of losing life provides an internal incentive for throwing his baggage, he may still have an option to refuse to do so if he wants. By another example, Hobbes argues that even if a man pays his debt merely out of the fear of imprisonment, since nobody enforced him to pay the debt, the action of man reflects the condition of liberty (1997: 160). Again, he has an option to choose not to pay. In this respect, these examples demonstrate us that the existence of fear cannot be interpreted as an external impediment. The commitment to the logic of freedom as the absence of external impediments also entails that liberty is consistent with the necessity (1997:160). In other words, for Hobbes, freedom is logically compatible with necessity. On the one hand, the voluntary actions of men are free due to the fact that they originate from their will. On the other hand, he adds, in the same paragraph that, all voluntary actions of men are causally necessitated. Here, what he means can be clarified as follows: each act of man's will as well as each desire and inclination proceed from some cause. This cause also develops from another cause. And that cause proceeds from another. In Hobbes's mind, these causes constitute a continual chain, whose first link is in the hand of God as the first of all causes (1997: 160). In this sense, if we are aware of the fact of causal necessity that connects all those causes, the necessity of all men's voluntary actions would be obvious. That is to say, a man is free in accordance with his will which prompts man either to do or to omit the action. Yet, his will cannot be self-determining; rather it is necessitated by preceding causes. As mentioned above, 'nothing taketh beginning from itself...the cause of his will, is not the will itself, but something else not in his own disposing' (1999: 67).³⁴ The

³⁴ Here, we can legitimately conclude that the will itself cannot lead to freedom, thereby cannot lead to voluntary actions by virtue of the fact that its motion is internal instead of external. Furthermore, passions, inclinations and desires cannot be accepted as impediments to freedom because of the fact that they are internal motions.

condition of the water in the channel as having not only the liberty but also the necessity of descending illustrates Hobbes's compatibility thesis.

The analysis of Hobbes's definition of freedom so far pinpoints three distinctive features. If we summarize; first, freedom is identified as the absence of obstacles to motion; second, freedom is consistent with fear; third, freedom is compatible with necessity. The following passage from *De Cive* outlines his synthesis perfectly:

Liberty (to define it) is simply the *absence of obstacles to motion*; as water contained in a vessel is not *free*, because the vessel is an obstacle to its following away and it is *freed* by breaking the vessel. Every man has more or less *liberty* as he has more or less space in which to move; so that a man kept in a large jail has more *liberty* than a man kept in a small jail. And a man may be *free* in one direction but not in the other, as a traveler is prevented by hedges and walls from tramping on the vines and crops adjacent to the road. Obstacles of this kind are external and absolute; in this sense all *slaves* and *subjects* are *free* who are not in bonds or in prison. Other obstacles are discretionary; they do not prevent motion absolutely but incidentally, i.e. by our own choice, as a man on a ship is not prevented from throwing himself into the sea, if he can will to do so. Here too the more ways one can move, the more *liberty* one has (1998:111).

It follows from this passage that a man is free when his voluntary actions are not hindered by external impediment. One lacks his freedom when something external opposes his voluntary action. In other words, in the former case, when one has will to do something, if he can perform an action without external obstacle, he can be regarded as a free individual. However, by contrast, in the latter case, if man's performance of action, which proceeds from his will, is hindered by external obstacle, he is not free. For this reason, the freedom of individual consists in *those things, which by his strength and wit he is able to do, is not hindered to do what he has a will to* (1997: 159).

4.4.1. The Novelties of Negative Concept of Freedom

It is obvious that Hobbes's maxim of liberty as 'the more ways one can move, the more liberty one' has paved the way Berlin's dictum as 'the wider the area of non-interference the wider individual freedom'. Individuals are accepted as free when no external obstacles hinder them from doing whatever they want. Yet, they lack liberty when their voluntary actions are interfered by external obstacles. In this sense, to be free is to be able to act without interference. Now, it is time to analyze the internal structure of Hobbes's definition of liberty which attributes to the individual the right to do what he chooses without the interference that might block an individual's voluntary action. In order pursue this, in this section, I will concentrate on the basic features of Hobbes's formulation of negative freedom, the features that provide the conceptual background for the negative formulation of freedom which rule out the metaphysical pretensions of both 'virtue' and 'free will'. These features can be classified as following:

- 1) The empiricism of negative freedom
- 2) The nominalism of negative freedom
- 3) The egalitarianism of negative freedom
- 4) The right as exemption from obligation

4.4.1.1. The Empiricism of Negative Freedom

In the opening chapters of *Leviathan*, Hobbes points out several times that the thoughts of man originate from 'images' or 'fancies' produced in our eyes, ears and the other sense-organs by the pressure stemming from the motion of external things (1997: 21, 22). Sensation is accepted as 'the original of men's thoughts'. Here, it is obvious that new formulation of freedom treats the senses as the point of departure from both classical and scholastic views of freedom. Otherwise stated, his formulation of freedom relies on the senses alone, to underline the limits of both reason and will as privileged faculties in the classical and scholastic worlds.

Concerning the limits of reason, Hobbes' aim is to demonstrate the impossibility of the mental discourse independent from the senses and the impossibility of having a comprehension of the infinite. In the case of the operation of mental

discourse, there cannot be conception in a man's mind without originating from the organs of sense (1997: 21). Yet, the organs of sense are caused by the external body or object. All thought is necessarily subject to the representations produced in the organs of senses impinged on them by the motion of external bodies or objects. For this reason, human reason has no base independent of the world of senses. Thus, all mental activities spring from the sense. The dependence of thought upon the organs of sense is explained as follows:

..mental discourse.....But as we have no imagination, whereof we have not formerly had sense, in whole, or in parts, so we have no transition from one imagination to another, whereof we never had the like before in our senses. The reason whereof is this. All fancies are motions within us, *relics of those made in the sense*: and those motions that immediately succeeded one another in the sense, continue also together after sense: insomuch as the former coming again to take place, and be predominant, the latter followeth, by coherence of the matter moved, in such manner, as water upon a plane table is drawn which way any one part of it is guided by the finger (1997: 28). (emphasis mine)

In line with this, being determined by the transmission of the senses caused by the motion of external objects, human reason cannot have the knowledge of the infinite including the knowledge of God. Since man cannot have the thought of anything which is not subject to sense, it is impossible to have an idea or conception of anything infinite such as infinite magnitude, infinite time, infinite force...etc (1997: 31). Therefore, whatsoever we imagine or think is necessarily finite.³⁵

In sum, when the boundary regarding the discourse of mind is re-determined by purifying the metaphysical presumptions of classical and scholastic worlds, the activity of reason is restricted to the realm of finitude in which the operation of mind is directed towards the seeking or 'hunting out of the causes, of some effect, present or past; of the effects, of some present or past cause' (1997: 29). For Hobbes, that activity of reason separates man from the beasts. Man and beasts are

³⁵ Unlike Descartes who also challenges Aristotle's teleological cosmos and theory of forms and identifies nature as being composed of matter in motion, Hobbes completely denies the existence of "incorporeal substance". For Hobbes, the term "incorporeal substance" makes no sense.

common in seeking the causes of the images or the means to produce these images. By contrast, man is severed from the beasts in a way that while the mind of the latter is limited by the sensual passions such as hunger, thirst, lust and anger, the mind of the former imagines any thing, it seeks all the possible effects that can be produced by it. Thus, human mind can imagine what it is going to do when it has the imagined thing. Therefore, the mental discourse as the faculty of invention is peculiar to the man.

Concerning the limits of will, as explained before, Hobbes contends the argument which presupposes the existence of will as rational appetite distinguished from animal appetite. To understand the internal structure of his formulation of will, we should analyze his definitions of 'vital' or 'voluntary motions', 'endeavor' and 'deliberation'. For Hobbes, human beings are enveloped in two kinds of motions; namely, vital (involuntary) and animal or voluntary. While the vital motion is the motion that starts with the generation and continues through the whole life without interruption such as the course of the blood, the pulse, the breathing; the animal or voluntary motion entails the acts of going and speaking (1997: 47). The basic difference between vital and voluntary motions is that while the deliberation and will is relative to voluntary one, this is not the case with the vital one. In other words, voluntary motions involve mental discourse, thereby pertain to imagination which is not necessary for the vital or involuntary motion. Since the acts of going, speaking and similar voluntary motions need each time a precedent thought of whither, which way and what, imagination is indispensable for the voluntary acts. It is for this reason that, for Hobbes, imagination can be accepted as the first internal beginning of all voluntary motions (1997: 47). The vital motion of excretion cannot be part of deliberation which ends in motion, though the desire to excrete might. Voluntary motions are distinctive because they involve mental discourse relating to appetite, whereas vital motion does not pertain to imagination and thought.

The next step for the formation of voluntary motions is the endeavor "as the small beginnings of motion" within the body of man before manifesting themselves as

walking, speaking, striking and etc (1997: 47). When one has an endeavor to move towards the object that he has an image of it – this is still an internal motion within the body of man – this is called appetite. On the contrary, if an image of a certain object produces an endeavor to move away from the object, this is called aversion. The object of any man’s appetite is described as good while the object subjecting to man’s aversion is defined as evil. Thus, the ‘good’ and ‘evil’ are defined completely in accordance with desirability and undesirability of the object. At this point, it is crucial to see that imagination, endeavor and appetite or aversion are the steps taken before the voluntary act, all of which can be categorized as deliberation according to Hobbes:

When in the mind of man, appetites and aversions, hopes and fears, concerning one and the same thing, arise alternately; and divers good and evil consequences of the doing, or omitting the thing propounded, come successively into our thoughts; so that sometimes we have an appetite to it; sometimes an aversion from it; sometimes hope to be able to do it; sometimes despair, or fear to attempt it; the whole sum of desires, aversions, hopes and fears continued till the thing be either done, or thought impossible, is that we call deliberation (1997: 53).

In this passage, it is obvious that deliberation consists of alternate succession of appetites, aversions, hopes and fears caused by the successive thoughts of good and evil. It is fair to define deliberation also as the decision-making process concerning whether the voluntary act is going to do or going to omit the probable act. Deliberation is the end of liberty of in terms of comparing our appetites or aversions. Furthermore, there cannot be deliberation about the things in the past. Rather, it only happens for the future actions. More importantly, there must be possibility of doing or omitting the action. Deliberation is in vain in the case of things impossible, the things which cannot be other than what they are going to be. Finally, and interestingly since deliberation is alternate succession of appetites and aversions, it is also possible for beasts to deliberate.

In this framework, for Hobbes, will is the last step before performing or skipping an act. He defines the will as “the last appetite or aversion, immediately adhering to the action, or to the omission thereof” (1997: 54). The will, therefore, is nothing

but the last appetite in deliberation (1997: 54). In other words, it is the last of all steps that constitute the process of deliberation. Accordingly, the act is willed or omitted immediately prior to the act itself when deliberation ends. The end of deliberation will always be the voluntary action. As Hobbes emphasizes in *De Cive*: “The will itself, it is true, is not voluntary, but only the starting point of voluntary actions (for we do not will to will but to act); hence it is not capable of deliberation and agreements (1998:73) (parenthesis original).

As a result, the will cannot be categorized as a distinctive faculty of humans. Perhaps, it is not considered even as a faculty in Hobbes’s political theory. Instead, it is an animal appetite, and a motion. Hence, like all other motions in the world of matters, it is necessitated causally. But, this does not mean that voluntary actions do not stem from will. By contrast, all voluntary acts (or forbearances) spring from will but this will is not free and it is impossible to talk about the freedom of will due to its nature of being caused. What is at stake here is whether the act is free or not. It is for this reason that freedom is described as the absence of external impediments to voluntary actions. Thus, freedom is related to the external instead of internal impediments to motion. It is futile to talk about the freedom of will, because the motion which is valid for the will is internal motion. One can lack freedom only when he is prevented from acting what he has willed to do something. In Hobbes’s view, no body can be prevented from willing.³⁶ Furthermore, it is interesting to note that since there is only one kind of will common to both man and beasts, freedom as the absence of external impediments can be found both in man and beasts.

4.4.1.2. The Nominalism of Negative Freedom

As we have noted before, the empiricism of negative freedom determines the boundaries of both reason and will. Neither reason nor will can be defined as the distinctive faculties, the faculties that can work on themselves without the effects of external objects *via* the organs of sense. As we understand, Hobbes regards the capacity of willing something as completely determined. Yet, this does not mean

³⁶ It is also valid for deliberation. No body can be prevented from deliberation, which is not subject to external impediments.

that our voluntary acts are completely determined by the nature of things or objects we conceive. Otherwise stated, the goodness attributed to any object cannot be in it; rather, it is an imagination or fancy in us affected by different factors like education, prejudices, customs, doctrines and cultures (1997: 40, 123). For Hobbes, the external object determines our imagination. However, it is also true that an external object cannot impose any notion of goodness originated from it. Therefore, there is neither certainty nor a standard in the voluntary acts. Individuals can act differently in their lives. In all instances of acts, it is possible to imagine that one could have acted otherwise. Furthermore, it is also possible to predict that individuals could have attributed different definitions to the objects because of the diversity of their reception.

We may infer from this account that it is the speech that distinguishes man from beasts. In other words, for Hobbes the understanding which is peculiar to man is not the understanding concerning his will but the understanding concerning his conceptions and thoughts in the forms of speech (1997: 27). We rise above the beasts by the use of speech, by which we have the capacity to give things different names in accordance with our reception of them. However, this capacity he remarks was not valid before the Tower of Babel. Consider the following passage from the fourth chapter of Leviathan, which is attributed to the analysis of the speech:

The invention of printing, though ingenious, compared with the invention of letters, is no great matter....But the most noble and profitable invention of all other, was that of SPEECH, consisting of names or appellations, and their connexion; whereby men register their thoughts; recall them when they are past; and also declare them one to another for mutual unity and conversation; without which, there had been amongst men, neither commonwealth, nor society, nor contract, nor peace, no more than amongst lions, bears, and wolves. The first author of speech was God himself, that instructed Adam how to name such creatures as he presented to his sight;...But all this language gotten, and augmented by Adam and his posterity, was again lost at the Tower of Babel, when, by the hand of God, every man was stricken, for his rebellion, with an oblivion of his former language. And being hereby forced to disperse themselves into several parts of the world...the diversity of tongues that now is, proceeded by degrees from them...(1997: 33-34).

Then, we may conclude that Hobbes regards the invention of the speech – names or appellations and their connection – as the most noble and profitable invention. He identifies God as the first author of speech, who instructs Adam to name creatures, yet this language was forgotten at the Tower of Babel by the hand of God following Adam's rebellion. For this reason, post-Babel era is the era that men invent several languages by themselves.

At this juncture, it is crucial to underline Hobbes's nominalist account of the speech in order to understand its impacts on the formulation of negative freedom. First of all, it is only with the invention of speech that community of man can gain different attribute than that of animals. Second, true, false, good and evil become the attributes of speech instead of things (1997: 36). The words of true, false, good and evil become relative to the person that uses them (1997: 48). Neither absolute nor any common rule of good can be developed from the nature of objects themselves (1997: 49). Hence, it is impossible to talk about the existence of truth or falsehood without the speech (1997: 36). Third, according to Hobbes, since we perceive the same things differently because of the several factors such as different constitutions of body and the prejudices of opinion, we can hardly avoid to name them differently (1997: 40). Then, good is the name we give to the objects that attract us because of these factors. In a similar vein, evil is the name we give to the objects that repel us due to the same factors. If anybody names anything as good, it is impossible to claim otherwise. In this sense, Hobbes's nominalist account of speech presupposes the relativisation of value judgments in accordance with the uses of language. The next step is, of course, the impossibility of the agreement with respect to the determination of absolute and common standards of good and evil. He underlines the reasons of disagreement in the passages of *De Cive* and *Leviathan* as follows:

Men's desires differ, as their temperaments, habits and opinions differ; one may see this in the case of things perceived by the senses, by the taste, for instance, or by touch or smell, but it is much more so in everything to do with the ordinary actions of life, where what one man *praises*, i.e. calls *good*, the other *abuses* as bad; indeed the same man at different times *praises* or *blames* the same thing (1998: 55) (emphasis original)

...For one man calleth *wisdom*, what another calleth *fear*; and one *cruelty*, what another *justice*.... (1997: 40) (emphasis original)

Good and evil, are names that signify our appetites, and aversions; which in different tempers, customs, and doctrines of men, are different: and divers men, differ not only in their judgment, on the senses of what is pleasant, and unpleasant to taste, smell, hearing, touch, and sight; but also of what is conformable, or disagreeable to reason, in the actions of common life. Nay, the same man, in divers times, differs from himself, and one time praiseth, that is calleth good, what another time he dispraiseth, that is calleth evil, from whence arise disputes, controversies...(1997: 123)

Consequently, apart from opening the path for the individual's freedom in epistemological sense, which depicts living individuals a capable of defining good, as J.W.N. Watkins points out exactly that since nominalism disbelieves human reason's capacity in revealing us the universal and self-evident principles of agreement, Hobbes's nominalism ends up in ethical skepticism that inevitably requires the artificial morality of a *Leviathan* (1961: 2; 110).

4.4.1.3. The Egalitarianism of Negative Freedom

The third feature of Hobbes's model of freedom consists in his radicalism about the equality among men. He claims that human beings are by nature 'equal', and this assumption about the equality of men refers to the fact that all men possess approximately the same level of mental and physical endowments. This does not mean that there are not differences between men in terms of mental and physical capacities, but rather that, these differences are not strong enough to justify permanent hierarchical dominion of anyone over the others. Nobody can claim the supremacy on the basis of his mental or physical powers. Rather, in Hobbes' own words in *Leviathan* and *De Cive*,

Nature hath made men so equal, in the faculties of the body, and mind; as that though there be found one man sometimes manifestly stronger in body, or of quicker mind than another; yet when all is reckoned together, the difference between man, and man, is not so considerable, as that one man can thereupon claim to himself any benefit, to which another may not pretend, as well as he (1997: 98).

Look at a full-grown man and see how fragile is the structure of his human body (and if it fails, all his force, strength and Wisdom fail

with it); see how easy it is for even the weakest individual to kill someone stronger than himself. *Whatever confidence you have in your own strength, you simply cannot believe that you have been made superior to others by nature* (1998: 26) (emphasis mine)

Hobbes stresses the fact that even if one man's physical strength is superior to the other, the weakest has enough strength to kill the strongest, either by secret plan or by coming together with others (1997: 98). It can be inferred from his assumption of equality that physical strength cannot be deployed to claim supremacy over the others.

Yet, more importantly, Hobbes also declares even the greater mental equality among men than that of physical power (1997: 98). He adds that the fact of mental equality is hardly recognized by everyone. Mostly, men have tendency to suppose that the others cannot be as wise as themselves. This tendency stems from pride in man's nature. The eighth law of nature in *De Cive* and ninth law of nature in *Leviathan* are posed against the classical and scholastic question of who is the better man, a question that has no place in the natural condition of men. Hobbes declares: 'Everyone should be considered equal to everyone' (1998: 50).

At this point, it is necessary to appreciate the basic roles played by empiricism and nominalism in Hobbes' claim about the natural equality of men, particularly mental equality. Empiricism and nominalism as epistemological bases of negative freedom already presuppose that nobody can pretend to know the better by referring to the supremacy of his mental power. Such an epistemic claim is already curtailed by these epistemic standpoints. From this angle, there is no reason to deny ordinary individual's mind in his own formulation of what is good and what is evil.

4.4.1.4. The 'Right' as Exemption from 'Obligation'

At the outset, it should be emphasized that Hobbes uses the term 'right' synonymously with liberty and understands 'right' in a sense contrasted with obligation. In this sense, while the terms 'liberty' and 'right' are used

interchangeably, the terms ‘obligation’ and ‘law’ have meanings totally opposite to what liberty and right refer. We have enough textual evidences that Hobbes is determined in distinguishing right and liberty from law and obligation. He complains about the wrong and confused uses of these totally different terms (1997: 103, 215). For him, right is liberty to do, or forbear something; whereas law and obligation determines the limits of right and liberty (1997: 103). So, law and obligation are considered as a fetter to right and liberty. Otherwise stated, right and liberty mean exemption from law and obligation.

Hobbes ascribes a natural right to each individual, which does not entail any corresponding obligation toward others. In other words, such an apprehension of right does not place any duty on individuals towards others’ rights. This is evident when he defines the right of nature, *jus naturale*, as ‘the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life; and consequently, of doing any thing, which in his own judgment and reason, he shall conceive to be the aptest means hitherto’ (1997: 103).³⁷ Once again, this definition does not involve any corresponding obligation toward others. In this sense, individuals bear no obligation which corresponds to their natural right. Hence, natural right is a right without any obligation.

4.5. From Negative Freedom to the Unlimited Sovereign

Until now, I have been examining the facets of Hobbes’s negative model of freedom which are at odds with the teleological understanding of ‘virtue’ and the spiritual understanding of ‘free will’. It is possible to argue that negative model of freedom and law represents the transition to political modernity in which if any individual is prevented by others – individual, community or state – from doing what he would otherwise do, it is accepted that he lacks his freedom. In this sense, freedom of individual consists in the enjoyment of the voluntary acts without

³⁷ Similar definition of natural right is made also in *De Cive*: “For precisely what is meant by the term *Right* is the liberty each man has of using his natural faculties in accordance with right reason. Therefore the first foundation of natural *Right* is that *each man protect his life and limbs as much as he can*. But a *right* to an end is meaningless, if the *right* to the means necessary to that end is denied; it follows that since each man has the *right* of self-preservation, he has also *the right to use any means and to do any action by which he can preserve himself* (1998: 27) (emphasis original).

intervention from other individuals. That is to say, by introducing the logic of negative freedom as a useful antidote to the foundationalist illusions of virtue, liberty of the will, *summum bonum* and the rational intelligibility of God, Hobbes opens the way for the development of new relation between state and individual, the relation that is based on the epistemological assumptions of natural liberty. For him, naturally, each individual is permitted to possess, use and enjoy whatever he wants and can get (1998: 28). In other words, naturally, nobody can subject to any limitation for his voluntary acts. Such a restriction is against the very spirit of individual's natural right to be able to act without any interference. Hence, to this point, we articulate the position of Hobbes as the warrior who defends the new model of freedom understood as the absence of external impediments to voluntary actions against the classical and scholastic formulations of freedom.

Nevertheless, it is interesting to see that same Hobbes turns into a defender of absolute sovereignty when he proposes the necessity of certain restrictions on the natural rights of individuals. If everyone has a natural right to do whatever he wishes without any absolute limitations, a condition of anarchy or chaos would ensue. In such a condition, "all men have equal right unto all things". For this reason, we live in the relations of possible hostility, uncertainty and confusion. In order to achieve peace, Hobbes suggests that we should institute an absolute sovereign or mortal God to protect each individual from the other. In other words, such devastating effects of unlimited natural right can only be eliminated by the creation of absolute political power to which everyone is subjected without any question.

Generally, it is accepted that Hobbes as the champion of natural liberty is at odds with Hobbes as the champion of declaring the necessity for indivisible sovereignty. At first sight, this picture seems true. On the one hand, Hobbes has a very strong theory of individual freedom. In Leo Strauss's words,

If we may call liberalism that political doctrine which regards as the fundamental political fact the rights, as distinguished from the duties, of man and which identifies the function of the state with the protection or the safeguarding of those rights, we must say that the founder of liberalism was Hobbes (1959: 13).

On the other hand, Hobbes himself undermines the very foundation of this freedom by introducing the theme of inevitable absolute and indivisible sovereign for the maintenance of peace. This shift begs several questions: why does Hobbes try to convince us to renounce our natural right of freedom and to create an artificial supreme power after spending so much philosophical energy to discredit and marginalize the classical and scholastic notions of freedom? Does this mean that his tremendous intellectual effort in demonstrating the superiority of negative model of freedom should be considered as a dead end? Is it true that Hobbes digs his own grave? No doubt that all these questions are legitimate.

It is difficult to believe that Hobbes's sovereign entails only a minimum space of freedom where individual is immune from the coercive interference of the sovereign. Furthermore, it seems absurd to claim that Hobbes grants full authority to the sovereign to do anything for the maintenance of peace in the commonwealth. Yes, it is true that a serious loss of natural liberty is involved in the creation of an absolute sovereign. Yet, I think Hobbes's intellectual effort aims to convince us that negative freedom without limitations cannot provide us the necessary protections to benefit from the fruits of the same freedom. In order to benefit from the fruits of our mental and physical endowments, we should accept to transform our natural liberty into political liberty by creating a political society. The meaning of political society lies in the creation of public/private realms as spheres completely independent from each other. This is why Hobbes suggests the rigid separation of public realm from the private one. While the public is the reign of sovereign where he can do whatever he wants as long as he does not interfere with the personal affairs of individuals, the private is the reign of individual where he can do whatever he desires as long as he does not interfere with another individual's personal space or he does not interfere with the public affairs of the sovereign. Hobbes points out in *De Cive* that individuals have double obligation when the negative freedom is transformed into the political freedom: horizontal obligation towards other individuals: not to interfere with the private affairs of their fellow citizens; vertical obligation towards the ruler: not to interfere with the

public rights of the sovereign (1998: 90). That is to say, to understand Hobbes's temptation between negative freedom and absolute sovereignty requires understanding his thick boundary between public and private realms.

I will examine deeper the problems of negative freedom in terms of transforming it into political freedom stemming from its empiricist and nominalist foundations later. For my present purposes, I should return to the analysis of the steps that direct Hobbes's thought from unlimited right of individual freedom to unlimited right of sovereign. My discussion comprises the following steps: to illuminate why the epistemic assumptions of negative freedom leads to the state of nature where the war of every man against every man is the inevitable result; the second step is to examine Hobbes's attempt to convince man to pass from the state of nature to political society; the last step is related to the analysis of the liberty and obligations of subjects towards the sovereign and the examination of the duties of sovereign towards himself in order to prevent the dissolution of the state. The last step also aims at revealing the relationship between freedom and law in Hobbesian political society.

4.5.1. Hobbesian Imagery of the State of Nature

According to Hobbes, individuals should understand the devastating results of the unlimited natural freedom, which can lead into a situation in which all individuals can interfere with all others without any restriction. In other words, if we recognize the negative consequences of the state in which each individual has a freedom to do whatever he wants, we should accept, without any reservation the necessity of political obligation imposing certain constraints on the free action of individuals by laws. For this reason, 'we' should be able to imagine a condition prior to the creation of political obligation to understand the necessity of the passage from the state of nature to civil state. The depiction of this imaginary pre-political condition is necessary to demonstrate the merits of political society.

Before the formation of a common power to keep individuals in awe, naturally every individual has right to every thing. If everyone has natural right unto all

things without any restriction, it is inevitable that each man is permitted to do anything to anybody, and to possess, use and enjoy whatever he wishes and gets (1998: 28). In such condition, a war of every man against every man is inevitable. Hence, as Hobbes declares many times in his several works, men's natural condition is a state of war. For him, the word war does not imply the actual battle among the enemies. Rather, the tract of time in which the will or disposition of parties to fight should be taken into account. That is, even if the act of fighting is absent, the state of war exists when the intention to fight is sufficient. Therefore, the well-known consequences of the war are also the relevant for the condition where individuals trust in nothing other than their own mental and physical endowments. In such a condition,

There is no place for industry; because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving, and removing, such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society;...(1997: 100).

Under such circumstances all individuals are permitted to have and to do all things, individuals lack all the comforts and amenities of peaceful life (1998: 28). So, life of man is solitary, poor, nasty, brutish and short (1997: 100 ; 1998: 30). The permanent fear and danger of violent death is the distinctive feature of the state of nature.

Yet, for Hobbes, the guarantee for mere survival can not be considered as a remedy to natural state. Accordingly, by peace, he does not understand mere survival in any condition but a contended life in which individuals are able to live as pleasantly as human condition allows (1998: 143-144). In this sense, since fear means the possibility of future evil, mere survival is not enough to abolish the cause of men's fear of each other. In other words, mere survival entails the all characteristics of men who fall in fear as distrust, suspicion, precaution and provision (1998: 25).

In state of nature, each individual has the complete liberty (1998: 115). However, this is not good for them. Since the others have the same liberty as doing whatever they want, he constantly suffers from the actions of others. Therefore, even if they have a right to all things, they can not enjoy the fruits of their industry. No one can be certain of the fruits of his natural liberty. Natural state can be defined as the empire of passions (1998: 115).

In such an empire, we cannot accuse anybody. Otherwise stated, since the passions are not themselves sin, voluntary actions that are developed from these passions can not be blamed (1997: 101). Furthermore, the legitimate accusation is not possible in the natural state of man for the voluntary actions of man which interferes with the other's voluntary actions are due to two major reasons: first, nobody can claim that individual's voluntary acts are morally wrong. The right of nature does not define any obligation towards others. So, nobody can be blamed in doing what he has a right to do; second, under the guidance of the legitimate exercise of natural liberty, natural state of man lacks the notions of right and wrong, justice and injustice. How can any body be blamed if the rules that separate what is just from unjust or what is right from wrong are absent? It is impossible to do injustice and injury to anyone. Talking about justice requires the existence of common power which determines the limits of individual freedom, thereby gives us the notions of right and wrong, justice and injustice by civil laws. As Hobbes explains this in the following passage:

Where there is no common power, there is no law: where no law, no injustice. Force, and fraud, are in war the two cardinal virtues. Justice, and injustice are none of the faculties neither of the body, nor mind. If they were, they might be in a man that were alone in the world, as well as his senses, and passions. They are qualities, that relate to men in society, not in solitude. It is consequent also the same condition, that there be no propriety, no dominion, no *mine* and *thine* distinct; but only that to be every man's that he can get: and for so long, as he can keep it (1997: 101).

In this respect, each man has a right to use all his mental and physical capacities to preserve himself in such a precarious condition. In other words, 'each man protect his life and limbs as much as he can' (1998: 27). To this end, each individual

deploys his own judgment to determine any necessary means without any limitation. Whatever he decides for the means of self-preservation would be right. Nothing that one does in a natural state can be considered as a wrong against anyone (1998: 28). It is for this reason that chaos and disposition for war dominate our living condition. With his own words in *De Cive*:

Each man has a right of self-preservation (by article 7), therefore he also has the right to use every means necessary to that end (by article 8). The necessary means are those that he shall judge to be so himself (by article 9). He therefore has the right to do and to possess everything that he shall judge to be necessary to his self-preservation. In the judgment of the person actually doing it, what is done is rightly done, even if it is a wrong, and so is rightly done (1998: 28-29).

So far, my analysis has focused upon Hobbes's answer to the question why man's natural state is a condition of perpetual war. To put in another way, although I have explained the nature of problems that we live in a state of nature such as partiality, uncertainty and insecurity stemming from the right of nature, we did not have examined the epistemic assumptions of negative model of freedom in the creation of such a terrible condition. Such an examination should begin with another question: why does the state of nature reflect the impossibility of any agreement among individuals to establish common standards of right and wrong, good and evil, just and unjust? Why do we have an extremely strong tendency for disagreement?

For Hobbes, there exist two reasons which push us towards disagreement in the state of nature: namely, passions and doctrines. Recall that, in the empiricist account of negative freedom, the operation of mind concerning the steps before the voluntary action is same in all living creatures. Let me remind these steps by beginning from the final step. The final step prior to the voluntary action is related to the will which ends the deliberation process that consists of several appetites, aversions, desires and fears. Appetite or Aversion are part of voluntary motion, the motion that an individual imagines whether a cause of good or evil. We call objects 'good' if they are objects of our appetite and 'evil' if they cause aversion in us, or prevent us from attaining the object of our desire (1997: 48). Yet, it is

important to note again that although all voluntary actions of men have tendency toward the good, good cannot be originated from the objects themselves.³⁸ There is always diversity and subjectivity in the value judgments of individuals, thanks to their different tempers, habits and doctrines. In this context, as the nominalist account of negative freedom demonstrates, since we perceive the same objects differently due to different opinions, habits and educations, we give different names to the same objects. Therefore, the relativisation of value judgments is inevitable under the normative guidance of nominalist account of negative freedom. Third, if we remember the equality bestowed upon us by nature, we should also accept that this equality rescinds the hierarchical language of conventions and customs in which some man's mental capacity is considered superior than that of others. Finally, each man has a natural right to decide what is good or evil for himself.

Now, let us look at the possible impacts of these nominalist assumptions on negative freedom on the state of nature. Each individual is tended to desire what is good for him and to fear what is bad for him. Yet, although the form of the objects of our desire is the same, its content may be different (1997: 40, 123). In other words, the good may take different contents under the guidance of the objects of our desire. Although we are all determined in pursuing objects of our desire, these objects may be different in accordance with our receptions of the good. Furthermore, each individual's reception of the good and evil may change from time to time in accordance with his reception of good and evil (1997: 123). We can have different and sometimes contradictory opinions of the good, thanks to our freedom which enables us to choose our good among different objects. We also have freedom while giving different names to the same things and thereby creating different truths for the same thing due to the different receptions (1997: 83). This freedom in naming what is good and evil in accordance with our own reason brings the relativisation of good in the state of nature. This relativisation of good causes the confusion and uncertainty to establish common standards of right and

³⁸ As McNeily in his article 'Egoism in Hobbes' perfectly explains this 'What Hobbes says is not that pleasure, or the expectation of pleasure, causes us to desire a thing, but that if our reaction to the thought of a thing is to desire it, then the appearance of that internal motion of desire is called pleasure' (1985: 169)

wrong, just and unjust in such an environment of radical disagreement. As Hobbes emphasizes in *De Cive*, all disputes spring from the different opinions about mine and yours, just and unjust, useful and useless, good and bad, honorable and dishonorable (1998: 79). It is crucial to note here that the conventions and customs cannot be considered as a remedy for such a situation of intellectual disagreement. In brief, the state of nature is ‘moral vacuum’.

In such a moral vacuum, the conflict arises from two basic factors. First, the clash of desires occurs when the object of our desires collides. Second, the clash of doctrines occurs when the intellectual dissension appears. In both situations, there arises the willingness to hurt each other. At this point, it is important to add that for Hobbes, the conflicts in the state of nature are not just valid among individuals. It is also valid among the factions, groups and religious sects. In the former case, individuals or factions can be in conflict to attain the object of their desire. For this reason, when they decide about which things will provide them a good, they are determined to act towards them to attain. When they are oriented to the same object of desire, the occurrence of the dispute is inevitable. The latter dispute creates extremely serious conflicts among individuals and factions or religious sects. Consider how Hobbes underlines the nature of intellectual dissension in *De Cive*:

Intellectual dissension too is extremely serious; that kind of strife inevitably causes the worst conflicts. For even apart from open contention, the mere act of disagreement is offensive. Not to agree with someone on an issue is tacitly to accuse him of error on the issue, just as to dissent from him in a large number of points is tantamount to calling him a fool; and this is apparent in the fact that the bitterest wars are those between different sects of the same religion and different factions in the same country [*respublica*], when they clash over doctrines or public policy. And since all the heart’s joy and pleasure lies in being able to compare oneself favorably with others and form a high opinion of oneself, men cannot avoid sometimes showing hatred and contempt for each other, by laughter or words or a gesture or other sign. There is nothing more offensive than this, nothing that triggers a stronger impulse to hurt someone (1998: 26).

At this point, it is vital to point out Hobbes's categorical difference between a modest man who respects the equality of nature and allows others which he allows himself and an aggressive man who considers himself superior to others and wishes to have everything and demands more honor for himself than the others (1998: 26). While for the modest man, the will to do harm comes from the need to defend his property and liberty against the aggressive man, for the second man, it derives from pride and over-valuation of his own mental and physical strengths (1998: 26). It can be argued from this categorical difference that all individuals do not have an aggressive character to hurt other individuals. If we apply the same category to factions and religious sects in the state of nature, it seems possible to talk about modest and aggressive factions and religious sects. The modest faction or religious sect's willingness to give injury to the others is limited to the necessity for the defense of their liberty. The opposite is true for the aggressive factions and religious sects. For Hobbes, those groups have a perpetual and restless desire of power for their interests and doctrines.

To sum up, each individual qua individuals or the member of factions or religious sects are free to use any means which they truly believe are necessary for their own preservation. Since individuals consider all things from their limited perspective, it is nearly impossible to reach an agreement. In other words, each individual insists that his reason should be taken as right reason to end the dispute (1997: 42). Under these conditions, the dispute can be hardly settled in a peaceful way thanks to a natural cause of partiality in us (1997: 121-122). The result of our one-sidedness results in imposing our own standard of evaluation on the others by the private swords.

4.5.2. The Passage from the State of Nature to Political Society

However, the right of private sword does not provide permanent assurance for anybody. Because,

...as long as this natural right of every man to every thing endureth, there can be no security to any man, how strong or wise soever he be, of living out the time, which nature ordinarily alloweth men to live (1997: 103).

Thus, due to our fundamental equality of mental and physical capacities, nobody can claim his superiority to be assured of permanent preservation by dominating others. The fundamental equality of us prevents us from mastering others which might have been provided us self-preservation. Because of this fact, no one can find any personal solution to the predicaments of state of nature that can make for him or her bearable.

In this context, thanks to the content of the right of nature dictating us to seek our preservation, which is not contrary to reason, we all, by a natural necessity, would like to give an end to this endless state of war. Under these conditions, since the passions force us to do all things for our own preservation, a direction which is bestowed upon us a right by nature, this time, same passions (fear of death) prompt us to seek the ways of the peace, which is necessary for a commodious living (1997: 102). Then, the individuals are on the edge of a decision concerning two options: whether suffering from the misery of natural condition or seeking the ways of co-existence with other individuals. At this point, our reason suggests convenient articles of peace, upon which we may reach to an agreement (1997: 102). These articles as the laws of nature may provide us the ways of the co-existence. In the light of our reason, we discover the fundamental law of nature, which is to seek peace and follow it (1997: 104). From this fundamental law of nature which advises us to endeavor peace, we derive “*quod tibi fieri non vis, alteri ne feceris*”³⁹ as the second law of nature. In a similar way, for Hobbes we may discover nineteen laws of nature which demonstrate us the plausibility of moral mores such as justice, gratitude, modesty, equity and mercy (1997: 123-124). In fact, all laws of nature signify the possibility of cultivating hope for co-existence. They display the articles of co-existence among individuals. First, they teach us that if we do not desire to suffer from the natural liberty of others, we should have tendency not to impose our pride upon others. Second, we learn not to hinder another from following the benefit of his freedom if we claim to have the same right. Third, they teach us to keep promises. In other words, we learn not to break our agreements. Fourth, we derive from the laws of nature that when we are

³⁹ Do not that to another, which you would not have done to yourself.

at controversy, we should accept the judgment of an arbitrator as the third party whose sentence we will obey (1997: 121). Finally and more importantly, the laws of nature, particularly the first three one, encourage us to accept the reality and necessity of a commonwealth united by a sovereign political authority.

Nevertheless, for us, although the laws of nature suggest the conditions of agreement for accepting the political obligation, we may still keep hesitation to move towards political society. In other words, although the laws of nature orient us to enter the civil state, we have not yet decided to accept obedience. Therefore, the consciousness of the laws of nature does not guarantee the establishment of a commonwealth immediately. Rather, the absence of the trust towards others creates hesitation for us to subordinate ourselves. It is obvious for us that private agreement among us upon the laws of nature cannot eliminate the negative aspects of the state of nature, due to our natural inclination towards breaking the agreement, if breaking would contribute to our self-preservation. In such a condition, we feel ourselves as if we are driven into a corner. On the one hand, the consciousness of the laws of nature leads us towards the creation of a commonwealth. On the other hand, the absence of the trust towards others makes us suspicious about such move. For Hobbes, there are two legitimate reasons for it: First, the laws of nature do not operate as real laws in themselves. As he highlights,

These dictates (the laws of nature) of reason, men used to call by the names of laws, but improperly: for they are but conclusions, or theorems concerning what conduceth to the conservation and defense of themselves; whereas law, properly, is the word of him, that by right hath command over others (1997: 124). (parenthesis added)

Second, the laws of nature do not entail obligation towards others. They oblige us *in foro interno*, thus in conscience. Yet, they bind individuals *in foro externo* only when there is a common power to put them effect. We are in between our concern to live together in peace and our doubt for the others' intentions because of the impotence of the laws of nature. In such a precarious situation, there is a way to avoid this vicious circle. This way is to make a contract among us to create a third

party as a sovereign in overcoming the defects of laws of nature. For Hobbes, if we renounce our natural right of self-rule and mutually transfer it to the sovereign for the sake of co-existence, we can get rid off our anxieties concerning the appeal of laws of nature. In other words, only the creation of such a third party can guarantee the application of the laws of nature.

4.6. The Necessity of Absolute Sovereign

Until now, Hobbes's theoretical endeavor has followed two basic steps: first, the emphasis on the novelties of negative model of freedom in comparison with the classical and scholastic notions of freedom; second, the emphasis on inevitability of the restriction on negative freedom. In the third step, which I will present in this section, Hobbes's aim is persuade us that sovereign's power should be absolute. Needless to say, this is a very controversial issue in his political theory. Yet, my argument is that the absoluteness of sovereign's power entails the frontier between the sovereign and individual and guarantees the private sphere of non-intervention where individual can do whatever he wants. This sphere of non-intervention cannot be restricted to Hobbes's recognition of inalienable rights, the rights that individuals cannot transfer or lay down as saving themselves from death, wounds and imprisonment (1997: 105, 164). He repeatedly affirms that individuals' voluntary acts are some good to themselves. If the formation of political obedience is based on the voluntary act of individuals, giving consent to do something which is against our good is contradictory (1997: 105). Hence, to abandon the rights of saving ourselves from death, wounds and imprisonment is to be against the very reason of our consent to the creation of the political society.

However, as mentioned above, the purpose of Hobbesian political society cannot be reduced to the concern for mere survival. It is for this reason that the very meaning of the absoluteness of sovereign's power should be considered beyond the mere survival of individuals. Its absolute and unlimited nature seems to accord with a vision of individuals as able to choose their own ends without the intervention from the sovereign. Yes, it is true that scope of inalienable rights of individuals is very limited in Hobbes' political language. Nevertheless, Hobbes's

list concerning the duties of sovereign authority – listed before – can be interpreted as a textual evidence that the security and peace as the very purposes of the foundation of a commonwealth are the basic concerns beyond the mere survival of individuals. Actually, what Hobbes's sovereign is supposed to do is not constantly discovering legitimate reasons to interfere with our private affairs. Rather, his basic task is to prevent us from interfering with the public affairs of sovereign. In order to that, sovereign power determines two basic realms that should be independent from the intervention of individual's judgments; namely, civil laws and public education. In fact, if we recall the negative consequences of deploying nominalist accounts of negative freedom in the state of nature by individuals or factions and religious sects, the rights of Hobbes's sovereign should not be surprising for those who would like to benefit from the fruits of their negative freedom without the fear of intervention from the others.

To substantiate my interpretation, let me examine the thirteenth chapter of *De Cive*, where Hobbes examines the duties of those who exercise sovereign power. For him, all the duties of sovereigns can be defined in one phrase: 'the safety of the people is the supreme law' (1998: 143). Since the reason behind the formation of governments is peace and security, if the sovereign uses power otherwise than for the people's safety, this is nothing but acting against the very principles of peace – and against natural law – to which the sovereign owes its existence (1997: 143). Hence, from Hobbes's perspective, a commonwealth is formed not for its own sake but for the sake of the citizens (1998: 143). Consider that he adds:

Not that notice should be taken of *this* or *that individual* citizen. The sovereign as such provides for the citizens' safety only by means of laws, which are universal. Hence he has done his duty if he has made every effort, to provide by sound measures for the welfare of as many of them as possible for as long as possible; and to see that no one fares badly except by his own fault or by unavoidable circumstances; and it is sometimes good for the safety of the majority that *bad men should do badly* (1998: 143) (emphasis mine)

From this passage, it can be derived that safety does not mean mere survival. Rather, it should also entail a contented life as much as possible (1998: 143). It can be also inferred from the passage that bad citizens should be treated badly for the

safety of the majority. Let's see what Hobbes meant by 'bad citizens'. This requires the analysis of which duties Hobbes ascribe to the sovereign. As it has noted before, sovereign have the following obligations: to defense his citizens from external enemies; to provide internal peace; to protect private property as far as it is consistent with public security; to provide the full enjoyment of innocent liberty (1998: 144).

Concerning the defense of the citizens, two elements are necessary: to be *Forewarned* and to be *Forearmed*. Hobbes underlines that the nature of relation among commonwealths is not completely different from the relations among individuals in their natural state, which is nothing but the relations of hostility. Even if the actual fight is absent between commonwealths, it cannot be called as the situation of peace. It is for this reason that a commonwealth's defense necessitates the collection of intelligence in order to forecast the plans and movements of the other commonwealths who have the capacity to hurt it (1998: 45). Besides this, the defense from external enemies requires strong army. Here, it is obvious that bad citizens are the citizens who work as intelligence agent for the sake of another commonwealth.

With regard to the preservation of internal peace, there are prerequisites both for the realms of law and education. The prerequisites concerning the realm of law are the following: By providing externally imposed civil laws, the sovereign gives us the public standards in the determination of the just and unjust. In this way, its presence eliminates the uncertainty and absurdity of the natural state in which everyone has the power to formulate various standards of justice in accordance with their passions and doctrines. As he claims in *Leviathan*:

The right of making rules; whereby the subjects may every man know what is so his own, as no other subject can without injustice take it from him. Seventhly, is annexed to the sovereignty, the whole power of prescribing the rules, whereby every man may know, what goods he may enjoy, and what actions he may do, without being molested by and of his fellow-subjects; and this is it men call propriety (1997: 138).

In order to pursue this, sovereign is obliged to protect the realm of law from the invasions of the rhetoric. It is for this reason that the interpretation of civil laws should always rest with the sovereign. Any attempt to challenge this power opens space for the intrusion of individual's private judgments into the realm of law, which brings inevitably contradictions in the application of the laws. Therefore, any limitation to the sovereign's power as the interpreter and enforcer of the civil laws means an invitation to competing private judgments in the realm of law, which is nothing but invitation to return to the conditions of man's natural state. The presence of the sovereign provides clarity and certainty in terms of the determination of the standards of the just and unjust. In other words, its authority represents the possibility of the one final decision and one final sentence in the controversies between individuals, a possibility which is out of option in the state of nature.

Furthermore, the sovereign is also obliged to protect the education in all the universities from the evil doctrines who spread the ideas of sedition. For this reason, 'it is a duty of sovereigns to have the true Elements of civil doctrine written and to order that it be taught in all the Universities in the commonwealth' (1998: 147). It can be understood from these two requirements (concerning the realms of law and education) the sovereign has the right to interfere with those who has the agenda of changing the laws for the sake of their doctrines and with those who challenge the teaching of the civil doctrine in the universities of the commonwealth. Therefore, sovereigns have a duty to control not only factious individuals but also factious groups and religious sects (1998: 149). Any formation of faction means the formation of a commonwealth within the commonwealth, which is against the safety of the citizens and therefore against the laws of nature (1998: 149).

Finally, concerning the preservation of innocent liberty, it is very critical to quote the following long passage:

Liberty for citizens does not mean exemption from the laws, or that those who hold sovereign power may not make whatever laws they please. But since all the movements and actions of the citizens have

never been brought within the scope of law, and cannot because of their variety, the things that are neither commanded nor forbidden must be almost infinite; and each man can do them or not at his own discretion. In these each man is said to enjoy his own liberty, and liberty here is to be understood in this sense, viz. as the part of natural right which is allowed and left to the citizens by the civil laws. Water stagnates and corrupts when it is closed in by banks on all sides; when it is open on all sides it spread, and the more outlets it finds the freer it is. So with the citizens: they would be without initiative if they did nothing except at the law's command; they would be dissipated if there were no legal restrictions, and the more things left unregulated by the laws, the more liberty they enjoy. Both extremes are faulty; for laws were invented not to extinguish human actions but to direct them; just as nature ordained banks not to stop the flow of the river but to direct it. The extent of this liberty is to be measured by the good of the citizens and of the commonwealth. Hence it is, in the first place, contrary to the duty of those who rule and have authority to make laws that there be more laws than the good of the citizens and of the commonwealth essentially require. (1997. 151) (emphasis mine)

Therefore, the task of laws is not to remove ambitions from men's minds but to direct them by sufficient public laws.

4.7. Concluding Remarks: Hobbes as the Founder of Negative Freedom

As I have tried to express throughout this lengthy chapter on the emergence of negative concept of freedom, Hobbes's major philosophical task was to invalidate the metaphysical assumptions of both ancient and scholastic rationalism (intellectualism) and realism. In his view, most philosophers hitherto have been made a mistake because they have assumed that the human mind could have the knowledge of ultimate reality. By putting both the validity and the possibility of such knowledge into the question, he also calls into question the rational intelligibility of 'Virtue' and 'Free Will' theses. Hobbes's denial of classical and scholastic concepts of freedom and law can thus be linked to his project of establishing a new doctrine of freedom as the absence of external impediments to our motion. In this respect, from its inception, negative formulation of freedom has developed an agnostic and skeptical attitude towards the speculative claims of reason, the power of will and nature of law.

This agnostic and skeptic position can be derived from its empiricist and nominalist foundations. In terms of its empiricism, negative conception of freedom regards sense-organs as the only origin or fountain of men's thoughts and concepts. Since men's all thought is necessarily subjected to the fancies or images produced by the organs of senses by the motion of external objects, human mind cannot construct any concept independent from sensation. Therefore, for human reason, it is impossible to have the ideas of 'infinite', 'God', 'Angels' and 'Souls'. By denying the possibility of soul (spiritual substance) as the locus of rational appetite, Hobbes actually abolishes the metaphysical foundations of 'virtue' and 'free will', both of which have been grounded upon the knowledge derived from soul. Otherwise stated, by drawing the boundaries of human reason, Hobbes's empiricism discloses the speculative features of virtue and free will. Hence, he declared that virtue and free will as old conceptions of ancient and scholastic philosophies are nothing but absurd and meaningless words.

In terms of its nominalist foundations, negative formulation of freedom also challenges the possibility of universal or absolute knowledge concerning the standard of good and evil. Rather, it is argued that the words of good and evil may change in accordance with individuals' discretion. In other words, the standards of good and evil become relative to individual who uses them. It is impossible to have universal or objective standards of good and evil originating from the nature of things themselves. Accordingly, we call certain things good if they become the objects of our desire. In a similar vein, we consider certain objects evil if they cause pain in us. What is crucial here is that if somebody regards something as good, nobody can claim otherwise. In this sense, nominalist foundations of negative freedom bring the relativisation of the ideas of good and evil in accordance with individual's arbitrary definitions.

Furthermore, empiricist and nominalist foundations of negative freedom make impossible defending the rational intelligibility of both 'Virtue' and 'Free Will' theses. Virtue as the classical conception of human freedom is grounded upon the theory of teleological causality. Whether springing from Plato's theory of ideas or

Aristotle's theory of forms, virtue links human freedom with the actualization of a given potential. Hobbes's appeal to the theory of 'the efficient cause' brings the renunciation of teleological cause, thereby discredits virtue as the legitimate ground of human freedom.

In a similar vein, in contrast to the claims of free will thesis, freedom cannot be understood in terms of a faculty of willing. It is impossible to identify the will as a distinctive faculty of humans. Since the will is externally caused like all other things in the world, the possibility of a will as free from external causes or pressures is nothing but the metaphysical speculation of the scholastic philosophy. In this respect, Hobbes's conception of freedom grounded in the causal necessity abolishes the scholastic doctrine of free will in an explicit manner.

Finally, epistemic foundations of negative freedom also invalidate 'teleological' tasks of law attributed to it by the classical and scholastic conceptions of freedom. In the classical view, the task of law is to predispose individuals to maintain and cultivate certain virtues. In contrast to the Greek vision of law, the scholastic doctrine of freedom insisted that man-made laws cannot play a role in the liberation of man's will. The institutional location of the salvation of man is the Church, to which the task of the cultivation of Christian virtues was assigned. On the other hand, given man's fallen nature, the laws of earthly city are necessary in order to maintain social integration by which the Church can accomplish its goal of liberation man's will. In this respect, by providing order and peace, the laws of the State have a positive social function in the scholastic conception of freedom. Nevertheless, as mentioned above, epistemic foundations of negative freedom denies the possibility of realizing such teleological tasks for the realm of law. Neither the cultivation of virtue nor the spiritual interrogation can be identified as the attributes of law. Here, the point is not that the ideals of the cultivation of virtue and the spiritual salvation should be left aside. Rather, the hint in the negative formulation of law coming from empiricism and nominalism is that it is impossible to determine whether these ideals are accomplished or not. This is why they are not liable to the punishment of law. Law should not deal with the internal

world. It should deal with external act which physically intervenes in the voluntary acts of others. Furthermore, the issues of 'virtue' and 'free will' are *ignes fatui*. In other words, these issues cannot be any more the subject of agreement among the individuals. Rather, they are/can be subject to rigid metaphysical speculations and conflicts among individuals and their affiliated religious sects. For this reason, new understanding of law should leave these issues to the discretion of individuals. Legal authority has nothing to do with the internal world of individuals.

As a result, epistemic foundations of negative concept of freedom refer to a new human condition in which the metaphysical illusions of virtue and free will cannot have a legitimate place. Accordingly, in such a condition, one is considered free when his voluntary action is not hindered by external impediment. However, one lacks freedom when his voluntary action is hindered by external obstacle. For this reason, the freedom of a man consists in *those things, which by his strength and wit he is able to do, is not hindered to do what he has a will to* (1997: 159). In short, each man, naturally, has a right to act without any interference. No one can be subjected to any restriction for his voluntary actions.

Under the epistemic boundaries of negative freedom, there are also two distinctive features of that human condition. Since each individual defines 'what is good' in accordance with his own decisions and since there is no universal standard or 'supreme good', according to which goods can be objectively ranked, 'moral vacuum' is one of the distinctive features of this new human condition. In addition, the clash of decisions in the form of interests or ideas is unavoidable. In each occurrence of the dispute, every individual has a natural right to be judge in his own case. Nobody can claim the opposite. Because everyone insists that his decision should be taken as right reason to end the dispute, it is nearly impossible to reach an agreement. The next step is of course the impossibility of the accusation in the disputes due to the absence of the objective rules that separate what is good from what is wrong. Otherwise stated, under these conditions of 'moral vacuum' and 'conflict', nobody can be blamed in doing what he has a right to do. Therefore, a condition of constant conflict would appear.

Then, the fundamental political question arises: how to get rid of the destructive results of the absolute and unlimited natural right. The major task remaining for political philosophy (under the epistemic boundaries of negative freedom) is to provide the conditions of peace or co-existence in which each individual can benefit from the fruits of innocent freedom without any danger and threat stemming from others.

At this point, providing the conditions of peace – which brings the full enjoyment of innocent freedom – requires the abolishment of the unlimited natural right. What is at stake here is not to suggest the removal of ‘moral vacuum’ or ‘conflict’ as two distinctive features of a new human condition. Nominalist foundations of negative freedom make such a mission impossible. The only remaining option for the maintenance of the peace is to create an absolute political power whose decisions or judgments concerning the disputes among his subjects will be backed by force or ‘sword’. The presence of the absolute sovereign represents the final judgment in the controversies between individuals. Otherwise controversies may go on eternally.

J.W.N. Watkins rightly argues that men in their natural state have different languages and different religious ideas (1971:48). These different ideas stemming from ideological positions as well as appetites or interests intensify the conflicts between individuals and groups (Watkins, 1971: 48). This is why men are driven to find a political remedy in order to end the chaos and anarchy (Watkins, 1971:48). Therefore, epistemic foundations of negative freedom give way to the formation of the absolute and unlimited political power. Putting it differently, empiricism and nominalism of Hobbesian conception of negative freedom inevitably summons voluntarism in which the law becomes a command of the will instead of a dictate of reason. For Hobbes’s nominalism, the basis of law is not the intelligibility that reason can discover in the nature of reality but the sanctions commanded by the will of the sovereign. In this sense he is the first legal realist. This voluntarist approach to law represents Hobbes’s departure from the *Lex Naturalis* tradition in which the essence of law is grounded upon the dictates of

Reason. In the *Lex Naturalis* tradition, laws are right and binding because of their derivation from reason, whereas in the voluntarist approach, laws are right and binding just because the sovereign is the sole legislator. Thus, on this view, all law is positive law and the source of all law is authority.

But, if Hobbes's nominalism does not necessitate any more the natural law, why does Hobbes appeal to the doctrine of natural law before the formation of the political society? Can such an appeal be contradictory to his formulation of absolute sovereignty? On the one hand, in line with his voluntarist approach to law, Hobbes argues in the 26th chapter of *Leviathan* that the sovereign of a commonwealth should not be subjected to the civil laws. On the other hand, contrary to his voluntarism, in the same chapter, he also insists that the law of nature and the civil law contain each other. If we follow Hobbes's voluntarist reasoning, the sovereign of a commonwealth should not be subjected to natural law. Actually, he is aware of the fact that nominalist bases of law, theoretically, do not allow the formulation of the laws of nature in the traditional manner. This is why he constantly emphasizes that the laws of nature cannot be properly laws but theorems or conclusions that dispose men to peace and obedience. In this sense, it is fair to say that Hobbes's appeal to the laws of nature cannot have any function in terms of limiting the power of the sovereign.

But, which reasons do prompt Hobbes's recourse to the natural law?⁴⁰ Otherwise stated, if these laws do not have any function in the subjection of the sovereign, what can be the real purpose in appealing to the discourse of natural law? It seems to me that such a strategic shift that gives an impression of paradox in Hobbes's voluntarist account of law is related to solve the fundamental question of negative

⁴⁰ As I have mentioned above, Taylor/ Warrender thesis regards Hobbes's appeal to the natural law as in continuity with the theistic tradition of the natural law (Watkins, 1971:58). In this respect, they insist that Hobbes's law of nature cannot be categorized as the advices that are necessary for the peaceful pursuit of self-interests. Rather, since the laws of nature are commanded by God, they should be considered as obligatory. For this reason, the laws of nature are moral laws that entail a 'theistic deontology' (Watkins, 1971: 58). But, in contrast to Taylor/Warrender thesis, Strauss claims that Hobbes's recourse to the natural law is nothing but window dressing for his egoistic psychology. Since Hobbes's concept of the natural law rests on the denial of God's comprehensibility, it should be interpreted as the rupture by the classical concept of natural law which has the claim about the knowability of the standard of good and bad inherent in the natural law (Strauss, 1953: 172).

model of freedom in transforming itself to the language of political liberty. It is obvious that the formulation of freedom on the basis of natural causality does not entail any justifiable ground to transfer the natural right to the sovereign. For this reason, Hobbes's appeal to the laws of nature reflects his strategic attempt to justify the passage from the state of nature to political obedience. Therefore, the laws of nature as the dictates of reason suggest the articles of co-existence and peace for us. By the light of our reason, we can discover nineteen laws of nature which dispose us to peace and obedience. What is crucial here is that each man can know natural law by his light of reason. Therefore, the laws of nature oblige each man *in foro interno*, thus in conscience. What is crucial here is his emphasis that the laws of nature can bind us *in foro externo* only when there is a sovereign power that obliges us. In this sense, only when a commonwealth is once settled, the laws of nature become the commands of the commonwealth. Therefore, the law of nature is a part of the civil law.

Hobbes means that if individuals renounce their natural right of self-rule and mutually transfer it to the sovereign, since the sovereign power will have a 'force' to keep contractors in 'awe' in applying the law of nature, the interventions springing from other individuals would be punished by the sovereign. In this respect, the very purpose inherent to the laws of nature is not to restrict the sovereign power. Rather, the rationale behind it is to restrict the natural liberty of living men. Hence, as Hobbes points out in *De Cive*, particular men have double obligation when they are decided to renounce their natural right. First, they are horizontally obliged not to interfere with the voluntary actions of other individuals. Second, they are vertically obliged not to interfere with the decisions of the sovereign. The sovereign power is bounded to himself only. He has duties towards himself. At this juncture, Hobbes emphasizes that the extent of this liberty is determined by the good of the citizens and of the commonwealth. As mentioned above, the citizens can be categorized as the good citizens only if they do not interfere with the actions of both other individuals and the sovereign. According to Hobbes, the good of the sovereign is measured only if he can avoid falling in two extreme faults in the management of freedom of its citizens: 1) the regulation of

each movement and action of the citizens by the civil laws and 2) if the sovereign cannot enact necessary legal restrictions in the direction of the freedom of its subjects. In the first case, the sovereign cannot be identified as the good because he does not leave infinite things to the discretion of its citizens. In the second case, the sovereign cannot be classified as the good because the liberty of citizens would be dissipated as a result of the lack of necessary legal regulations concerning individual freedom (1997:151).

In brief, peace and freedom necessitate each other. Neither peace nor freedom is to be sacrificed to each other. In this sense, Hobbes seems right when he claims that liberty of the subject is consistent with the unlimited power of the sovereign. So, both types of illegitimate intrusion can lead to the dissolution of a commonwealth. But, this does not mean that Hobbes's argument is without any problem. My contention is neither that Hobbes's problem stems from his betrayal to negative freedom by defending the doctrine of unlimited sovereignty. Nor the problem lies in his definition of freedom in negative sense. The problem with Hobbes does not originate either from the egalitarianism of negative freedom and the formulation of right as distinguished from the obligations. Yet, I think, his argument suffers from his attempt for articulating negative liberty into a language of political liberty. This is related to the epistemic foundations of negative freedom argument, because nominalist foundations will hamper such transformation. In other words, Hobbes's voluntarist solution cannot work under the conditions of nominalist epistemology.

At this juncture, it is vital to quote this following passage from *De Cive* in order to demonstrate the problem with Hobbes's voluntarist solution:

Of doctrines that dispose men to sedition, the first, without question, is: that knowledge of good and evil is a matter for individuals. We allowed that this was true in the natural state....But in the civil state it is false. For it has been shown that civil laws are the rules of *good* and *evil*, of the *just* and the *unjust*, the *honorable* and the *dishonorable*, and that therefore one must accept what the legislator enjoins as *good*, and what he forbids as *evil* (1998: 132).

An obvious paradox arises out of these two demands imposed on citizens. On the one hand, nominalist and empiricist foundations of negative freedom do not

acknowledge the possibility of any knowledge about the normative standard concerning the voluntary actions of individuals. At this level, individuals do not recognize any limits to their actions. On the other hand, the appeal to the language of 'natural law' aims to dispose individuals to act in accordance with the requirements of peace. Here, it is obvious that new metaphysical guise was introduced by Hobbes in order to support the position of the 'Mortal God' vis-à-vis his citizens who are presupposed to act under the epistemic boundaries of negative freedom. But, even Hobbes does not have optimistic expectation concerning the results of that metaphysical call for natural law. This is why he shifts his explanation from metaphysical level to the psychological level in which the fear of violent death becomes the central factor in sustaining political society under the epistemic boundaries of negative freedom. Nevertheless, it is crucial to claim that neither metaphysical turn in the language of natural law, nor the appeal to the language of psychology can allow 'Mortal God' to accomplish its foundational task as the maintenance of peace, by which every subject is legally obliged not to interfere with the civil laws of the sovereign.

From Hobbesian perspective, if subject intrudes into the public affairs of the sovereign, he puts peace which is the *sine qua non* condition of individual freedom in danger. Here, his real target is the passions and doctrines – especially religious ones – whether originating from individuals, groups or factions. If the sovereign interferes with the full enjoyment of innocent liberty of individual in his private affairs, this is against *raison d'état* of the sovereign, which is nothing but the maintenance of peace and security in the commonwealth.

One may argue that, especially under the conditions of late modernity, it is highly possible to find individuals and communities who would claim to have a right to interfere with voluntary actions of other individuals and communities. When the sovereign begins to deploy its laws in order to punish the wrongdoers, then these individuals and communities might begin questioning the laws of the sovereign, and thereby becoming skeptical whether the civil doctrine backed by the sword of

sovereign really represents themselves or not. There is nothing in Hobbesian natural law to prevent such a disposition.

Even if the fear of death is accepted as the aversion sustaining the maintenance of political society, at the end, it seems that Hobbesian political order has been destined to evolve towards two opposite directions: One is the complete eradication of public realm by transforming the sovereign into a conflict resolver. To maintain peace among the parties, the sovereign will back off and will see itself as the power of *modus vivendi*. In the second option, the sovereign may insist on imposing the conditions of civil doctrine by commanding or forbidding each action of its citizens which results in the complete eradication of private realm. This option will end up in an authoritarian or totalitarian ruler – with the political dictionary of classical world, into tyranny or oligarchy. While the former reduces the task of political obligation to the *modus vivendi*,⁴¹ which sets limits on the rights of the sovereign and results in the abolition of civil doctrine, the latter completely abolishes the enjoyment of innocent liberty, which inevitably results in the abolition of internal peace. Both developments are inimical to the duties of sovereign toward himself mentioned in above paragraph.

For this reason, in its struggle against interventions, for Hobbesian political power, there are two options: When the sovereign allow its citizens to interfere with his own decisions, it would endorse the cause of peace at the cost of civil doctrine. But, when the sovereign begins to make laws on behalf of civil doctrine, then it would endorse civil doctrine at the cost of peace.

⁴¹ This is what John Gray would like to derive from Hobbes's negative formulation of freedom.

CHAPTER 5

THE RECONSTRUCTION OF NEGATIVE FREEDOM THROUGH THE NATURAL LAW: JOHN LOCKE

5.1. Introduction

As expressed in the preceding chapter, Hobbes's intellectual task is to promote 'the freedom of moderns' by nullifying the epistemic foundations of both ancient and scholastic doctrines of freedom. He constructs a new language of moral and political philosophy that takes a radical stance against the metaphysical presumptions of the classical thesis of virtue and the scholastic doctrine of free will. Hence, Hobbes's formulation of freedom as the absence of external impediments represents the transition to freedom of moderns in three senses; in the repudiation of metaphysics, in the secularization of the will and in the relativisation of values. By appealing to a scientific epistemology relying on the evidence of the senses, Hobbes's moral science re-defines the scope of human reason. Since it is impossible to have mental discourse independently from the representations produced in the organs of senses impinged on them by the objects, since 'whatsoever we imagine is finite', it is no longer possible to defend the rational intelligibility of Virtue or Free Will in a new moral science. Otherwise stated, when human reason closes its doors to the metaphysical inquiries of having the knowledge of the supreme good, thus when the scope of the reason is restricted to the realm of finitude – the realm of things -, human reason becomes the attribute of a particular individual instead of being the attribute of the Supreme Good.

The appeal to the evidence of the senses also brings the renunciation of the existence of will as rational appetite distinguished from animal appetite. Since it is impossible to have the will independently from animal appetite, the doctrine of free will that connects freedom with moral necessitation rather than the natural one cannot be legitimate talk any more on the issue of freedom. Put it differently, when

the issue of human freedom cannot be any more located on the existence of will as rational appetite, the scope of will is also restricted to the realm of finitude. If the scope of will is re-defined by the realm of things, then freedom of man becomes compatible with determinism that a man is free to do what he desires while his desires are necessitated by external causes.

Nevertheless, the restriction of the scopes of reason and will by the realm of things does not mean that man's definition of the good is determined by the nature of things. There is no doubt that that each individual's will is determined by the things. However, the things cannot impose any notion of goodness upon us. Rather, the definition of the good may change in accordance with individual's reception of things. Since we perceive the same objects differently thanks to our differences in tempers, habits and educations, since each individual can define 'what is good' in accordance with his reception of things, the values as the definition of goods become relative according to individuals.

Consequently, a new moral philosophy refers to a new human condition in which each individual can define 'what is good' in accordance with his own desires. In such a condition, freedom does not any more consist in pursuing the good under the normative restriction of the supreme good. In other words, the freedom of man does not involve any longer the actualization of one's particular obligation assigned him by the knowledge of the supreme Good. Rather, the freedom of man consists in pursuing his own good without any external hindrance. In this sense, to be free is to do things that we have a will to by our strength and wit without any external hindrance.

However, to deprive freedom of its 'teleological' task as attributed to it by the classical and scholastic moral philosophies brings its own costs and dangers for a human condition. As expressed above, freedom of man lies in the enjoyment of the voluntary acts without any external impediments. Naturally, each man has a right to possess, use and enjoy whatever he wants. Otherwise stated, naturally, nobody can subject to any limitation for his voluntary acts, which is nothing but pursuing

his own good in his own way. But, if everyone has a natural right to pursue his own good in his own way without any absolute limitations, a condition of anarchy or chaos would ensue because of the fact that all individuals can interfere with all other individuals without any restriction. Since each individual has a freedom to do whatever he wills, each individual constantly suffers the interference of others. In such a human condition, two fundamental reasons push individuals to interfere with the voluntary acts of other individuals. First, the clash of desires manifests itself when the object of our desires is the same. Second, the clash of doctrines appears when the intellectual dissension occurs. In both situations of the conflict, each individual is free to use any necessary means – mental or physical – to preserve his position. Whatever he deploys as a means for his self-preservation would be right. Nobody can be accused of preserving his position, which is his natural right. Accordingly, since new conception of freedom does not grounded upon the moral knowledge that separates what is right from what is wrong, thereby does not acknowledge any obligation towards others, it is impossible to do injustice to anyone in a new human condition. Under the legitimate exercise of natural liberty, each man is permitted to do everything if it is considered as necessary for his self-preservation. It is for this reason that chaos and war dominate new human condition. The permanent fear, which is nothing but the possibility of future evil, is the distinctive feature of human condition.

At this point, Hobbes's work offers a new political philosophy as a remedy to the deficiencies of new human condition which leads us towards an impasse in the sense of an impossibility concerning our co-existence. In such a political philosophy, the task of political society is determined as the maintenance of peace and security. Yet, the very task of keeping peace and security cannot be reduced to the maintenance of mere survival. Rather, peace refers to political condition in which individuals are able to benefit from the fruits of their freedom without the fear of the interference of others. Put it differently, for Hobbes, the elimination of the fear of death – the possibility of future evil – means the maintenance of necessary conditions for a commodious living in which every one can enjoy the fruits of his mental and physical endowments without any fear of interference

stemming from other individuals. In eliminating the possibility of future evil, political society provides a 'legal force' to keep contractors in 'awe'. The terms and conditions of political society assign legal obligation to each individual not to interfere with the voluntary acts of other individuals. If we violate the freedom of others, we know that 'public sword' will punish us. Therefore, the establishment of the justice among individual relations requires the presence of the sovereign power which gives us the public standards in the determination of the just and unjust. In this way, by providing the civil laws that are universal, certain and predictable, the sovereign eliminates the uncertainty pertaining to new human condition in which each individual has the right to impose his own standard of justice in his disputes with other individuals. In this sense, the presence of the sovereign represents a reciprocal compulsion in accordance with the civil laws which determine the limits of our individual freedom in a way that can be harmonious with the freedom of others. Thus, we are free in enjoying the fruits of our voluntary acts, the limits of which are determined in accordance with the civil laws. With Hobbes' words, freedom is 'the silence of the law' (*silentum legis*) (1997: 165-6).

Furthermore, Hobbes's political solution also necessitates that the sovereign's power should be absolute and unlimited in order to guarantee the maintenance of the peace and security in the political society. As explained in the preceding chapter, the reason why Hobbes insists on the institution of the absolute sovereign is epistemological in essence. It is related to the construction of political society from the empiricist and nominalist accounts of negative freedom. Epistemologically, the empiricist and nominalist foundation of negative freedom – which determines the new conditions of human co-existence – does not make possible the agreement among individuals in the establishment of the common standards of right and wrong, good and evil, just and unjust. On the contrary, the epistemic foundations of negative freedom cast the seeds of conflicts among individuals. Individuals, naturally, have a right to use every means to preserve their own positions without any limits. In doing that, each individual measures good and evil by his own reason and may deploy the metaphors, tropes and other rhetorical figures in order to demonstrate his rightness. In this sense, government

by the private use of reason and by the justice of private sword is the exact condition of new human condition (Hobbes, 1997: 103). At this juncture, for Hobbes, if we would like to create a sovereign as a third party among us for overcoming the defects of new human condition, we should also ready to renounce our natural right of self-rule and mutually transfer it to the absolute sovereign. Yet, a loss of liberty in the construction of absolute sovereign does not imply the unlimited interference with the voluntary acts of individuals in their private affairs. Needless to say that the scope of the inalienable rights of individuals is very restricted to the rights of saving ourselves from death, wounds and imprisonment in Hobbes' formulation of absolute sovereign. However, even if the sovereign power has no any legal restriction in interfering with our private affairs except the limited rights, the interference of the sovereign with the private affairs of individuals would be contradictory with *raison d'etat* of the sovereign as the maintenance of the peace and security so long as individuals do not interfere with the public affairs of the sovereign, particularly with the interpretation and the application of civil laws and with the determination of the curriculum in the public education. The realms of law and education are the realms that should be independent from the intrusion of private uses of reason. Otherwise, such intrusions may dissolve a political society.

In this sense, the absolute sovereign power cannot make whatever laws she pleases (1999: 151). Furthermore, she should not put all the movements and actions of individuals under the scope of law. There should be infinite things that are neither commanded nor forbidden by the civil laws (1999: 151). In these things, individuals can enjoy their own liberty to buy, and sell; to choose their own abode, their own diet, their own trade of life and institute their children as they themselves think fit, which is part of natural right and left to the individuals by the civil laws (1997: 161 ; 1999: 151). With Hobbes' words, 'laws were invented not to extinguish human actions but to direct them' (1999: 151). But, it is necessary to point out that the extent of this liberty is to be determined by the good of the citizens and of the commonwealth (1999: 151).

To conclude, a new moral and political philosophy contends for the valuation of negative idea of freedom as non-interference. In the valuation of freedom as non-interference, the restriction of the scopes of reason and will by resorting to the organs of the senses has the fundamental role. New scopes of reason and will do not allow the rational intelligibility of neither virtue nor free will. In this sense, the primary task of new moral philosophy is not to deal with the metaphysical inquiry of proving the objective knowledge of the supreme good according to which human actions are to be evaluated. Actually, its task begins with the intellectual struggle to demonstrate the impossibility of the objective knowledge of the supreme good.⁴² It is for this reason that the new conception of freedom as non-interference is possible only when it is demonstrated that the metaphysical questions concerning the supreme good cannot be answered. It lies altogether beyond the scope of the human understanding. In this context, the only task remaining for the political philosophy is related to the truth of peace rather than the truth of the supreme good. The purpose of political society cannot be considered as complementary neither to the cosmic order – in the cultivation of virtue – nor to the divine order – in the protection of social integration. Rather, the basic problem to be solved by new political philosophy is to find how the freedom of man as to do what he pleases can be made compatible with the freedom of other men. As an antidote to this problem, Hobbes's suggestion is the absolute and unlimited sovereign. In short, Hobbes's whole effort is to demonstrate the necessity of the absolute sovereign for the maintenance of 'the freedom of moderns'.

This is the point that Locke's reconstruction of the negative concept of freedom challenges to Hobbes's solution to the freedom of moderns as being left individuals alone in pursuing their own goods. Locke's appeal to the law of nature appears, in many ways, as the antithesis of Hobbes's doctrine of absolute sovereign in the protection of the freedom of moderns. Recognition of the right to property according to the law of nature, which is derived from reason, may lead to peaceful coexistence and mutual preservation without having the necessity for the

⁴² Consider what Locke says in his *Essay*: 'the philosophers of old did in vain inquire, whether *summum bonum* consisted in riches, or bodily delights, or virtue, or contemplation?'

presence of absolute sovereign. In this sense, Locke's appeal to the law of nature represents a point of departure for the protection of the freedom of moderns, the normative foundations of which grounded upon the repudiation of the metaphysics, the secularization of the will and relativisation of values. Concerning the repudiation of the metaphysics, Locke agrees with Hobbes's recourse to the evidence of the senses in the demonstration of the limits of human reason. However, Locke contends against Hobbes's skepticism that the recourse to the evidences of the senses necessarily results in the denial of certain knowledge concerning the establishment of the common moral standard for individuals. Rather, for Locke, the epistemological inquiry related to the limits of human understanding entails two advantages at the same time: First, such inquiry demonstrates us the impossibility of certain knowledge or the speculative – metaphysical - character of epistemological inquiry in some areas and issues such as the belief in innate ideas, the knowledge concerning the real essences or the belief in the possibility of the concept of substance. Second, whereas Hobbes's recourse to the evidence of senses demonstrates that the only remaining certain knowledge is related to the truth of peace, for Locke, the epistemological inquiry into the extent of human knowledge may manifest in which things human reason can attain certain and universal moral knowledge such as the knowledge of the law of nature from which we derive the doctrine of natural rights. Thus, it gives us not only the limits of reason but also the possibilities of it concerning the derivation of universal moral knowledge. In a recent book on Locke's philosophical thought, Nicholas Jolley clearly points out the similarities and the differences among Hobbes and Locke concerning the very task of reason as following:

Locke develops his thesis about the prospects for knowledge in the sciences more fully than any previous philosopher, but the thesis itself is not wholly unprecedented; to some extent it finds a recognizable predecessor in a philosopher whose company he would not have welcomed. Some fifty years before, Hobbes had drawn a rather similar epistemological map; he had argued that demonstrative knowledge is attainable in geometry and civil (that is, political) philosophy but not in the natural sciences, where we must rest content with conjecture. On the face of it, too, Hobbes' reasons are similar to those which Locke offers. The epistemological transparency of geometry and political philosophy derives from the fact that they are concerned with what we ourselves construct;

geometrical figures and states or commonwealths are alike human artifacts....Yet despite the superficial similarities, there is, I think, a difference in emphasis between the two thinkers. For Locke, the mathematical and moral essences which we construct are mental items; they are ideas whose logical consequences are perspicuous to us. It is this feature of such essences, rather than their status as human constructions, which is at least the immediate source of the certainty that we can attain in ethics and mathematics (Jolley, 1999: 5)

In this sense, although Locke sides with Hobbes's agnosticism about the real essence of the nature of things and his challenge to the Aristotelian-Scholastic tradition, he objects to Hobbes' skepticism that completely denies the claims of reason in the demonstration of the certain knowledge in ethics.

Concerning the secularization of the will, Locke participates in Hobbes's epistemological challenge to the Scholastic doctrine of free will. His debate with Bishop Stillingfleet about the issue of 'Substance' displays the similarities with Hobbes's debate with Bishop Bramhall in terms of its impacts on the secularization of the will. However, Locke disagrees with Hobbes's physicalist notion of freedom or with his determinism which does not separate the freedom of humans from the freedom of beasts and does not recognize human reason's capacity in the 'suspension' of desires.

In the case of the relativisation of values, Locke endorses Hobbes's nominalism that no one can know about the real essence of the nature of things. It is impossible for anyone to have certain or reliable knowledge about the real essence of the substances. The only knowledge we can be sure is the way the things appear to us. This reveals the fact that the good for one individual is not the same as it is for other individual. For this reason, individual can give different definitions to the same things. 'Goods' and 'virtues' are relative to different individuals. In this sense, since their choices are determined in accordance with their perceptions of good and evil, they may pursue different courses in their life. Accordingly, they have a liberty to live according to their perceptions of 'the good'. Nevertheless, for Locke, the diversity or plurality in the conceptions of goods does not necessarily

mean the impossibility of the universal moral knowledge about the principles of the justice among individuals. On the one hand, this knowledge allows individuals to make their own choices among different good conceptions without the coercion and interference of other individuals. Yet, its value-free or neutral position not only provides clarity and certainty in the determination of the limits of our freedom but also determines individual's duties towards others. While we enjoy our freedom as a result of the relativisation of values – that is possible with the denial of the knowledge concerning the immutable and unchanging essence of either the cosmic or divine order -, since we are rational creatures, we can have the knowledge of the law of nature, which determines not only our natural rights – life, liberty and estate – but also our natural obligation toward others.

To recapitulate; Locke offers something altogether different for the protection of the freedom of moderns. As said above, on the one hand, Locke promotes the epistemological foundations of negative freedom built up by Hobbes in order to undermine the metaphysical orthodoxies and hierarchies – such as the doctrines of innate ideas, the immateriality of the soul and the knowledge of the intelligibility of the essences of the things - of the scholastic doctrine of free will. On the other hand, in doing that what has inspired Locke is the belief that the epistemological foundations of negative freedom are capable of providing an objective framework for moral and political standard. In contrast to Hobbes's exaggeration with respect to the fact of disagreement about individual values, ends and interests, Locke's whole intellectual attempt is build on the optimistic belief in reconciling the normative foundations of the freedom of moderns – the secularization of the will, the hostility to metaphysics and the relativisation of values – with the limited political power. In this respect, grounding the constrain of the natural rights on the basis of the law of nature – which provides the a natural and moral standard to which each individual's actions should comply – in the establishment of the political society is the most crucial issue for Locke's political project. In other words, Locke's political aim was to demonstrate the possibility of public morality on the basis of 'law of nature' for the freedom of moderns.

Theoretically, it is crucial to emphasize that the step from the necessity of absolute sovereign to the necessity of limited government carries with itself fundamental deviations from the Hobbesian foundations of negative freedom in three senses: First, even though Locke confines the certainty and extent of human knowledge to the empirical knowledge, he departs from Hobbes' epistemological stance in terms of the acknowledgment of the power of reason in the construction of our ideas. Thus, the reflection as the internal operations of the mind – though ultimately derived from sensation – has relatively autonomous power comparing to the sensation.⁴³ Second, apart from the privileged position of intellectual deliberation, Locke's formulation of negative freedom differs from that of Hobbes in the sense of the positive formulation of the relation between freedom and law. Although Locke concurs with Hobbes in the definition of freedom as being free from the restraint of others, he instead asserts that this definition conceptually does not necessitate the identification of a free man with a man who is not hindered to do what he pleases. This qualitative shift in the conception of negative freedom replaces the notion of 'the physical' with the notion of 'the arbitrary'. In this respect, to be deprived of freedom is not reduced to not to be hindered to live as one pleases. Instead, it is describes as not to be subject to the inconstant, uncertain, unknown and arbitrary will of another man (Locke, 1969: 132). Accordingly, similar displacement in the conception of negative formulation of as non-interference also manifests itself in the formulation of the relation between freedom and law. In contrast to Hobbes's idea of law as a 'fetter' to freedom, Locke regards the task of law as the preservation and enlargement of freedom (Locke, 1969: 148).⁴⁴ Furthermore, in this respect, whereas Hobbes completely separates the idea of 'right' from the idea of 'duty', Locke connects them in his model of the law of nature. This view of the law of nature is important because the idea of law appears as the source of both the inalienable rights of the individual, as well as the duties towards the rights of other individuals that accompany these

⁴³ It is for this reason that both Patrick Riley and Raymond Polin interpret Locke's moral theory as proto-Kantian in terms of the relatively autonomous power of reason. On the other hand, this is the reason that Isaiah Berlin identifies Locke with rationalist position in 'Two Concepts of Liberty'.

⁴⁴ This is another point that Berlin interrogates Locke's conception of limited state. Berlin is against the definition of the law as the preservation and promotion of freedom even though he also has some objections to Hobbes' physicalist model of freedom and law.

rights. Thirdly and finally, property has the central role in Locke's intellectual effort in the re-construction of negative freedom. In other words, property is the locus of the Lockean conception of negative freedom.

Nevertheless, although the Lockean effort of displacement in the conception of negative freedom can be interpreted as promising for the protection of the freedom of moderns from the risks of Hobbesian formulation, it is necessary to emphasize the fact that this displacement is not without difficulties and inconsistencies for Locke's model of negative freedom. The aim of this chapter is twofold: On the one hand, this chapter intends to disclose the conceptual shifts in the definition of the negative freedom in Locke's moral and political theory. On the other hand, this chapter also analyzes the difficulties and inconsistencies inherent to these shifts in Locke's model of negative freedom.

Given this framework, there will be three sections of this chapter. In the first section, the methodological issues concerning Locke's work will be discussed. Here, my aim is to describe two methodological issues – respectively, the relation of Locke's study with Hobbes and the consistency of Locke's theory of knowledge and theory of politics – and to determine my place in each methodological issue. In the second section, I will be interested in Locke's theory of knowledge by the investigation of his monumental work *Essay Concerning Human Understanding*. In doing that, my focus will be on the elaboration of Locke's contribution to the repudiation of the metaphysics, the secularization of the will and the relativisation of values. The chapter then moves on to consider the impacts of Locke's epistemological theory on the negative formulation of freedom by giving specific attention to his political theory. In the final section, I will critically analyze the difficulties and inconsistencies of Locke's conception of negative freedom in turning itself to the language of political liberty.

5.2. Methodological Issues in the Interpretation of Locke's Work

There is a great deal of variety in Locke scholarship toward the purposes and claims of the thought of Locke. Two basic controversial issues can be classified out of the several controversial issues as following;

- a) The relation of Locke's study with Hobbes
- b) The consistency of Locke's thought

5.2.1. The Relation of Locke's Study with Hobbes

A discussion of the relation of Locke's study with Hobbes is built on two basic questions. The first question is concerned with whether Locke's *Two Treatises of Government* has the secret agenda or not. Although, at first sight, Locke's official target looks like Sir Robert Filmer's *Patriarcha*, which justifies the absolute authority of the king on the ground of the doctrine of the Divine Right of Kings, in reality, his political target is the view of Hobbes. In this sense, the basic question of the scholarly debate is whether Locke uses Filmer as a stalking horse to attack the political assumptions of Hobbes (Cook, 1969: xi). In elaborating the relation of Locke's thought with Hobbes in terms of his secret aims, for the Lockean scholars, there exists two basic points need to be clarified: First, is it possible to find historical reasons to define Hobbes' political work as the real adversary of Locke's study? Second, does Locke have sufficient philosophical reasons to determine Hobbes' thought as his real opponent?

Concerning the first point, the several studies including the studies of Peter Laslett (1960) and Frederick Pollock (1904) are devoted to demonstrate the idleness of the traditional interpretation in which Filmer's work is reduced to make lip service to Locke's secret purpose. The so-called importance of the ideas of Hobbes to Locke is one of the three dogmas of the dominant interpretation of Locke's work that Laslett's study is to overcome (Ashcraft, 1991: xiv-xv). According to Pollock, since Filmer is popular among royalists rather than Hobbes in Locke's time, the presumed enigma of Locke's *Two Treatises* is groundless (Ashcraft, 1991: 2). Therefore, if Hobbes's challenge to the ecclesiastical power and the distasteful of his idea regarding the creation of political society to the defenders of the divine

right of kings are taken into account, for Pollock, choosing the ideas of Hobbes instead of Filmer as political target is not reasonable for Locke's purpose (Ashcraft, 1991: 2).

Concerning the second point, John Dunn in his work *The Political Thought of John Locke* maintains the necessity to approach to Locke and Hobbes' political theories differently. However, for Dunn, this is not because:

Locke did not care about Hobbes's arguments in *Leviathan*. Nor is it just vulgarly because the book was addressed to Filmer's position. It is rather because the problem which he needed to discuss in order to refute Filmer is not at all the same as Hobbes' problem. Hobbes' problem is the construction of political society from an ethical vacuum. Locke never faced this problem in the *Two Treatises* because his central premise is precisely the absence of any such vacuum (Dunn, 1969: 79)

It is for this reason that *Leviathan* cannot be a subject of 'intellectual challenge' for Locke. Consequently, these Lockean scholars insist that it is impossible to find neither historical nor intellectual evidence that proves Locke's specific attention to Hobbes's study.

However, it is fair to state that both interpretations do not reflect the whole story. It is obvious that Hobbes' style of thought in terms of the creation of political society by contract cannot be a target of Locke's political work. On this issue, Locke concurs with Hobbes' basic political tools such as contract and consent. Nevertheless, for Locke, there are very good reasons to argue against Hobbes' justification of the doctrine of absolute sovereignty. Given this framework, it is reasonable to evaluate the *Two Treatises* as a response to both Filmer and Hobbes.⁴⁵ No doubt that the First Treatise is an answer to Filmer's doctrine of the Divine Right of Kings. But, in the Second Treatise, it is fair to claim that Locke's real target seems Hobbes' conception of negative freedom and his derivation of

⁴⁵ Consider what Richard Ashcraft says in his article 'John Locke's Library: Portrait of an Intellectual'; 'Among English writers, Sir Robert Filmer obviously claims a special place in Locke's library....The one figure who towers above the rest in....ageless protagonist, Thomas Hobbes....He was someone to be read, refuted and, generally, rejected; he was not a thinker to be ignored' (Ashcraft, 1991: 22).

absolute sovereign. Actually, in challenging to Hobbes, Locke's aim is twofold: On the one hand, Locke emphasizes the fact that it is not necessary to consider the freedom as license. Rather, it is possible to ground the freedom as to do only what is morally permitted by the law of nature. On the other hand, he demonstrates that the negative freedom does not need the justification of the political absolutism. But, in answering to Hobbes's formulation of negative freedom, Locke also replies to Filmer's position that understands the freedom of moderns as a quest for chaos and disorder. In short, while there is no reason for Locke to contend with Hobbes's political theory in terms of his political interests, contrary to Dunn's argument, I think that Hobbes's conception of negative freedom that posits the existence of absolute sovereign as the necessity represents an intellectual question for Locke to be dealt. In this sense, it is incorrect to read Locke's work only as an answer to Filmer. Even if it is not possible to have the sufficient textual and historical evidence that clearly manifest Locke's interest in Hobbes's thought, since the theoretical endeavors of both thinkers are devoted to promote the freedom of moderns, since the basic pattern of their philosophical and political tools are alike, there are very good reasons to read Locke and Hobbes in a dialogical way. Dunn can be right in arguing that Locke and Hobbes's starting points are totally different. Yet, in this section, my intention is to ask how the lack of problem concerning ethical vacuum in Locke's thought results in the qualitative changes in the protection of the freedom of moderns? Put it differently, can the changes in the formulation of negative freedom give us the stronger language of political liberty comparing to Hobbes's evident weaknesses?

The second question is dealt with whether Locke's thought can be identified as Hobbist or not. However, although Locke's philosophical and political project is built on the path opened by Hobbes, there is nothing to label Locke as Hobbist as the readings of Strauss and Macpherson suggest. According to Strauss, Locke's theory of the law of nature sticks to the Hobbesian natural right of self-preservation (Strauss, 1953). In this respect, he maintains that Locke simply deploys the law of nature in order to mask his secret purpose as championing utilitarian political language. Hence, contrary to Locke's statements on the behalf

of the traditional teaching of natural law, he arrives at the conclusion that Locke does not acknowledge the law of nature in the traditional sense of the term (Strauss, 1991: 162). Rather, what is at issue is to justify political hedonism – that regards individuals as ‘utility maximizers’ – on the grounds of the law of nature. It is obvious that Locke agrees with Hobbes about the epistemological and political foundations of negative freedom. Nevertheless, it seems to me that Locke’s deep commitment to the logic of the freedom of moderns cannot be the sufficient reason to label him as Hobbist. No doubt that, as Strauss argued, it is on the epistemological grounds of Hobbes’ view of freedom that Locke opposes Hobbes’s political derivations. But, what is crucial here is to recognize that Locke embarks on a new political project that purports to reconcile the epistemological foundations of negative freedom with the doctrine of natural law. As expressed before, Locke’s appeal to the law of nature should be evaluated as the antithesis of Hobbes’s doctrine of absolute sovereign in the protection of the freedom of moderns. In doing that, as we discuss later, Locke’s model of freedom may suffer inherent contradictions due to the problem posed by epistemological assumptions of negative freedom. This chapter is organized to reveal these inconsistencies inherent to Locke’s negative conception of freedom. It is also likely to label Locke’s political project as a failed project as Strauss argues (Strauss, 1953: 202). But, this does not devalue the merit of Locke’s intellectual attempt to ground the freedom of moderns on a different conception of ‘reason’. Nevertheless, for Strauss, since Locke’s project is destined to be failed project from its inception due to the defense of the freedom of moderns which is nothing but freedom for self-preservation, it remains as the classical doctrine of ‘the spirit of capitalism’.

In his article ‘Locke on Capitalist Appropriation’, Macpherson⁴⁶ arrives at the same conclusion from a different direction. For Macpherson, Locke’s concept of

⁴⁶ Macpherson considers Locke as Hobbist because of the fact that although Locke dissociates himself from Hobbes’s views in many issues, he accepts Hobbes’ definition of labor as a commodity, thereby the promotion of bourgeois values (Ashcraft, 1991: 281). Yet, for him, while Hobbes identifies life as a commodity, Locke separates life and labor stemming from his confusion between the remnant of traditional values and the new bourgeois values (Ashcraft, 1991: 281). According to Macpherson, Locke’s distinction between life and labor makes his conception of property more acceptable for the modern reader than the uncompromising doctrine of Hobbes (Ashcraft, 1991: 281).

property provides a moral foundation for bourgeois appropriation (Ashcraft, 1991: 282). He removes the traditional limitations on the private appropriation by creating persuasive and reasonable alternative (Ashcraft, 1991: 282). Hence, Locke prepares the way for a class state based upon the ownership of private property (Ashcraft, 1991: 282). Macpherson argues as following:

Starting from the traditional assumption that the earth and its fruits had originally been given to mankind for their common use, he has turned the tables on all who derived from this assumption theories which were restrictive of capitalist appropriation. Private appropriation, traditionally justified as an institution made necessary by man's sinful nature, and therefore regarded as a necessary evil and subject to limitations and reciprocal obligations, was justified by Locke as a right flowing from man's natural and wholesome needs. Individual appropriation was freed from the stigma of original sin, and this release carried with it release from the limitations and obligations of individual appropriation (Ashcraft, 1991: 282).

At this point, it is necessary to point out that I have no objection to Macpherson's explanation of Locke's conception of property serving as an intellectual function in removing the scholastic view of property. But, I do not think that it is fair to identify the task of Locke's conception of property with the promotion of the capitalist state. Careful exploration of the function of property in Locke's political theory reveals the fact that property is not the cause but the result of his political project in the reconciliation of the epistemological foundations of negative freedom with the doctrine of limited state. It provides the moral foundation not for the capitalist appropriation but for the freedom of moderns. As we shall see in the last section of this chapter, this justification is not without trouble on behalf of the negative formulation of freedom. It brings its own costs and dangers for the freedom of moderns.

5.2.2. The Consistency of Locke's Work

The central issue in the debate among Locke scholars regarding the consistency of Locke's work is related to Locke's theory of the law of nature. Most Locke scholars concede that Locke's theory of natural law entails certain inconsistencies, the inconsistencies that beget contradictory interpretations of Locke's moral and

political ideas. For this reason, the several studies on Locke's epistemological and political theories reveal the fact that it is nearly impossible to find a consistent position in Locke's reliance on the teaching of natural law.⁴⁷ The discussion on the consistency of Locke's notion of natural law revolves around two basic problems: The first problem is whether the relation between Locke's moral and political theories, particularly the relation between *An Essay Concerning Human Understanding* and *Two Treatises of Government* is based on a clear and consistent methodological position or whether the methodological claims of two main studies of Locke are essentially contradictory. In other words, here, the discussion concerning the problem of consistency is focused upon the dependency of Locke's theory of knowledge and his theory of political obligation. The other problem is whether Locke's conception of natural law can give us an adequate explanation for how men can know the law of nature or how or to what extent that law is binding for them. On this problem, the central discussion is built on Locke's perplexity between voluntarist and rationalist explanations to the law of nature.

In the case of the first problem, Laslett argues that the *Two Treatises* and *the Essay* are based on distinct methodological outlooks (Laslett, 1960: 92-105). For Laslett, while the *Two Treatises* should be evaluated as a study of "policy" that is founded upon the knowledge of the 'history of matter of fact', the methodological model for his *Essay* is philosophy that belongs to the 'truths of mathematics'. Therefore, Laslett arrives at the conclusion that the *Two Treatises* demonstrates Locke's methodological commitment to empirical political science. In this sense, *The Two Treatises* as the main work of Locke's political ideas cannot be considered as

⁴⁷ W. von Leyden finds an inconsistency among Locke's voluntarist and rationalist positions in the derivation of the knowledge concerning the law of nature (1956). For Leo Strauss, the appeal to the law of nature in Locke's political theory inevitably leads to the crisis in the derivation of the knowledge of the law of nature in terms of whether revelation or reason give us the knowledge of the law of nature. John Yolton emphasizes the centrality of the voluntarist position in Locke's concept of natural law. Byrne argues the transformation in Locke's notion of natural law from rationalistic to hedonistic view. Oaklye and Urdang claim that both voluntarist and intellectual positions in Locke's notion of natural law are consistent and support each other. Soles interrogates to the efforts that would like to harmonize the voluntarist and rationalist approaches to natural law in Locke's work. However, both Ruth W. Grant and A. John Simmons insist that Locke's appeal to voluntarist and rationalist explanations to the law of nature should not be evaluated as inconsistency but as Locke's pluralist style of writing.

dependent to his theory of knowledge developed in the *Essay*. As a proof to his claim that denies any epistemological relation between the two studies, Laslett emphasizes the absence of reference to the natural law in the *Essay* (Laslett, 1960: 97). Actually, Locke's critique of innate ideas in the *Essay* is not compatible with his appeal to the concept of natural law in the *Two Treatises*. In short, for Laslett, Locke's theories of knowledge and politics should be discussed independently from each other.

Nevertheless, even if we accept Laslett's interpretation that posits the methodological outlook of the *Two Treatises* as belonging to empirical science, the basic question remains, as Ruth W. Grant argues, concerning the status of the law of nature in Locke's political theory (Grant, 1987: 24). According to Grant, Locke's appeal to the natural law in his political theory carries with itself a fundamental lacuna in terms of the necessity to demonstrate the derivation of the law of nature in two senses: First, epistemologically, how do men know the law of nature? Second, morally, how are men aware of the fact that their actions are obligated to obey the dictates of the law of nature? For Grant, such a lacuna cannot be filled by remaining in the scope of the *Two Treatises* where Locke clearly neglects an elaboration of the details of the derivation of the law of nature even though he identifies the law of nature as the law of reason (I, 101; II, 6, 57, 96), thereby where Locke never gives us a proof or justification of the law of nature. Put it differently, despite the central position of natural law in Locke's political theory, it is hardly possible to learn how Locke derives the knowledge of the natural law in the *Two Treatises*. The only thing we know is that the law of nature is an intelligible and plain to every rational individual (II, 22). According to Grant, such a lacuna can be filled only if we turn our face to Locke's theory of knowledge which demonstrates us both the limits and the possibilities of human reason. From this perspective, contrary to Laslett's argument, Grant reaches the conclusion that the *Two Treatises* should be regarded as an application of the demonstrative normative theory, the possibility of which is given in the *Essay*, not as an independent work founded upon empirical political science (Grant, 1987: 22). In short, for Grant, the problem concerning the derivation of the law of nature in

Locke's political theory can be surmounted only if we take into consideration his moral and political works together. Thus, Grant's argument insists on the unity of Locke's philosophical and political theses both of which are founded upon the belief in the possibility of demonstrative moral science (Grant, 1987: 23).

Nevertheless, W. von Leyden argues that such a lacuna can be filled by taking into account Locke's early essay on natural law (Ashcraft, 1991: 3). According to him, until the discovery of Locke's youth work on the law of nature, it has not been possible to find a common ground between Locke's main studies (Ashcraft, 1991: 3). However, for Leyden;

However, with the discovery of Locke's early manuscript on natural law we are in a position to fill in the picture which is left rather vague in his mature works. We can see now that most of his remarks about the law of nature in the *Second Treatise* and the *Essay* have their origin in his early essays. In particular, two crucial questions (about which there is hardly any discussion at all in his mature writings) obviously exercised his mind when he was writing the essays, i.e. the epistemological question – how do we know the law of nature? – and the moral question – how and to what extent is that law binding? (Ashcraft, 1991: 7)

But, even though the discovery of Locke's essay on the law of nature has been led to the studies – such as John Dunn's book *The Political Thought of John Locke*, James Tully's book *A Discourse on Property: John Locke and His Adversaries*, Martin Seliger's book *The Liberal Politics of John Locke* and A. John Simmons's book *The Lockean Theory of Rights* – that manifest the common features of Locke's moral and political theories⁴⁸ and its discovery has not been ended the discussion with regard to the perplexity of Locke's moral theory between voluntarism and rationalism in the derivation of the knowledge of the natural law. The discussion about the consistency of Locke's moral philosophy is focused upon the question whether the knowledge of our obligation to the dictates of natural law grounded upon a declaration of God's will that is given us by revelation or to the intrinsic rationality of God's commands that can be discovered by the nature of

⁴⁸ According to Ashcraft, if the historical fact of Locke's working on them simultaneously at least a decade is taken into consideration, to except inconsistency between the *Essay* and the *Treatises* would be illogical (dipnot).

reason without the assistance of the revelation. In the former case, as the voluntarist position, the *Lex Naturalis* is considered as a mere divine Command. The dictates of the law of nature are right and obliged us since they are commanded by God's mere will. Here, the law of nature as the standard of good and bad actions is determined arbitrarily by divine will of the creator. However, in the second case, as the rationalist position, the basis for the law of nature is not the arbitrary will of God as a lawgiver, but the intelligibility that is intrinsic to God's commands. In this position, even God's arbitrary will cannot change the rationality of what is right.

As Grant argues that Locke's moral studies from the *Essays on the Law of Nature*, *On the Reasonableness of Christianity* and the *Essay* obviously involves contradictory statements about the law of nature in terms of its definition as divine command or as the dictates of reason (Grant, 1987: 25). For this reason, in Locke scholars, it is possible to find studies that give priority to one position in the interpretation of the law of nature. Let me give some examples to them. In his article, 'Locke on the Law of Nature', John Yolton emphasizes the centrality of the voluntarist position in Locke's concept of natural law. For Yolton, the law of nature should be identified as a decree of God, not of man's reason (Ashcraft, 1991: 20). Natural law is the will of God and not different from Scriptural law. In this sense, since the law of nature expresses God's will, there is no difference between the law of nature embedded in the New Testament and the law of nature intuited by reason. Therefore, for Yolton, reason and revelation are not alternative paths to the laws of nature which are nothing but God's will (Ashcraft, 1991: 24). On the other hand, in his/her article 'John Locke: Natural Law and Innate Ideas', S.B. Drury argues that law of nature cannot be regarded as the product of God's arbitrary will (Ashcraft, 1991: 86). Rather, with Drury's words, 'God is himself bound by immutable principles of right' (Ashcraft, 1991: 86).

In short, even if we leave behind the problem of discrepancy between Locke's epistemological and political views after the discovery of his early manuscript on the law of nature, it is difficult to overcome the oscillation of his concept of natural

law between voluntarism and rationalism. While, for Leyden, Locke subordinates his voluntarist position to the rationalist one in his mature writings where he develops his hedonistic views and his philosophy of language (Ashcraft, 1991: 6), for Philip Abrams argues the opposite (Abrams, 1967: 88-92). However, some studies of Locke scholars such as Ruth W. Grant's *John Locke's Liberalism* and A. John Simmons *The Lockean Theory of Rights* try to harmonize the rationalist and voluntarist elements of Locke's concept of natural law. According to them, the rationalist and voluntarist elements of Locke's moral philosophy do not necessarily exclude each other. Rather, they complement each other. For Grant, our obligations toward the law of nature are originated from God's will, but we can access to the knowledge of our obligations to God, thereby to the law of nature by the 'light of reason' (1987: 21-23). According to Simmons, since Locke has pluralist style of writing in different issues, different scholars can find the support for their readings of Locke as voluntarist or rationalist (Simmons, 1992: 11). Yet, for Simmons, such a pluralist style of argument that involves both theological and secular concerns does not mean that Locke's moral and political philosophy reveal an incoherent theory of the natural law.

In this study, I concur with Locke scholars that do not see any conflict between Locke's moral and political concerns, particularly between *An Essay Concerning Human Understanding* and *Two Treatises of Government*. For this reason, as Grant argues, the investigation of Locke's political theory should begin with the analysis of his theory of epistemology (Grant, 1987: 6). Otherwise, it is hardly possible to appreciate the content or meaning of Locke's political claims, particularly his concept of freedom and law. That is to say, appreciating the epistemological grounds of Locke's political thought has the crucial role in the consideration of the unity of Locke's concept of freedom and law. Nevertheless, I object to Grant and Simmons' optimistic outlook that undermines Locke's problem of consistency in the derivation of the knowledge of the natural law. No doubt that this does not mean that we should read Locke's notion of natural law as voluntarist or as rationalist. But, instead of neglecting Locke's perplexity between voluntarism and rationalism, instead of trying to reconcile these elements of Locke's position as if

it is really possible, we should deploy intellectual effort to understand the difficulty of Locke's political project that is based on an attempt to reconcile the epistemological grounds of the freedom of moderns with the doctrine of limited state. In this sense, the intellectual problem is neither the demonstration of Locke's notion of natural law as voluntarist or as rationalist nor the reconciliation of voluntarist and rationalist elements in Locke's thought. Rather, the intellectual problem is the demonstration of the epistemological difficulty of Locke's political project which contends with any kind of political absolutism for the sake of the freedom of moderns. It is only under these conditions that we can understand the contradictions of Locke's appeal to the law of nature. Such a task necessitates, as argued before, the reading of Locke's theory of epistemology and politics in a dialogical way with Hobbes' epistemological and political thought. Let me start with Locke's theory of knowledge.

5.3. Locke's Theory of Knowledge

In this section, by giving specific attention to Locke's *Essay*, my objective is to investigate the epistemological grounds of Locke's formulation of negative freedom that would demonstrate Locke's critical attitude challenging both scholastic dogmatism and Hobbesian skepticism. In this sense, the purpose of this section is to reveal the twofold character of Locke's model of negative freedom in terms of its epistemological grounds.

On the one hand, Locke's theory of knowledge has much in common with Hobbes' anti-foundationalist epistemological position which does not consider the metaphysical pretensions of 'free will' thesis any more as relevant to the freedom of man. By questioning the very possibility of metaphysical knowledge of free will, Locke follows an epistemological challenge which was launched by Hobbes against the metaphysical speculations of scholasticism. Such an epistemological challenge includes two agendas: first, the concern of Locke in revealing the limits of human reason, like Hobbes, is to establish a peace in the society (Jolley, 1999:13) *Essay* at the outset emphasizes the metaphysical knowledge as the basic source of the controversy among men (*Essay*, 1.1.7). The intellectual dissension in

the society springing from the idle philosophical efforts to answer the disputed assumptions of the free will doctrine such as the supreme good, the immortality of the soul and the scholastic doctrine of substance can be eliminated only if we are aware of the limits of human reason that reveal the fact that such questions cannot be answered. Like Hobbes, Locke believes that the thesis concerning the freedom of the will could not be proven because it lies altogether beyond the reach of human understanding. For Locke, the basic task of the *Essay* is to determine the certainty and extent of human knowledge which would service to the cause of peace in the society by eliminating the needless metaphysical controversies among men. It can be followed from Locke's belief in drawing the limits of human reason as the cause of peace that, like Hobbes, the scholastic doctrine of free will is regarded as the guilty of threatening the maintenance of the peace in the society. For Locke, the extent of human knowledge is inevitably conditioned and limited by the raw materials of sensation and reflection.

Second, apart from drawing the limit to human reason in order to establish the peace in the society, the questioning of the very possibility of metaphysical knowledge of the free will as an objective criterion – derived from the Divine authority over human will – on the basis of which human actions are to be judged, like the result of Hobbes' epistemological challenge, introduces the valuation of freedom as non-intervention in Locke's thought. To free people's mind from the normative bondage of the free will doctrine marks the significant domain of individual freedom within which each individual pursues his own desires without any intervention from others. In other words, the dissolution of the metaphysical pretensions of the free will doctrine was introduced the natural rights of man by which each man naturally has a right to choice whatever he wants. Otherwise stated, naturally, nobody can subject to any limitation for his preferences, which is nothing but pursuing his own good in his own way. Then, the problem to be dealt with by Locke – the same question for Hobbes – arose as finding the way to make compatible each man's freedom with the freedom of others. As a solution to this problem, the absolute and unlimited sovereign was proposed by Hobbes. For Hobbes, the only way to establish public standards of just and unjust under the

normative conditions of freedom as non-intervention is to create an absolute sovereign who is authorized to determine the limits of individual freedom. The sovereign must be judge of what restrictions over individual freedom are fit to make compatible each man's freedom with the freedom of others. In doing this, there is not objective criterion to limit the sovereign power since such a standard is impossible under the normative restrictions of freedom as non-intervention which is grounded upon Hobbes' nominalism.

Needless to say, this cannot be Locke's last word even if Locke strongly believes in a wide sphere of non-intervention within which the preferences of individuals are outside of the legally determined very few forbidden actions. For Locke, although Hobbes represents the unconditional power of the sovereign as the mere way of the maintenance of the peace and security in the political society grounded upon the normative boundaries of the freedom as non-intervention, what wonders Locke is that such an unconditional authority inevitably may result in curtailing individual's liberties. Hobbes' absolutist solution is not capable of protecting the freedom of individuals with respect to the arbitrary will of the sovereign. What is more important for Locke, perhaps, Hobbes' absolute political power who is exempted from obeying the civil laws, cannot accomplish his original aim of sustaining the co-existence of each man's freedom with the freedom of others. It is for this reason that, for Locke, political absolutism cannot be antidote to the basic problem of making compatible each man's freedom with the freedom of others. Rather, the very privileged position of the earthly power can become a basic threat to the maintenance of the peace and security in the civil society.

It is at this juncture that the second feature of Locke's model of negative freedom appears. As mentioned above, the first feature of Locke's negative formulation of freedom is to accept Hobbes' epistemological challenge to the scholastic doctrine of the free will. However, the second feature of Locke's negative concept of freedom is to challenge Hobbes' thesis insisting on the necessity of absolute sovereign in order to prevent the radical consequences of – like civil war – freedom as non-intervention, which is emerged with the dissolution of the

metaphysical assumptions of the free will doctrine. In this sense, Locke's epistemological project in the *Essay* is to demonstrate the possibility of the objective criterion of what is just and unjust even if the metaphysical pretensions of the free will doctrine are completely abandoned. In order to that, in his *Essay*, Locke's basic claim is not just to draw limits to the metaphysical claims of reason. Rather, the originality – perhaps difficulty – of his claim lies here: to get rid of the metaphysical claims of reason does not mean the complete denial of the claims of reason in providing us the objective knowledge of what is just and unjust (Jolley 1999; Grant 1987). However, for Hobbes, to abandon the metaphysical claims of reason – in order to discredit the doctrine of free will – also meant to abandon the claims of reason altogether. If human reason were not have capacity to give any certain knowledge of what is just and unjust, naturally, there would be no possibility of the agreement among men about where should be the limitation for the freedom as non-intervention. Accordingly, the remaining option – as a result of the fear of death – would be nothing but to accept the unconditional power of the sovereign in determining the limits of individual freedom. It is for this reason that, for Locke, the epistemological inquiry concerning the power of reason in determining the objective limits to freedom of man has also the political task as determining the objective limits to the political power of the sovereign. It is, indeed, this cause led Locke to re-examine the nature and the capacity of human mind in his major philosophical study, *An Essay Concerning Human Understanding*, the main task of which is to distinguish the demonstrative knowledge concerning the restrictions over human conduct from the metaphysical knowledge. As Locke emphasizes:

When we know our own strength, we shall the better know what to undertake with hopes of success; and when we have well surveyed the powers of our own minds, and made some estimate what we may expect from them, we shall not be inclined either to sit still, and not set our thoughts on work at all, in despair of knowing anything, nor, on the other side, *question everything, and disclaim all knowledge, because some things are not to be understood....Our business here is not to know all things, but those which concern our conduct.* If we can find out those measures, whereby a rational creature, put in that state which man is in this world, may and ought to govern his opinions, and actions depending thereon, we need not

to be troubled that some other things escape our knowledge (Essay 1.1.6).

Hence, according to Locke, the purpose of the *Essay* is to separate what is comprehensible by reason from what is not (Essay 1.1.7). The metaphysical claims of the free will doctrine – that determines the limits of human action – cannot be comprehended by reason. However, this does not mean that freedom is to do everything without any objective restrictions. In this sense, the new task of reason is to demonstrate the possibility of the moral knowledge that give us what men's rights and obligations are in relation to each other. But, for Locke, what is crucial here that such a knowledge concerning the regulation of human conducts is a knowledge that derives from the ideas of mixed modes and relations. Such a knowledge cannot be any longer belong to the sphere of the ideas of substances as it was in the doctrine of free will.

For this reason, Locke's reconstruction of negative formulation of freedom entails the tension between the scholastic doctrine of free will which is based on the rational intelligibility of the essences of the substances – by which human will is necessitated morally, thus he is accepted as free – and the Hobbesian conceptualization of freedom as license which is rested on the denial of the comprehensibility of the essences of the substances – by which the will of man is necessitated naturally and there is no possibility of being necessitated morally. Let me start to analyze Locke's theory of freedom by investigating its epistemological grounds.

5.3.1. The Repudiation of the Metaphysical Knowledge

According to Locke, the basic task of the *Essay* is to make inquiry into the nature of human understanding which does not only separate humans from other sensible beings but also put man above the other creatures. Such an inquiry into the nature of human understanding aims at distinguishing epistemological knowledge from metaphysical knowledge. In order to do that, in the *Essay*, Locke follows twofold method: First, *Essay* examines the fountains of the ideas that a man has in his mind (Essay 1.1.3). Second, *Essay* endeavors to demonstrate the certainty, evidence and

extent of knowledge that human understanding has by those ideas (Essay 1.1.3). The very purpose of distinguishing knowledge from belief entails two sub-purposes with itself. According to Locke, if we figure out the extent of the human understanding and how far understanding has faculties to attain certain knowledge, then it would be idle to raise questions and arguments about the subjects that exceed the power and capacity of human understanding. For this reason, when the capacities of our understanding and the limits of our knowledge are discovered, since the things where demonstrative knowledge is possible are separated from those that is not comprehensible by us and remain as the dark parts of things, it would be futile to perplex ourselves and others with disputes about things, the resolution of which is completely impossible (Essay 1.1.4 ; 1.1.6 ; 1.1.7). In this sense, like Hobbes, Locke considers the disputes about the subjects that exceed the power and capacity of human knowledge as *ignes fatui*, thus as a serious threat to the peace of society (Jolley, 1999: 15; Grant 1987: 182). In short, for Locke, the speeches, the schools and teachings about the things that exceed the limits of human understanding should be regarded as one of the sources of controversy among men in the society. That is why in the *Essay* Locke mounted an attack on the doctrine of innate ideas as insignificant and vague forms of speech in his time (Locke, 1964: 59). By questioning the very possibility of innate speculative and practical principles, the basic concern that underlies *Essay's* project is to provide the epistemological basis for the peace of society.

For Locke, the epistemic inquiry concerning the knowledge of the capacity of human intellect in demonstrating the idleness of nativism should also be accepted as a cure of skepticism concerning the mind's capacity in the demonstration of the moral knowledge. What is crucial here is that Locke's argument against the possibility of innate speculative and practical principles should not by any means be seen as an argument concerning the impossibility of moral knowledge. Rather, for him, an argument pointing out the impossibility of metaphysical knowledge is also an argument to demonstrate the possibility of moral knowledge. That is to say, an epistemic inquiry into the limits of human understanding also gives us the hope to achieve the moral knowledge (Essay 1.1.6)

As mentioned at the beginning of this section, the purpose of the *Essay* is to separate what can be known by human understanding from what can not (Essay 1.1.7). For Locke, this difference also refers to the difference between a native law and a law of nature. Locke is against the belief in a native law that presupposes innate principles stamped upon the mind of man by his very first being by the hand of God (Essay 1.2.1). However, according to Locke, the impossibility of a native law should not be understood as a denial of a law of nature, the knowledge of which can be known by the use of our natural faculties. On the contrary, for Locke, a proponent of native law and a defender that renounces the knowability of a law of nature via the light of reason make the same mistake in terms of deviating from the truth (Essay 1.3.25). Here, according to Locke, an advocate of the possibility of native law – an advocate who does not recognize the limits of human knowledge – cannot explain the great variety of virtues and moral rules in the world. In other words, he fails to explain the diversity of virtues and conventions according to which men evaluate their actions (Essay 1.3). On the other hand, a skeptic about the knowability of a law of nature by the light of reason has gone astray because he simply could not recognize the power of the mind in the suspension of the execution of this or that desire, thus could not identify the source of all human freedom and sees man as a machine. Nevertheless, for Locke, ‘a great part of mankind give testimony to the law of nature’ (Essay 1.3.6).

In short, in the *Essay* which consists of four books, Locke has intention to demonstrate what it is possible and what is not possible for human understanding to know. As he argues at the beginning:

It is an established opinion amongst some men that there are in the understanding certain *innate principles*, some primary notions, characters, as it were stamped upon the mind of man, which the soul receives in its very first being, and brings into the world with it...falseness of this supposition, if I should only show how men, barely by the use of their natural faculties, may attain to all the knowledge they have, without the help of any innate impressions, and may arrive at certainty, without any such original notions or principles (Essay 1.2.1) (Italics original)

In this sense, he begins his inquiry by showing what is not possible to know for human intellect. Book 1, entitled as 'Of Innate Notions', is organized to challenge the possibility of innate ideas or notions whether speculative or practical. Book 2, entitled as 'Of Ideas' is designed to answer the questions how ideas or phantasms – as the object of the understanding when a man thinks (Essay 1.1.7) come into the mind and how the mind operate on these ideas. In the course of book 2, Locke makes difference between simple and complex ideas, between ideas of substances and that of mixed modes, between real, adequate and fantastical and inadequate ideas. Furthermore, he also explains his theory of freedom as against the doctrine of free will in the chapter where he analyzes the idea of power. Book 3 called as 'Of Words' is devoted to the construction of Locke's nominalist account of language where Locke distinguishes the nominal essence of the substances from the real essence of them. The last book, entitled as 'Of Knowledge and Opinion', is completely devoted to demonstration of the possibility of moral knowledge.

5.3.1.1. The Extent of Human Understanding and Knowledge

In the demolition of the belief in the possibility of the metaphysical knowledge, it is vital for Locke to question the doctrines of innate ideas and substances. Contrary to the doctrine of innate ideas which is based on the possibility of innate speculative and practical principles imprinted in the mind of man by the hand of God in his very first being, Locke defends that mind should be regarded as a white paper that is void of all characters and ideas at the beginning moment of the creation (Essay 2.1.2). For him, all ideas spring from the experience, thus they are acquired. Contrary to the scholastic doctrine of substance, the doctrine that claims the rational intelligibility of the real essences of the substances, Locke asserts that the ideas of substance or things can not identify the real essences of what is empirically received. Rather, they should be regarded as the mind's contribution to the things. For this reason, at most, the ideas may represent the things. Let me analyze the structure of Locke's argument in challenging both the scholastic doctrines of nativism and substance.

For Locke, neither speculative nor practical principles can be innate, thus can be stamped upon the mind of man. In order to prove the possibility of innate principles, in Locke's time, the accepted argument is the existence of certain principles – speculative and practical – upon which universally agreed by all mankind (Essay 1.2.2). In contrast to this argument, Locke argues that universal consent upon the certain speculative and practical principles cannot be considered as a sufficient condition to prove their innateness. Yet, even if it were true that certain truths did have universal assent, this would not prove them innate (Essay 1.2.2). More importantly, for Locke, applying to the argument of universal consent as a proof of the innateness of certain principles is self-defeating because of the fact that it is impossible to find any principles to which all mankind give an universal consent (Essay 1.2.4). Apart from the lack of universal consensus upon the certain propositions, these propositions are not even known by a great part of mankind (Essay 1.2.4). In this sense, the existence of diverse and contrary principles, virtues or moral rules in the world demonstrate us the impossibility of naturally imprinted notions. Since the practical principles are the reflection of the speculative ones, the existence of different virtues in the world is sufficient condition to convince us that so-called presupposed innate virtues are not the internal principle of all mankind (Essay 1.3.7). The other fact that underlies Locke's opposition is the lack of the conscious of all innate truths among children and idiots (1.2.5). Here, Locke's line of reasoning as follows:

If therefore children and idiots have souls, have minds, with those impressions upon them, they must unavoidably perceive them, and necessarily know and assent to these truths; which since they do not, it is evident that there are no such impressions (Essay 1.2.5).

Therefore, the position of Children and Idiots who do not aware of the innate principles is a contradiction of the argument that defends the existence of the naturally imprinted truths.

In sum, both the existence of the contrary moral rules in the world and the position of Children and Idiots let Locke to ask this fundamental question: If there are notions naturally imprinted in human mind by the hand of God at the beginning of the creation, how can these notions be unknown by a great part of mankind and

children and idiots? According to Locke, the doctrine of innate ideas cannot give the sufficient answer to this fundamental question. Therefore, the want of such an answer is enough to destroy the general argument that supposes the demonstration of universal assent as the necessary condition of all innate truths (Essay 1.2.5).

Apart from destroying the doctrine of innate ideas, the other particular end of Locke is to question the possibility of the idea of Substance, the idea that we neither have nor can have by sensation or reflection (Essay 1.3.19). According to Locke, since the ways by which ideas come into our minds cannot access to the idea of substance, it is impossible to have ‘clear idea’ of substance (Essay 1.3.19). In this sense, the word ‘substance’ refers to the *substratum* or support of the ideas that we do know. It does not refer to something of which we have particular distinct positive idea (Essay 1.3.19). At most, by the word ‘substance’, we can only have ‘uncertain supposition of we know not what’ (Essay 1.3.19).

In short, the doctrine of innate ideas and the idea of substance are the areas where demonstrative knowledge is not possible. In the former, it is not possible because all principles both speculative and practical cannot be imprinted on the understanding without springing from sensation and reflection. Here, sensation and reflection as the two mere foundations of knowledge are deployed to dispose of the doctrine of innate ideas. However, in the latter one, sensation and reflection as the mere origins of knowledge cannot be sufficient to derive the idea of substance. Thus, the idea of substance is not accessible to human mind.

Until now, Locke’s challenge to the scholastic doctrines of innate ideas and substance only demonstrate us the limits of human knowledge. Here, Locke’s empiricism and nominalism – like Hobbes – aim at questioning not only the metaphysical doctrines of the scholastics but also the scholastic hierarchies that these doctrines necessitate. The following passage reflects this fact:

And it was of no small advantage to those who affected to be masters and teachers, to make this the principle of principles, - *that principles must not be questioned*. For, having once established this tenet, that there are innate principles, it put their followers upon a necessity of receiving some doctrines as such; which was to take

them off from the use of their own reason and judgment, and put them upon believing and taking them upon trust without further examination; in which posture of blind credulity they might be more easily governed by, and made useful to some sort of men, who had the skill and office to principle and guide them. Nor is it a small power it give one man over another, to have the authority to be the dictator of principles, and teacher of unquestionable truths...(Essay 1.3.25). (Emphasis original)

As I will elaborate in the next section, Locke's empiricism and nominalism also challenge the scholastic doctrine of free will. According to Locke, everyone can laugh at the absurdity of such a doctrine which presupposes liberty as belonging to the Will. Yet, for Locke, freedom cannot be an attribute or modification of the will (Essay 2.21.14). As I have expressed at the beginning of the chapter, in questioning the very possibility of scholastic doctrines such as innate ideas, the concept of substance and free will, Locke has much in common with Hobbes' anti-foundationalist epistemology and its contributions to the emergence of the individual freedom.

However, in the conclusion of the same passage, Locke presents his trust in the power of reason in discovering the knowledge of many universal truths.

Whereas had they examined the ways whereby men came to the knowledge of many universal truths, they would have found them to result in the minds of men from the being of things themselves, when duly considered; and that they were discovered by the application of those faculties that were fitted by nature to receive and judge of them, when duly employed about them (1.3.25).

No doubt that that part of the passage refers to Locke's political project in the *Two Treatises* where the law of nature as the law of reason is deployed to discredit the doctrine of political absolutism. By defending the rational power of man in the discovery and demonstration of morality, Locke completely departs from Hobbes's ignorance towards the capacity of human reason in providing us the possibility of moral knowledge. Here, Locke trusts in his theory of mixed modes and relations. Furthermore, Locke's appeal to the rational power of man in the demonstration of morality under the normative capsule of mixed modes also re-

introduces the qualitative distinction between human freedom and animal freedom in terms of the power of mind in the suspension of the execution of this or that desire, the distinction that loses its credibility by Hobbes' understanding of freedom as license. The analysis of Locke's formulation of freedom and its oscillation between empiricism and rationalism would be the task of next section. But, the immediate task is to explain Locke's theory of mixed modes that challenges the scholastic doctrine of substance.

In order to explain the category of mixed modes and its contrast with the idea of substance, at this juncture, it is necessary to analyze the steps by which the mind attains the ideas and to examine the operations of the understanding in attaining the knowledge in general, moral knowledge in particular. In doing that, I will begin by explaining the difference between simple and complex ideas and primary and secondary qualities.

5.3.1.1.1. The Difference between Simple and Complex Ideas

According to Locke, all our ideas are conditioned and limited by the two fountains of knowledge, respectively sensation and reflection (internal sense). In other words, sensation and reflection are two sources of knowledge from which all the ideas come (Essay 2.1.2). For Locke, the senses are the fundamental source of most of the ideas (Essay 2.1.3). The external material things are the objects of sensation. From external objects that senses convey into the mind several distinct ideas of sensible qualities such as yellow, white, heat, cold, soft, hard, bitter and sweet (Essay 2.1.3). A man begins to get any idea when he has any sensation (Essay 2.1.23). Therefore, it is not possible to have any idea in the mind if the senses via external things do not convey some impressions into the mind where the distinct perceptions of the things are produced. The other source from which experience furnishes the mind with ideas is the perception of the operations of the mind within itself (Essay 2.1.4). Here, the operations of the mind within itself are the objects of reflection. At this level, the operations of the mind are perception, thinking, doubting, believing, reasoning, knowing and willing (Essay 2.1.4). According to Locke, it is impossible to have ideas in our minds which do not

spring from one of these two ways (Essay 2.1.5). Otherwise stated, external material things as the objects of sensation and the operations of the minds within itself as the objects of reflection are the only sources of all our ideas (Essay 2.1.5). With Locke's words, 'all those sublime thoughts which tower above the clouds, and reach as high as heaven itself, take their rise and footing here (Essay 2.1.24).

For Locke, in order to understand the nature, manner and extent of our knowledge, it is necessary to divide the ideas springing from sensation and reflection into two categories as simple and complex ideas (Essay 2.2.1). In the reception of simple ideas, the understanding is passive. The mind does not have the power neither to invent nor to destroy any simple idea in itself. That is why the mind is forced to receive the simple ideas. It cannot avoid the reception of those ideas. There are some simple ideas such as light, colors, heat, sounds, which come into the mind through one sense. Space, figure, rest and motion are the other examples to simple ideas which convey into our minds by more than one senses. The idea of perception (thinking) and the idea of volition (willing) are the two great and principal examples to the simple ideas of reflection (Essay 2.6.2). Finally, it is also possible to have the simple idea of both sensation and reflection. Pleasure, pain, existence, unity and power are the examples to the simple ideas that convey themselves into the mind by both the ways of sensation and reflection.

In contrast to the reception of all kinds of simple ideas in which the mind is completely passive, in the case of complex ideas, the mind is active in the sense of having a power to unite several simple ideas as one idea. Here, the mind exerts its power over simple ideas by the operations of combining, relating or abstracting (2.12.1). However, although the mind has great power in varying and multiplying the simple ideas, thus going infinitely beyond what is perceived, complex ideas are still confined to those simple ideas (2.12.2). For Locke, modes, substances and relations are the examples to the complex ideas.

5.3.1.1.2. The Difference between Primary and Secondary Qualities

As Nicholas Jolley points out Locke's distinction between ideas and qualities in general, primary and secondary qualities in particular reflect the general hostility of many 17th philosophers to the Scholastic doctrine of sensible qualities (1999: 58). For the Scholastics, the sensible qualities – colors, sounds, tastes and smells – are things in themselves. Thus, the sensible qualities are regarded as real and original properties of bodies. Therefore, the scholastics suppose that sensible qualities cannot exist by themselves. They require a substance for their existence.

In order to challenge this categorization, Locke makes a distinction between ideas and qualities. While Locke defines idea as 'whatsoever the mind perceives in itself, or is the immediate object of perception, thought or understanding', he describes quality as the power to produce any idea in our mind (Essay 2.8.8). For example, a snowball has the power to produce in our mind the ideas of white, cold and round. In this sense, the powers in the things that produce the ideas of white, round and cold in our minds are called as quality.

According to Locke, there are two main kinds of qualities; namely, primary or original qualities and secondary qualities. Primary qualities are the qualities that are considered in the objects themselves whether we perceive them or not. These qualities are not separable from the body in all its alterations and changes (Essay 2.8.9). Locke reckons primary qualities as solidity, extension, figure, motion or rest and number (Essay 2.8.9). According to Locke, the mind finds these qualities in every particle of matter that has enough bulk to be perceived (Essay 2.8.9). At this point, Locke gives a grain of wheat as an example. For Locke, even if we divide it into two or more than two parts, each part retains the same primary qualities of solidity, extension, figure and mobility.

In contrast to primary qualities which produce the simple ideas in us, secondary qualities are the qualities that are not regarded as in the things themselves, but powers that produce several sensations as colors, sounds and tastes in our minds by their primary qualities of bulk, figure, texture and motion (Essay 2.8.10). As

mentioned above, for the scholastics, colors, sounds and tastes are real and primary qualities. When we see a snowball, my sensation of white resembles a sensible quality in the snowball itself. Nevertheless, Locke argues that white and cold as the secondary qualities of snowball cannot resemble snowball at all. Color, sounds, tastes and smells are not and cannot be real or primary qualities of bodies. They do not really exist in the bodies themselves. Rather, primary qualities produce in us the different ideas of several colors, sounds, smells and tastes (Essay 2.8.23).

In sum, primary qualities are the real qualities of objects. They can exist by themselves as the constitution of substances without requiring our perception. However, secondary qualities or sensible qualities cannot have independent existence from our senses.

5.3.1.1.3. The Difference between Mixed Modes and Substances

In seeking the epistemological basis of Locke's trust in the demonstration of moral knowledge, it is necessary to consider his attempt to base morality on the knowledge of 'mixed modes' where Locke objects to the deployment of the knowledge of substances as the justification of the moral knowledge. As I have expressed before, one of the major tasks of Essay is to demonstrate the inadequacy of the scholastic claim in relying on the knowability of the essences of the substances as the foundation of moral knowledge. Locke's epistemic inquiry concerning the extent of human knowledge demonstrates us the impossibility of the knowability of substance as such. It is for this reason that the scholastic attempt to built moral knowledge upon the doctrine of substance is an attempt that exceeds the scope of human understanding, thereby metaphysical in its nature. However, for Locke, denouncement of the scholastic doctrine of substance as the foundation of moral knowledge – the knowledge that answers the question of how do we know the law of nature – does not mean to renounce the possibility of moral knowledge at all. Rather, Locke's challenge to the scholastic belief in the possibility of the knowledge of the real essences of the substances aims at the demonstration of the possibility of moral knowledge in a completely different ground in which the category of mixed modes has the fundamental role. Therefore,

the ground of moral knowledge is not the intelligibility that reason can discover in the essence of substance but the intelligibility that is attached to the category of mixed modes. In short, Locke's contrast between mixed modes and substances is one of the crucial contrasts of his theory of knowledge. Now, it is time to explore the structure of Locke's argument.

Locke defines modes as 'complex ideas which, however compounded, contain not in them the supposition of subsisting by themselves, but are considered as dependences on, or affections of substances' (Essay 2.12.4). In the same section, Locke lists the ideas signified by the words Triangle, Gratitude and Murder as examples to the modes. Locke also divides modes into two sorts as simple and mixed modes. Simple modes are the modes that are different combinations of the same simple idea without adding the other one (Essay 2.12.5). Mixed modes are the complex modes that are compounded of several kinds of simple ideas (Essay 2.12.5). Locke gives the ideas of beauty which consists of a certain composition of color and figure and theft which represents the change of the possession of anything without the consent of the proprietor (Essay 2.12.5). For Locke, the cause of making mixed modes by combining different kinds of simple ideas is related to the end of language that is nothing but communication among men's thoughts and judgments. That is why mixed modes signify moral, social and legal terms such as obligation, drunkenness and a lie (Essay 2.22.1). Locke gives us the distinct features of mixed modes as following:

That the mind, in respect of its simple ideas, is wholly passive, and receives them all from the existence and operations of things, such as sensation or reflection offers them, without being able to make any one idea, experience shows us. But if we attentively consider these ideas I call mixed modes we are now speaking of, we shall find their original quite different. The mind often exercises an active power in making these several combinations...without examining whether they exist so together in nature (2.22.2).

From the passage, it can be understood that there are two major features of the ideas of mixed modes. First, these ideas are arbitrary creations of the mind. Jolley underlines that one of the misunderstandings about Locke is related to consideration of mind as totally passive (1999: 28). However, as above passage

reveals the fact that the constructive activity of mind is central to Locke's theory of knowledge. Even though the extent of human mind is limited by sensation and reflection, its power cannot be reduced to passive receiver of what it takes from sensation and reflection. Rather, the mind has active power in creating the ideas of mixed modes. Second, mixed modes do not refer to any real being. In other words, they do not have any original patterns in nature. Hence, mixed modes do not reflect characteristic marks of any real beings that have a steady existence (2.22.1).

However, according to Locke, concerning the ideas of substances, the operation of the human mind is completely different. For D.J. O'Connor, Locke's theory of substance and its criticism of the scholastic concept of substance constitute one of the most challenging parts of Locke's theory of knowledge (1967: 73). The scholastic doctrine of substance and its associated dogmas such as Incarnation, Trinity etc. have never recovered from the attack which Locke had done (1967: 73-74). In order to understand this challenge and Locke's controversy with Dr. Edward Stillingfleet, the Bishop Worcester, it is necessary to start with Locke's definition of the ideas of substances.

In the Chapters XII and XXII of the second book where Locke makes the definition of complex ideas and examines the nature of our complex ideas of substances, Locke describes substance as following:

...the ideas of *substances* are such combinations of simple ideas as are taken to represent distinct particular things subsisting by themselves; in which the supposed or confused idea of substance, such as it is, is always the first and chief (2.12.6).

The idea then we have, to which we give the general name 'substance', being nothing but supposed, but unknown, support of those qualities we find existing, which we imagine cannot subsist *sine re substante*, without something to support them, we call that support *substantia*....in plain English, standing under or upholding (2.22.2).

It can be followed from the passages that substances have an independent existence from our minds. In contrast to the ideas of mixed modes, their existence

does not need mind's constructive activity. Rather, they have the capacity to subsist by themselves. The ideas of substances as the combinations of several simple ideas have the claim to represent distinct particular things that can subsist by themselves. However, Locke argues that our knowledge concerning the ideas of substances is nothing but a supposition. They are not completely known. Therefore, it is impossible to have a clear and distinct idea of substances (2.22.37). On this issue, Locke repeats that we cannot know and reach anything beyond our simple ideas received from sensation and reflection. For this reason, we cannot have clear and distinct idea of corporal substance or matter. Nor can we have clear and distinct idea of the spiritual substance. Both of them are equally unknown to us (2.22.30).

Nevertheless the claim that denies the knowability of the idea of substances is attacked by Dr. Edward Stillingfleet, the Bishop Worcester. For Stillingfleet, Locke's theory of knowledge that restricts human understanding to sensation and reflection casts doubt on the reality of substance (Yolton, 1993: 127; 284). Otherwise stated, since Locke reduces all human knowledge on sensation and reflection, he discards substance out of human reason (Yolton, 1993: 127; 284). In his response, Locke emphasizes the significance of the distinction between reality of substance and the idea of substance. Claiming ideas of substance are inadequate or confused does not entail a denial of the reality of substance to which the idea is supposed to refer (Yolton, 1993: 284). In this sense, Locke insists that his theory of substance does not discard the substance because of the fact that the very possibility of ideas already carries the supposition of a substratum (Yolton, 1993: 284)

At the beginning of this chapter, I have argued that it is necessary to read Locke's epistemological and political theories by putting relations to Hobbes' anti-foundationalist epistemological challenge and its political results. Such a reading is especially vital to understand the modifications that Locke made on the concept of negative freedom. His theory of substance and his controversy with Stillingfleet have much in common with Hobbes' challenge to the possibility of the knowledge

of immaterial substance. However, as mentioned before, Locke's participation to Hobbes's attack on the scholastic doctrine of substance does not mean the affirmation of the impossibility of moral knowledge. As I argued before, Locke's objection to Hobbes' political absolutism as a solution to the nominalist grounds of negative freedom seems to have a direct affect on his belief in reason's capacity of the demonstration of moral knowledge. This is particularly crucial to negate the understanding of freedom as license.

In short, the contrast between the ideas of mixed modes and the ideas of substances in Locke's theory of knowledge is essential in terms of manifesting Locke's critical attitude towards both scholastic dogmatism and Hobbesian skepticism. In order to clarify the contrast between the ideas of mixed modes and that of substances, it is necessary to point out Locke's distinctions between real and fantastical ideas, adequate and inadequate ideas.

By real ideas, Locke refers to the ideas that have a foundation in nature or have a conformity with the real being or with their archetypes (Essay 2.30.1). In contrast to real ideas, fantastical or chimerical ideas do not have a foundation in nature. Nor do they have any conformity with the reality of being that they are tacitly referred to or with their archetypes (Essay 2.30.1). According to Locke, all simple ideas are real because of the fact that they agree to the reality of things. This is not true for all complex ideas. Complex ideas of mixed modes and relations are real as long as they are made of consistent ideas (Essay 2.30.4). As expressed before, mixed modes and relations are arbitrary creation of the minds. For Locke, this is sufficient to make them real because of the fact that our ideas of mixed modes and relations are themselves archetypes. There is no any chance to differ from their archetypes, thus they cannot be fantastical. Complex ideas of substances as referring to things existing without us are also real as long as they agree with the existence of things (Essay 2.30.5). However, there is chance to be fantastical in the case of complex ideas of substances when anyone puts together some simple ideas even though it is impossible to find them together in any substance (Essay 2.30.5). Here, Locke's gives *centaurs* as an example to fantastical idea of substances.

Concerning the real ideas, Locke also makes a distinction between adequate real ideas and inadequate real ideas. Adequate ideas are the ideas that perfectly represent their archetypes which the mind supposed them taken from (Essay 2.31.1). However, inadequate ideas are nothing but a partial or incomplete representation of the archetypes to which they are referred (Essay 2.31.1). According to Locke, all simple ideas are adequate. But, in the case of complex ideas, while the ideas of mixed modes and relations are adequate, the ideas of substances are inadequate. Locke explains that

...in our ideas of substances...desiring to copy things as they really do exist, and to represent to ourselves that constitution on which all their properties depend, we perceive our ideas attain not that perfection we intend...and so are all inadequate. But mixed modes and relations, being archetypes without patterns, and so having nothing to represent but themselves, cannot but be adequate, everything being so to itself (Essay 2.31.3).

In sum, while ideas of substances are inadequate because they are imperfect copies of their originals or archetypes, since ideas of mixed modes and relations are themselves originals or archetypes, they are perfectly adequate.

Needless to say that Locke's interpretation of ideas of substances as imperfect and inadequate lies in his skepticism regarding the impossibility of knowing the real essences of substances whether material or spiritual. It is for this reason that moral knowledge cannot be any longer grounded upon the knowledge of the substances. Rather, moral knowledge should be established on the ideas of mixed modes in which the certainty of our knowledge does not depend on any real things in nature (Grant, 1987: 19). In other words, for Locke, universal moral knowledge can be attained towards the ideas of mixed modes because of the fact that it is impossible to have a false representation of reality involved in the idea of a mixed mode – as long as they are consistently made (Grant, 1987: 19; 35).

If we recapitulate; the ideas of substances are inadequate and imperfect copies of their archetypes because they are intended to represent external things whose real essences are not known to us. Thus, the knowledge concerning the ultimate reality of things cannot be certain. On the other hand, in the case of ideas regarding

mixed modes and relations, things are not the same. Since the ideas of mixed modes do not have a claim to represent external existences, since they are archetypes in themselves, since the real and nominal essences cannot be different (Essay 4.6.4), adequacy here does not depend on a correspondence with natural things. The knowledge regarding the ideas of mixed modes and relations cannot be false or inadequate. That is why certain moral knowledge can be demonstrated on the grounds of mixed modes. Consider what Locke claims on this issue:

Upon this ground it is that I am bold to think that morality is capable of demonstration, as well as mathematics; since the precise real essence of the things moral words stand for may be perfectly known, and so the congruity and incongruity of the things themselves be certainly discovered; in which consists perfect knowledge (Essay 3.6.16)

Thus, moral ideas can be known certainly without leaving any room for any doubt about them (Essay 3.6.17).

As I have expressed before, Locke's appeal to the mixed modes in the demonstration of morality has intention to undermine the scholastic vindication of the natural law. But, Locke's attempt to demonstrate the moral knowledge on the grounds of the ideas of mixed modes and relations is not without drawbacks. At this juncture, the crucial problem appears for Locke's belief in justifying the moral knowledge on the basis of the ideas of mixed modes and relations. This major problem is related to Locke's attempt to reconcile nominalism and rationalism. Otherwise stated, the emphasis on the arbitrary character of the ideas of mixed modes has conflict with his claim about the knowability of the natural law – from which we derive our rights and duties. If the mixed modes are the combinations of the several ideas that the mind of man has arbitrarily put together (E, 3.11.15), if men have freedom to make them arbitrarily, it is obvious that Locke's nominalism recognizes the variety of moral ideas that exist in different individuals and communities. As we have observed in the last chapter, Hobbes's nominalism renders invalid the traditional trust in the natural law. Epistemologically, Hobbes's appeal to nominalism as renouncement of all attempts to know the essences of substances culminates in ethical relativism. The doctrine of absolute sovereignty is

nothing but a response to the problem of ethical relativism. However, even though Locke's nominalism also allows the wide variety of moral ideas and conventions in the laws and languages of different communities, in order to avoid relativism that Hobbes's nominalism fails, Locke keeps his faith in the power of reason in demonstrating us the possibility of moral knowledge whose universal validity is without question. Since man can acquire true and certain moral knowledge through the use of reason, he can also guide his actions according to that knowledge.

In deed, it is fair to say that Locke is also aware of the difficulty of the reconciliation between nominalism and rationalism. That is why sometimes – as in his book, *The Reasonableness of Christianity* – Locke loses his belief in unaided reason's power to demonstrate moral certainties. Many Lockean scholars – such as Ruth Grant, John Yolton, Martin Seliger, John Simmons – have also emphasized the tension between nominalism and rationalism in Locke's demonstration of morality and have tried to overcome this difficulty by making different readings of Locke's moral theory. As I have argued before, instead of trying to reconcile nominalism and rationalism in Locke's moral theory as if it is really possible, we should understand that this difficulty is also internally related to his political project of the reconciliation of the freedom of moderns with the idea of limited government. It is for this reason that the tension between nominalism and rationalism also reflects in Locke's theory of freedom.

5.3.2. The Secularization of the Will

Locke's reconstruction of negative freedom manifests similar difficulty of reconciliation between nominalism and rationalism. Locke, on the one hand, endorses Hobbes's nominalist challenge to the scholastic doctrine of free will. Like Hobbes, Locke's aim is to put an end not only unreasonable but also unintelligible question 'Whether man's will be free or not?' (Essay 2.21.14). In this sense, the question 'whether the will be free' is not proper question (Essay 2.21.21). The question, rather, should be 'whether a man be free' (Essay 2.21.21). Therefore, liberty does not belong to the will. Actually, it belongs only to agents (Essay 2.21.14). On the other hand, unlike Hobbes, for Locke, objection to the

metaphysical discourse of free will does not necessarily identify freedom with license in which freedom is regarded as to do whatever man pleases. For this reason, Locke contends with Hobbes's determinist model of negative freedom which does not recognize the capacity of reason in the suspension of the prosecution of desires. According to him, the power of mind in the suspension of any desire should be acknowledged as the actual source of all liberty (Essay 2.21.47). Hence, to choice in accordance with the dictates of reason is the distinctive feature of human freedom (Grant, 1987: 192). Yet, Locke's emphasis on the arbitrary character of morality and his hedonist view in the determination of will make difficult for him to justify the power of mind in the suspension of desires. Even if we accept that his theory of mixed modes gives us the certain moral knowledge, it is difficult to see how and to what extent that knowledge binds human will. Therefore, in Locke's formulation of negative freedom, there is a difficulty of grounding the actions of man in accordance with the morality that his theory of knowledge demonstrates us. Let me examine the reasons of this difficulty in Locke's reformulation of negative freedom.

Locke gives his theory of freedom in the chapter XXI of the second book of Essay, entitled 'Of Power' where freedom is defined essentially as a power. In this chapter, as I have explained before, according to Locke, it is insignificant and improper question to ask whether man's will be free. It is also an absurd question as to ask whether man's sleep be swift or his virtue square (Essay 2.21.14; 17). For Locke, it is obvious that everyone would laugh at the absurdity of these questions because 'the modifications of motion belong not to sleep, nor the difference of figure to virtue; and when anyone well considers it, I think he will as plainly perceive that liberty, which is but a power, belongs only to agents, and cannot be an attribute or modification of the will, which is also but a power' (Essay 2.21.14). Therefore, will refers to a power or ability to prefer or choose one thought or action over another. On the other hand, freedom marks a different power as to think or act according to our preferences or choices. In this sense, the proper question to be asked instead is, are man as agent free? Answering this question

depends on whether man is able to act or not to act according to his choice or will (Essay 2.21.27).

Furthermore, for Locke, the other absurdity pertaining to the language of free will consists in its belief that the supreme good determines the will. Locke claims that the greatest good does not determine the will in regard to our actions. Rather, uneasiness determines the will (Essay 2.21.31). In other words, desire as an uneasiness of the mind for want of some absent good determines the will (Essay 2.21.35). But, in the early editions of the Essay, Locke recognizes the greatest good as the main determiner of the will. Locke confesses his mistake as following:

It seems so established and settled a maxim, by the general consent of all mankind, that good, the greater good, determines the will, that I do not at all wonder that, when I first published my thoughts on this subject, I took it for granted....But yet, upon a stricter inquiry, I am forced to conclude that good, the greater good, though apprehended and acknowledged to be so, does not determine the will, until our desire,makes us uneasy in the want of it (Essay 2.21.35).

The reason in the shift of Locke's ideas lies in his claim that even though good and the greatest good are not always desired, no body can neglect any great uneasiness (Essay 2.21.39; 41). According to Locke, everyone desires happiness. Things are called good or evil only in accordance with pleasure or pain (Essay 2.20.2). Pleasure and pain as the ideas of simple modes are produced by the operation of certain objects either on our minds or our bodies (Essay 2.21.42). In this respect, while good is defined as something that leads to pleasure, evil is identified as something that produces pain (Essay 2.20.2; 2.21.42). For Locke, our happiness and misery depends on our ideas of pleasure and pain. At this point, it is necessary to point out that although good or happiness is the proper object of desire in general, one good cannot be good for all man. Hence, 'all good does not necessarily move every particular man's desire' (Essay 2.21.43). Rather, every particular man's perception of good will determine what things would be a necessary part of his happiness.

If our desire as uneasiness of the mind for want of some absent good determines the will and if the will is a power or ability to prefer or choose one thought or action over another, then our preferences are determined in accordance with our perceptions of good and evil which are, in turn determined by our perceptions of pleasure and pain. Yet, although we all pursue good or desire happiness, we may have the various and contrary choices for our happiness, a plurality which stems from the fact that the same thing is not to good every man. This variety of pursuits shows us that:

everyone does not place his happiness in the same thing or choose the same way to it. Were all the concerns of man terminated in this life, why one followed study and knowledge, and another hawking and hunting, why one chose luxury and debauchery, and another sobriety and riches, would not be because every one of these did not aim at his own happiness but because their happiness was placed in different things (Essay 2.21.54).

For Locke, we have a power to continue, or end several actions of our mind and motions of our body in accordance with the preference of our mind which orders doing or not doing such a particular action (Essay 2.21.5). We have a liberty to think or not to think, to move or not to move, according to the preference and direction coming from our reason (Essay 2.21.8). However, when the performance or forbearance of any action is not equally in a man's power, whenever it does not happen according to mind's direction, there it is impossible to talk about the freedom of that man. Rather, here, agent should be regarded as under necessity or restraint. If action or thought occurs with regard to the mind's direction, then we can consider the man as a free agent. If not, he cannot be free.

Although Locke seems to attribute priority to the mind, his objection to the language of free will and nominalist construction of the good has much in common with Hobbes's formulation of freedom as the area within which a man can act unobstructed by others. In this context, freedom does not belong to volition but to the person who has the power to act or not to act according to the preference of his mind (Essay 2.21.10). Locke's example in the passage 2.21.27 is especially crucial

in terms of manifesting his commitment to freedom as the absence of external impediments:

He that is a close prisoner in a room twenty foot square, being at the north side of his chamber, is at liberty to walk twenty feet southward, because he can walk or not walk it; but is not, at the same time, at liberty to do the contrary, i.e. to walk twenty feet northward (Essay 2.21.27).

Nevertheless, in the passage 2.21.47, Locke makes the remarkable qualitative shift in his commitment to freedom as the absence of external impediments. As we have explained before, Hobbes's identification of freedom with the absence of external obstacles carries itself two further features. First, it permits no qualitative distinction between freedom of men and freedom of animals. Second, freedom as license presupposes laws as a fetter to freedom. But, in contrast to Hobbes's ideas, both in the *Essay* and *Two Treatises of Government*, Locke repeatedly portrays reason as a power that distinguishes man from the beasts. In the passage 2.21.47, Locke emphasizes reason's power to suspend the prosecution of this or that desire. According to Locke, this power is the great privilege of finite intellectual beings and the source of all liberty that man has (Essay 2.21.47-48).

Needless to say, Locke's emphasis on rational freedom has conflict with his nominalist and physicalist explanations in the identification of freedom. In other words, attributing a power to human reason to suspend the determination of will or to control over desires is at odds with Locke's commitment to the language of uneasiness as the mere determination of the will. Nevertheless, if we take Locke's belief in the demonstration of morality into consideration, Locke's appeal to reason's capacity in the suspension of the determination of the will by this or that desire would not be surprising. Otherwise, trusting in reason's capacity to demonstrate us a moral knowledge without providing us a possibility of action, which takes into account that knowledge would be paradoxical. According to Locke, during this suspension of any desire,

before the will be determined to action, and the action (which follows that determination) done, we have opportunity to examine, view, and judge of the good or evil of what we are going to do; and when, upon due examination, we have judged, we have done our

duty, all that we can, or ought to do, in pursuit of our happiness; and it is not a fault, but a perfection of our nature, to desire, will, and act according to the last result of a fair examination (Essay 2.21.47).

Hence, the capacity for rational examination is the distinctive feature of the liberty of intellectual beings. Furthermore, it is also the indispensable element of moral action, an exercise of which sets us above animals and enables us to act with regard to the deliberation of our reason. Thus, under Locke's conception of liberty, an individual is free only when he has a rational power in the suspension of natural necessities in order to attain the particular end. Locke believes that the happiness of individual lies in that conception of liberty. However, when an individual fails to act in accordance with the dictates of his reason, thus when an individual acts with regard to his unexamined desires, he lowers himself to the level of the beasts.

5.4. Negative Freedom under Natural Law

Until now, I have demonstrated epistemic difficulty of Locke's theory of freedom in terms of the reconciliation between nominalism and rationalism. On the one hand, Locke follows nominalism in order to undermine the metaphysical orthodoxies and hierarchies of the scholastic doctrine of free will. At this level, nominalism is deployed to determine the limits of human understanding. To deprive freedom of its metaphysical pretensions of free will doctrine brings the valuation of freedom as license. On the other hand, Locke trusts in the capacity of human understanding in the demonstration of the moral knowledge, the knowledge that provides us objective framework in the evaluation of individual action. According to Locke, our moral ideas are the arbitrary constructions of human mind. But, it does not mean that they are nor less true or certain. On the contrary, since existence does not need to make them real, moral knowledge is as capable of real certainty as mathematics (Essay 4.4.7). For Locke, the liberty of finite intellectual beings lies in the conformity of our actions to that moral knowledge.

Nevertheless, Locke's commitment to hedonistic theory of good and evil in which things are accepted as good or evil in reference to pleasure and pain yields relativism. In other words, since pleasure and pain are the secondary qualities of

objects, the ideas of good and evil are nothing but the subjective constructions of the perceiver. But, Locke insists on the reason's power in the demonstration of moral good and evil by which we can measure the conformity or disagreement of our voluntary actions to that rule (Essay 2.28.4-5). In this sense, there exists a discrepancy between Locke's attempt to ground morality on reason alone and his hedonistic outlook on the origins of moral ideas.

No doubt that Locke's political project reflects the difficulty of Locke's theory of knowledge in terms of the reconciliation between nominalism and rationalism. This difficulty manifests itself in his political project as the difficulty of the reconciliation between the nominalist foundations of the freedom of moderns with the doctrine of limited state. At this point, the crucial role of Locke's appeal to property as the phenomenal representation of the law of nature in *Two Treatises of Government* should be taken into account in terms of the reconciliation between nominalist and rationalist grounds of moral ideas in general, freedom in particular. Here, it is necessary to acknowledge twofold function of property in that reconciliation. With respect to nominalism, the language of property as involving our life, liberty and estate entails the subjective determination of good and evil in a way that individuals can pursue different courses in their life. In other words, property allows us to have different notions of good or happiness. However, with respect to rationalism, property as the phenomenal manifestation of the law of nature also provides us public good – or moral good – in terms of determining the limits of individual's arbitrary definitions of the good. Otherwise stated, property draws limits to our freedom as to do what we want. In this respect, property becomes the marker of being a rational creature. Even though the law of nature is intelligible and plain to every rational creature, some rational men will discover the law of nature and will strive to lead their life by reference to it (Seliger, 1987: 34).

In this section, my objective is to explain the central role of property as a public standard of both individuals and state action. As Locke emphasizes repeatedly in *Two Treatises of Government*, he uses the term property to refer to people's 'lives,

liberties and estates' (1969: 163; 184; 210). In the case of the individuals, my aim is to demonstrate the role of property in the determination of the rights and obligations of individuals in relation to each others. In the case of government, my purpose is to display the function of property in determining the limits of state action.

5.4.1. The Depiction of the State of Nature

According to Locke, in order to understand the true, original, extent and end of civil government, we should understand the conditions of men in their natural state (1969: 122). Like Hobbes, in *Two Treatises of Government*, Locke's purpose is to analyze the conditions that lead us to accept political obligation. But, as soon as we read Locke's depiction of the state of nature, we understand its crucial differences with the picture that drawn by Hobbes. According to Hobbes, the state of nature is a very horrible place to live. Chaos and war dominate the life in the state of nature for two reasons: First, the clash of desires takes place when the object of desires is same. Second, the clash of ideas occurs when the intellectual disagreement appears. Each man has a right to use all his mental and physical capacities to preserve himself in such a condition. In this sense, a war of every man against every man is inevitable. The state of nature equals to the state of war in which men's lives are 'solitary, poor, nasty, brutish and short'.

However, for Locke, our living condition in the state of nature is neither the condition of war that threatens the enjoyment of our freedom nor that of moral chaos which relativizes the conception of good. The state of nature is not a state of might in which partialities can freely intervene to the life, liberty and possessions of individuals. Although each individual is independent of any subjection or subordination to any other individual, everyone is living within the bounds of the law of nature, which ensue a certain degree of sociability in us (1969: 122). In other words, the state of nature has a law of nature which provides a good degree of social integrity (1969: 123). The consciousness of the law of nature positively obliges man to preserve his freedom, and negatively obliges him to refrain from

impeding others' freedom. That is to say, the law of nature teaches and bounds every individual to preserve both themselves and others.

In this respect, everyone has a natural right to protect his health, life, liberty and estate. Such a natural right allows us to live in accordance with the determination of the preferences of our mind. We have a natural right in the determination of choosing or not choosing any particular desire or idea. There exists the plurality of choices in terms of ideas and desires in the state of nature. However, as mentioned above, the plurality of life-styles in terms of desires and choices does not necessarily mean the impossibility of the agreement about what is right and wrong, or what is just or unjust in the state of nature. The laws of nature provide clarity and certainty in the determination of the universally valid laws concerning what is just and unjust. They give us a foundation for a certain degree of peaceful co-existence. While enjoying our natural right, we are consciousness of our natural obligation to preserve others' freedom. The law of nature restrains us from invading others' natural rights, and from giving harm to them (1969: 124). Consequently, the law of nature is a universally valid standard to which every individual must adjust his actions in the state of nature. With Locke's words, 'the state of nature has a law of nature to govern it which obliges every one; and reason which is that law, teaches all mankind who will but consult it that, being all equal and independent, no one ought to harm another in his life, health, liberty or possessions' (1969: 123).

As mentioned before, even Locke hesitates to demonstrate the existence of the law of nature in *Two Treatises*, for him, there is no doubt about the existence of such a law that can be discovered by each rational creature. Locke says that reason teaches the law of nature to all mankind who have a will to consult it (1969: 123). In this sense, through reason, we can discover both our natural rights and our obligations toward others. In this way, we learn the normative boundaries of our freedom. While reason makes us free or allows us to dispose of our actions and possessions according to our own will within the boundaries of the law of nature, it also obliges us not to harm other men's life, liberty or possessions. In sum, the law

of nature *via* reason teaches that we are all equal and free by nature (1969: 147). It is evident that men as the creatures of the same species and rank promiscuously born to all the same advantages of nature and the use of same faculties (1969: 122). Above all, each man should have his natural freedom in terms of not being subjected to the will or authority of any other man (1969:1222 ; 147). The equality among men also provides the foundation of the obligation to mutual love among men (1969: 123). That is to say, if we are all equal and independent by nature, then no body has the right to harm another. This includes the preservation of us as well as the preservation of others.

Furthermore, in our pre-political situation, according to Locke, every man has a right to execute the law of nature (1969: 125). Otherwise stated, everyone has a right to punish the transgressors of that law. Since nobody has a power to execute the law of nature in the state of nature, every individual has a natural right to punish the offender and be executioner of the law of nature (1969: 125). In this respect, although the state of nature is the state of 'peace, good will, mutual assistance and preservation' and men are living together according to reason, there is no a common superior on earth with authority to judge between them (1969: 130). In this sense, the lack of common judge with authority is the distinctive feature of the state of nature. For Locke, this is the point that leads to the transformation of the state of nature to the state of war.

Locke defines the state of war as a 'state of enmity, malice, violence, and mutual destruction' (1969:129). To have a settle design upon another man's life puts one a State of War with that man (1969: 129). Anyone who attempts to subject a man to his absolute power places himself a state of war with that man because of the fact that such an attempt is nothing but a declaration of a design upon that man. Locke's line of reasoning concludes that if someone would get me into his power without my consent, then that man could destroy me when he has a fancy to do so (1969: 129). Therefore, a declared design of force upon another person without a common superior on earth to appeal for relief makes the state of war (1969: 130).

This is the point that necessitates the formation of the political society. That is why, for Locke, the problem of political obligation is not related to the moral vacuum as Hobbes claims. Rather, the necessity for political power depends upon the observation that men have no common judge on earth. Political power gives an answer to the unanswered questions in the state of nature: ‘who shall be judge?’ or ‘who shall decide the controversy?’ For this reason, Locke easily grants civil government as the proper remedy for the inconveniencies of the state of nature (1969: 127). It is time to analyze the shortcomings of man’s natural state.

5.4.1.1. The Shortcomings of the State of Nature

According to Locke, we have the inconveniences as a result of the difficulties regarding the enforcement of the law of nature in the state of nature. These difficulties stem mainly from three reasons. First difficulty stems from the unwritten character of the law of nature: although the law of nature is intelligible to all rational creatures, men do not allow the application of the law of nature to their particular cases because of their or misuse or misapply the law of nature to their particular cases because of their self-interest and ignorance (1969: 127; 184;190). Second difficulty is related to the lack of known and indifferent judge in the execution and the interpretation of the law of nature (1969:184). Such an absence of an authoritative judge makes them the judge, interpreter and executioner of the law of nature when one of them transgresses the law of nature and when disputes are arisen among them. In an environment of no authority, when anyone violates the law of nature, all of them have a right to punish the offender. However, because self-love makes them partial to themselves and their friends, and the feeling of revenge carries them too far in punishing the transgressors of that law, it is not reasonable for them to be judges in their own cases (1969:127; 184). Final difficulty is the lack of a power to support the sentence of the judge. In short, there exists neither established law nor an indifferent judge to decide controversies in the state of nature. Besides, even if we suppose their existence, the power to enforce the decisions of the judges is absent. For this reason, there are no legitimate means by which natural law could be impartially enforced against the violations of it.

As a result, although man has a certain degree of social cohesion under the dictates of the universally valid standards of the law of nature and man is the absolute lord of his own person and possessions and thereby does not subject to anybody, the enjoyment of it is very uncertain and vulnerable with respect to the violation of others (1969: 184). Partiality or self-love towards himself and his friends prevents the execution of the law of nature from being an objective framework for the judicial evaluation and decision. The deficiencies concerning the proper and just application of the laws of nature bring the perversion of the state of nature into the state of war. In this sense, even though man has perfect freedom to dispose of his actions and possessions according to his own will within the bounds of the law of nature, he is full of fear and continual dangers due to the confusion and disorder in the state of nature.

5.4.2. The Transition from the State of Nature to Political Society

According to Locke, the deficiencies in the state of nature determine the causes of man's willingness to abandon the perfect freedom of the state of nature for the lesser freedom of political society. Otherwise stated, the answer of the question why do man needs to give up his empire in order to subject himself to the dominion and control of 'a common superior power on earth' lies in the very defects of pre-political society. It is for this reason that these deficiencies in the state of nature also determine the great and chief end of political society. Accordingly, for Locke, the great and chief end of men's uniting into commonwealths and putting themselves under government is the preservation of their property, thereby the mutual preservation of their lives, liberties and estates (1969: 124).

At this point, it is necessary to emphasize that individuals have a natural rights – derived from the law of nature – in the state of nature which are neither given nor can be taken away by any individual. These entail the rights to freedom, equality and the right to be executer of the law of nature. In this sense, for Locke, individuals have two powers in the state of nature: First, they have the natural liberty to do whatever for the preservation of themselves and others within the

permission of the law of nature. Put it differently, individuals have the natural right to protect their lives, liberties and estates under the normative boundaries of the law of nature. Second, individuals have a natural liberty to punish the breach of the natural law. Concerning the possible situation of our natural rights to equality and freedom, Locke informs as the following:

The first power, viz., of doing whatsoever he thought fit for the preservation of himself and the rest of mankind, he gives up to be regulated by laws made by the society, so far forth as the preservation of himself and the rest of that society shall require; which laws of the society in many things confine the liberty he had by the law of nature (1969: 186).

Therefore, if political society is going to be established, man should give up his power of doing whatever he wants for the preservation of himself and the rest of mankind to a common legislature. In the case of the second power, Locke explains that man should entirely transfer his power of punishment to the political power. In short, man should transfer the exercise of all of his natural rights to the political society. In other words, the transition from the state of nature to the political society requires the surrender of our natural powers to the commonwealth. Otherwise, for Locke, no body can claim about the existence of the political society. Locke points out this requirement as following words:

But because no political society can be, nor subsist, without having in itself the power to preserve the property and, in order thereunto, punish the offences of all those of that society, there and there only is political society where every one of the members hath quitted his natural power, resigned it up into the hands of the community in all cases that excludes him not from appealing for protection to the law established by it (1969: 163).

At this point, it is necessary to emphasize that this transfer of rights are not unconditional. In this sense, the power of the political society is rigidly determined by the normative structure of the law of nature. Since the mere task of the political society is the protection of the natural rights of men – thus, the preservation of their property -, the people have a right to resume their original right if the legislators have any endeavor to destroy the property of the people (1969: 233).

It is for this reason that the creation of absolutist power in overcoming the defects of the state of nature is indeed inconsistent with the logic of the political obligation (1969: 165). By exempting itself from obedience to civil laws both in their making and execution, the sovereign comes to have a distinct interest from the public which is contrary to the purpose of the political obligation (1969: 194). Having both the executive and the legislative powers and having the exemption from the positive laws may easily tempt this absolute power to use them for its private advantage (1969: 194). Because our intention is to avoid the inconveniences of the state of nature where all of us are the interpreter and executioner of the law of nature, thereby judge in our own case, the sovereign's presence is completely paradoxical with that original intention. As a matter of fact, the creation of absolute political power means that we are still in the state of nature, because; Locke argues:

...there is no judge to be found...; for wherever any two men are who have no standing rule and common judge to appeal to on earth for the determination of controversies of right and betwixt them, there they are still in the state of nature and all the inconveniencies of it...(1969: 167).

Therefore, according to Locke, it is obvious that the legal privileges of the absolute power are inconsistent with political society. Yes, it is true that absolute political power may provide measures, laws and judges for the relationships between individuals, thereby grant their mutual peace and security. However, even though the subjects have an appeal to the law and judges to decide any controversies among them, this is not the case if the conflict appears between the subject and the sovereign. Since the ruler has absolute power, there is no standing rule or judge to be found to decide any controversies among the subject and the sovereign. The sovereign is always right even if he did wrong due to his absolute power. Although all private judgment of every particular member can be no longer relevant in the execution of the laws of nature, there is no any obstacle in the involvement of the private judgment of the absolute sovereign in the interpretation and the execution of the law of nature. The sovereign comes to have a distinct interest from the rest of the community and has an absolute arbitrary power over the life, liberty or

possession of its subjects (1969: 194). Therefore, the absolute political power still remains in a state of nature with respect to its subjects.

This means that for Locke, the condition of men under the control of absolute political power is worse than that of the state of nature where men have a liberty to defend their right against the injuries of others (1969: 191). Consequently, it seems quite foolish decision for men to accept the unconditional surrender to the rule of absolute sovereign power in which they may avoid the violations done by polecats or foxes but cannot prevent to be devoured by lions (1969: 167).

As I have expressed above, the very task of political society is to be a remedy to three defects of the state of nature. For this reason, whoever has the legislative or supreme power of any commonwealth, he is obliged to secure every one's property by providing measures against the so-called defects of the state of nature. In order to achieve that end, the legislative power in all forms of government should govern under the normative boundaries of the law of nature which stands as an eternal rule not only to all men but also to all legislative powers (1969: 185). Locke determines these measures in the achievement of the chief end of political society, which is nothing but 'the mutual preservation of our lives, liberties and estates'. First, the legislative power is obliged to govern the subjects by promulgated, standing laws that are known by everybody (1969: 186). The crucial point here is not to govern by extemporary or arbitrary decrees. Second, the legislative power is bound to govern by indifferent and upright judges (1969: 186). Third, the supreme power is obliged not to take the whole or any part of property from any man without his own consent. Therefore, it is a mistake to consider that the supreme power of any commonwealth can dispose of the estates of its subjects arbitrarily (1969: 192). Finally, the legislative is bound by not to transfer the power of making laws to any other hands. According to Locke, 'these are the bounds which the trust that is put in them by the society and the law of God and nature have set to the legislative power of every commonwealth, in all forms of government'. (1969: 194). Otherwise, when that trust is abused, the government loses its legitimacy and the people have the right to revolt and dissolve the government.

5.5. Concluding Remarks: Locke as between Rationalism and Voluntarism

At the beginning of this chapter, I have argued that Locke's moral and political theory should be evaluated as a response to political absolutism whether it takes Filmer's doctrine of the Divine Right of Kings or Hobbes's derivation of absolute political power. In mounting attack on Filmer's *Patriarcha* and Hobbes's *Leviathan*, Locke's purpose is not only to separate the origins of political power from that of paternal power – his response to Filmer – but also to demonstrate the possibility of a moral standard for the freedom of moderns that provides peaceful existence of one individual's freedom with others, thereby gives an objective standard in the evaluation of both individual and state action. For this reason, Locke's recourse to the language of law of nature can be understood as the antithesis of Hobbes's insistence on the necessity of the absolute sovereign power in the execution of the freedom of moderns. For him, Hobbes's absolutist solution does not rule out the partial involvement of the supposedly impartial sovereign into the controversies among the subjects. Besides, Hobbes's solution does not protect the freedom of individuals with respect to the arbitrary will of the absolute sovereign.

There exists internal relation between nominalist foundations of negative freedom and voluntarist nature of political power in Hobbes's theory. Hobbes finds moral objectivity as impossible and endorses a doctrine of absolute and indivisible sovereignty. Under the nominalist account of language, due to the different interpretations of the laws of nature, legal interpretation cannot be objective. That is why we need a final decision that stands above the disputes concerning the interpretation of laws. In other words, there should be one law-making sovereign, who should not be subject to his civil laws and whose decision should be accepted as the final sentence of any disputed case. The acknowledgment of the sovereign as absolute subject does not stem from the belief that the decisions of the sovereign can be objective and impartial. Rather, it springs from the necessity that there should be one final decision among the disputes concerning the interpretations of the law of nature.

It is hard to deny that Locke seems to be arguing with Hobbes's political solution. The target of Locke's moral and political theory is political absolutism of Hobbes. But this is not to say that Locke is against the nominalist and empiricist foundations of negative freedom. Rather, Locke sides with Hobbes's anti-foundational epistemology in revealing the limits of human understanding. However, what is crucial in Locke's political project is the renunciation of Hobbes's political derivation that necessitates absolute political power as an antidote to the nominalism and empiricism of negative freedom. Such an endeavor requires the reconciliation of the epistemological foundations of negative freedom with the doctrine of natural law. But, as I have argued before, this is not easy task. On the one hand, Locke agrees with Hobbes's agnosticism about the real essences of the substances. Besides this, like Hobbes, Locke accepts that since things are called good or evil according to pleasure or pain, 'Goods' and 'virtues' are relative to different individuals. On the other hand, Locke condemns Hobbes's skepticism that denounces the power of human reason in the demonstration of universal moral knowledge. Here, Locke locates himself between Hobbes and scholastics. In the case of Hobbes, since human understanding cannot have the knowledge about the essences of the substances provided that all human knowledge is finite, it is necessary to abandon the claims about moral knowledge altogether. In the case of scholastics, since human understanding can achieve to the knowledge of the essences of substances, all moral knowledge should be built upon that knowledge. Put it differently, Locke sides with Hobbes's challenge to the scholastic trust in the capacity of reason as revealing the knowledge of the real essences of the substances, which is nothing but the ground of scholastic natural law. However, for Locke, the epistemological inquiry into the extent of human knowledge gives us not only the limits of reason but also the potential of it in terms of the derivation of the knowledge of the law of nature. In such a derivation, the possibility of the ideas of mixed modes and relations has the central place. Therefore, for Locke, the ground of natural law is not the intelligibility that reason can discover in the essence of substance but the intelligibility that reason can discover, not make, in the category of mixed modes and relations. In this respect, as Grant points out perfectly that Locke's view of the possibilities and limits of human reason that

determines his view of the possibilities and limits of political society (1989:7). But, as Grant also notices, Locke's attempt to ground the natural law on the ideas of mixed modes and relations is not without problem. Here, the tension between nominalism and rationalism appears in Locke's theory of mixed modes and relations. On the one hand, Locke emphasizes the arbitrary character of the ideas of mixed modes and relations as a result of the absence of their archetypes in nature. On the other hand, since existence does not need to make them real, the idea of mixed modes and relations are as capable of real certainty as mathematics (Essay 4.4.7). Due to this tension, Locke's theory of mixed modes and relations prompt us to ask that questions: Can the ideas of mixed modes and relations give us the knowledge of natural law? Even if the ideas of mixed modes and relations afford the possibility of natural law, how and to what extent is that law is obligatory?

Trusting in reason's capacity to demonstrate certain knowledge of moral law also necessitates the possibility of will that takes that law into account and acts according to it. For this reason, it is crucial to consider the possible effects of Locke's trust in the idea of mixed modes and relations on his theory of will. As I have expressed before, Locke's theory of will also suffers the tension between his commitment to nominalism and his appeal to rationalism. In terms of his commitment to nominalism, it is impossible to define freedom as the modification of the will. In this sense, the question of 'whether man's will be free or not?' is an absurd question. Here, since Locke accepts that things are identified as good or evil only in reference to pleasure or pain and since uneasiness instead of supreme good determines the will, his definition of freedom as the ability to act or not to act according to our choice corresponds to Hobbes's formulation of freedom as the area within which a man can act unobstructed by others. But, in terms of his commitment to rationalism, it is crucial to recognize the power of mind in the suspension of the execution of desires as the actual source of all liberty. Thus, for Locke, the liberty of finite intellectual beings lies in this active power (Polin, 1986 Riley, 1982). Man as a rational being has a power to suspend all determinations (Polin, 1986: 2). As Polin stresses, freedom gets its meaning when it is related to

the order of reason, thus order of natural law (Polin, 1986: 3). Hence, the rational examination is the distinctive feature of the liberty of intellectual beings, an exercise of which sets them above animals. In this respect, it is the consideration of the power of reason that makes actual freedom possible. Through rational examination, human beings acquire the capacity of suspending the immediate pressure of desires. By suspending the prosecution of desires, we have opportunity to subject our forthcoming actions to a fair examination. In this way, the power in the suspension of the determination of will allows us to act in accordance with the dictates of reason. Locke's departure from the nominalist grounds of negative freedom on behalf of the rationalist orientation of natural law allows him to contend with Hobbes's formulation of law as a fetter to freedom. The end of law – since it is a law of reason – is to protect and enlarge freedom (1969: 148).

Nevertheless, it is difficult to say that Locke's moral theory can succeed to reconcile the nominalist grounds of negative freedom with the rationalist formulation of freedom. That is why Locke's formulation of freedom finds itself torn between two opposing extremes, the first one, a nominalist one, the other, rationalist way. On the one side, since the ideas concerning the order of reason do not refer to any archetypes in nature, they are nothing but the arbitrary constructions of the mind. Accordingly, every one has freedom to make them arbitrarily. In this case, it is unavoidable to reduce the definition of freedom as the right to act or not to act according to our arbitrary preferences. On the other side, to be free is to think and move according to the moral or necessary order discovered by reason. Our arbitrary preferences cannot be beyond moral criticism. Otherwise, there would not be a distinction between liberty and license. Therefore, liberty for rational beings is no more than the liberty to do what the order of reason allows. In other words, we are given the liberty to do only what the law of nature permits.

In this respect, throughout *An Essay Concerning Human Understanding*, it is not to exaggerate that there is ambivalence in Locke's re-conceptualization of negative freedom on the basis of natural law that springs from the theory of mixed modes

and relations. The ideas of mixed modes and relations as the origin of our moral ideas are grounded upon the impossibility of knowing the real essences of substances, by which the scholastic justification of the law of nature was annihilated. On this level, human understanding cannot provide us the knowledge concerning the essences of either material or spiritual substances. Hence, the nominalist grounds of the ideas of mixed modes and relations sufficiently undermine the scholastic basis of the natural law. Thus, in the light of nominalist grounds of the ideas of mixed modes and relations – in which the arbitrary character of the ideas of mixed modes and relations are pointed out – human understanding cannot discover the knowledge of the natural law as such. Rather, it is possible to accept the variety of moral ideas that can be changed from one individual to another or from one culture to another. Nevertheless, if Locke's theory of freedom did not go beyond the nominalist origins of our moral ideas, for him, it would be impossible to deny Hobbes's voluntarist conclusions about the nature of political power. For this reason, Locke did insist not to abandon the idea of the law of nature. For him, the law of nature is the will of God and a standard of right and wrong, by the light of reason, each man can give testimony to the existence of the law of nature (*Essay*, 1.3.6). By discovering the law of nature, reason demonstrates us the grounds of our duties to one another. In this respect, there is, indeed, no hesitation in the *Essay* – in contrast to the *Reasonableness of Christianity* – that unaided human reason can demonstrate us the knowability of the morality. Every rational creature would accept the validity of the natural law.

But, the ambivalence in Locke's theory of freedom still continues. Because if the law of nature exists as an idea rather than as a substratum, why should man consider himself free when he subjects his actions to the dictates of natural law provided that natural law is the arbitrary construction of mind? Even if we suppose that men will accept the existence of natural law, there is no guarantee that they will agree on the extent and content of natural law provided that the law of nature is grounded upon the ideas of mixed modes instead of the ideas of substance.

At this point, as I have expressed above, 'property' has the central role in the reconciliation of the nominalist foundations of negative freedom with the doctrine of natural law. The difficulties of Locke's epistemology lead him to refer to property as a substratum for rational or moral actions. Although Locke advances 'property' as the content of natural law in his political writings, in the third chapter of the fourth book of the *Essay*, he argues that 'where there is no property there is no injustice'. Besides, he claims that if the property is a right to anything and if the injustice is the invasion or violation of that right, then the proposition of 'where there is no property there is no injustice' should be accepted as certain and true as any demonstration in mathematics (Essay, 4.2.18).

As I have mentioned before, in terms of nominalist orientation of negative freedom, property as somebody's life, body, liberty and estate allows us to pursue different courses in the life. As Locke points out, 'everyone does not place his happiness in the same thing' (Essay, 2,21,54). But, in terms of the rationalist formulation of freedom, property as the external substratum for the law of nature also determines the limits of our freedom as license. Although Locke claims that he uses property as a reference to life, liberty and estate, actually, property in the narrow sense becomes a marker of human freedom. Polin argues that property should be accepted as the external manifestation of being free (1986: 6). This is justified by both divine law and natural law. From both revelation and reason, we learn that man is the absolute lord of his own person and possessions. In this respect, the laws of nature determine the normative conditions for human life. Each man by using his rational faculties can discover the laws of nature. In this way, man can learn not only his natural rights but also his obligations to another man. Property as a materialization of the law of nature specifies both internal and external limits to his freedom. Each man has a freedom to dispose of his own property. But man has not freedom to take either of his own life or of the life of others even if he wishes that. Besides, he is not free to infringe upon one another's property.

In this respect, property actualizes the twin demands of Locke's moral and political theory. On the one side, in terms of his moral theory, property gives Locke the opportunity to re-conceptualize the nominalist grounds of negative freedom within the boundaries of the natural law doctrine. On the other side, in terms of his political theory, property as a materialization of the law of nature symbolizes Locke's commitment to the limited political power. Accordingly, for Locke, political power is justified only in so far as it protects men's property. Then, property determines not only the origin but also the limits of political authority.

At this point, we should ask the following question: By reformulating the Hobbesian version of negative freedom on the normative bases of property, is it possible to claim that property can provide us a more adequate conception of political liberty than Hobbes in sustaining the conditions of freedom of choice?

It is interesting to see that property argument may suffer from the different kind of voluntarism. For Locke, the necessity for political society lies in answering the question of who will be judge on earth, by which the controversies among individuals would be decided. Locke stresses that if individuals agree to establish the political society, they should give consent to the majority rule as the representative of the law of nature. In other words, when individuals agree to make one body politic, 'the majority have a right to act and conclude the rest' (1969: 169). However, here, for Locke, there is no paradoxical stance, as it were the case in the formation of absolute political power in Hobbes's solution. The reason for this is that although the majority has the monopoly of the interpretation and the execution of the law of nature, the legislative power of it 'can never be supposed to extend farther than the Common Good' (1969: 1869). Therefore, the validity and legitimacy of the civil laws made by majority are supposed to depend on the requirement of conformity to the preservation of our natural rights.

However, it is difficult to accept Locke's optimist outlook that has substantial trust in the majority's compliance with the protection of the natural right in a larger

sense. Actually, Locke's theory of consent and his recognition of the right to revolt demonstrate that majority as property-holders may arbitrarily determine the scope of freedom of choice in a larger sense. In other words, under such circumstances, the extent of political power in determining the scope of the freedom of choice depends entirely on the arbitrary will of a majority as consisting of property-holders. It should be emphasized that it is not property in a larger sense but in a narrower sense that draws limits to the legislative power of a majority. But, since property in a narrower sense determines 'who is rational' in the political society, nobody in the political society has the right to challenge the decision of the majority concerning the definition of the freedom in a larger sense. Otherwise stated, the scope of our freedom of choice in a larger sense is determined by property-holders because nobody can doubt about the rationality of their decisions.

Let me give example by referring to Locke's negative attitude towards Atheists and Catholics. It can be concluded that Locke's intolerance for Atheism and Catholicism stems from Atheist's denial of the existence of God and Catholics' different conception of the natural law. For Locke, Atheism as a way of life should not be tolerated because of the fact that it does not recognize the existence of law of nature. Actually, atheism symbolizes nominalism without the recognition of the rationalism. Atheists do not accept any normative limits to their freedom. Therefore, they have tendency to infringe the rights of others and thus constitute a danger to the political society. On the other hand, choosing catholic way of life is also difficult to tolerate in the political society. The reason for this lies in the fact that Catholicism refers to substantial rationalism without the recognition of nominalism. Catholicism has a metaphysical claim about having the knowledge of the real essences of substances. Therefore, Catholics do not acknowledge the limits of human understanding and thus can be considered as *ignes fatui* in two senses: First, metaphysical and speculative character of their rationalism is *ignes fatui* in terms of perplexing citizens with disputes about the issues, the resolution of which are hardly possible. Second, their metaphysical and substantial rationalism pose a threat to the peace of society because it identifies Catholics' primary obligation

with Rome. That is to say, neither atheism nor Catholicism can express what the meaning of freedom is.

As Martin Seliger points out perfectly, 'not everybody is, or can be "a studier of natural law' (Seliger, 1991: 34). In this respect, both atheists and Catholics would be in difficulty to act in accordance with the dictates of the natural law. To know and act according to the natural law is the privilege of property-holders who by nature and occupation are more rational than others (Seliger, 1991:37). Hence, property-holders who prove their merits in the discovery of the natural law can know 'what is meant by the larger definition of freedom' better than Atheists and Catholics. In short, there is no injustice in the claim of property-holders in determining the scope of freedom of choice. When anyone commits the crime by transgressing the law, he lowers his status to the level of animals, thus he is normatively beast (Dunn, 1969: 106). Therefore, criminals deserve to be treated by political power as if they were dangerous animals (Dunn, 1969:106).

Against my criticism, the students of Locke's political theory may legitimately argue that Locke's theory of consent would exclude such reduction of the larger sense of property into the narrow definition of it. More importantly, they can further claim that the logic inherent in Locke's recognition of revolution is strongly connected with Locke's theory of consent in which legitimacy of political power is determined whether it is founded by the consent of every individual or not. As I have expressed before, as a result of his challenge to political absolutism, in Locke's political theory, the formation of the political society does not mean the transfer of individual's natural rights to the state. Actually, since man's natural rights are derived from the law of nature, nobody has the right to renounce and abandon or alienate his natural rights. In this sense, life, liberty and estate as the natural rights of man are inalienable rights. The only right that can be surrendered to the state is to be executioner of the law of nature. The formation of the body politic means the transfer of the executive power of natural law to the political community. But, that transfer is not unconditional. Since the foundational task of body politic is the protection of the natural rights of men and since the consent of

every individual is essential at the formation stage of political power, if any political power breaches the trust of its subjects as a result of infringement of their natural rights, the people has a right to withdraw their consent and thus has a right to revolt – ‘appeal to the heaven’.

At this point, the line of my argument is this: Even though the act of consent seems as an act of choice by which the choose lays on obligation on himself (Plamenatz, 1973: 223), it is obvious that the consent of individual should subject to the normative boundaries of the natural law because of the fact that the validity of natural law in principle does not depend upon the consent (Seliger, 1987:39-40). On the contrary, at the very beginning of the first book of the *Essay*, Locke clearly states that universal consent cannot be deployed as proof for the existence of natural law. Therefore, the natural rights as life, liberty and estate do not depend on anyone’s consent (Waldron, 2003:191).

Furthermore, consent as voluntary agreement does not make any unjust law right (Waldron, 2003:187). Since our natural rights are inalienable rights and since no body has the right to abandon his natural rights, nobody has the right to give his consent to any positive law that puts limits to the natural rights of individuals. Hence, even if individuals give their consent to ‘an evil government’, a government that restricts the natural rights, their consent does not make this government legitimate.

From other side, neither does Locke advance the notion of consent as a validity test for the each positive law. In other words, the consent requirement does not determine the legitimacy of any civil law. In the enactment of laws, the consent of every individual is not required. Therefore, Locke does not consider the individual consent as a case for representative government (Plamenatz, 1973: 231).

In this respect, Locke develops the theory of consent in order to remind political authority its limits. Political power should bear in his mind that the duty of obedience to its actions is conditional. The scope and extent of legislation is

bounded by the end of government. Under these conditions, individuals are obliged to obey the civil laws of the government as long as the government protects their natural rights. But, if government violates the natural rights, then people has the right to revolt. In this sense, the revolution is identified as a remedy for bad government (Runkle, 1968: 290). In short, Locke's notion of consent is only valid either for the initial stage of the body politic or for the dissolution stage of the government. That is why *de facto* governments that respect the natural rights of their citizens are regarded as founded tacitly upon the consent of every individual. Otherwise stated, an express consent as an open declaration of each man in subjecting him to any earthly power is not required to make existing government legitimate (Locke, 1969: 181-2). Locke states this explicitly in the following passage of the *Second Treatise*:

And to this I say that every man that hath any possessions or enjoyment of any part of the dominions of any government doth thereby give his tacit consent and is as far forth obliged to obedience to the laws of that government, during such enjoyment, as anyone under it; whether this his possession be of land to him and his heirs for ever, or a lodging only for a week, or whether it be barely traveling freely on the highway; and, in effect, it reaches as far as the very being of anyone within the territories of that government (1969: 182).

Therefore, the vital question at this juncture is not whether the express consent is required for the formation process of the body politic. The question that should be asked whether the notion of consent refers to the larger sense of property or the narrower use of it. On this issue, Locke's answer does not lead to any hesitation for us. According to Locke, concerning the civil laws of the political power, the express consent is necessary only when the issue is the rising of taxes on the property of the people (Locke, 1969:194). Putting it differently, the legislative power should not raise taxes on the property of the people without taking their consent (Locke, 1969: 194). In line with it, the express consent serves as the basis of revolution only in the case of the violation of property right in a narrower sense. Since the express consent is not required in the determination of the scope of the freedom of choice by the legislative body, nobody has the right to challenge the boundaries of the freedom of choice drawn by it.

When we come back to the issue of Locke's intolerant ideas for the Atheists and Catholics, it can be derived from the reduction of the larger sense of property into the narrow definition of it that neither Atheists nor Catholics have the right to challenge the decisions of the majority as property-holders in restricting their freedom of choice. Even, their tacit consent is supposed for the decisions of the majority about the determination of the limits of the freedom of choice because of the fact that they, at most, inherit property and at least travel freely on highways.

What is crucial problem here is not the categorical exclusion of Atheists and Catholics from Locke's political society. Yes, it is true that the logic of the natural law feeds such exclusion. But, the majority's interference with Atheist or Catholic ways of life does not necessarily stem from the new conception of natural law. In contrast to Locke's negative attitude, the majority as consisting of property-holders can include the Atheist and Catholic ways of life into the larger scope of the freedom of choice. However, the real problem is the absence of any mechanism in Locke's theory of political power if the majority takes the decision to interfere with some conceptions of the good life. In short, in a political society, there are no means by which the natural rights in a larger sense can be protected against the incursions of the will of majority. Therefore, in the last analysis, the protection of the freedom of choice may be as uncertain in the Lockean political order in terms of its voluntarist results as it is in the Hobbesian state.

CHAPTER 6

DEFENDING NEGATIVE FREEDOM THROUGH VALUE PLURALISM: ISAIAH BERLIN

6.1. Introduction

As I have demonstrated in Hobbes's version of negative freedom, Hobbes's nominalism had challenged the metaphysical assumptions of the classical and scholastic rationalism and their understandings of freedom as 'virtue' and 'free will'. But, as Hobbes's work clearly manifests, nominalism grounded upon the lack of any normative standard to evaluate rationally the rightness of the choices of man inevitably necessitates the establishment of absolute political power in order to guarantee, at least, a minimum protected area of non-intervention for the actions of individuals. Otherwise stated, under the conditions of conflicting and incommensurable human goods, the only way to protect the cause of freedom is to establish an absolute sovereign who is obliged toward himself to provide the necessary conditions of peaceful existence among individuals, by which individuals can benefit from the fruits of their negative freedom.

As I have also explained in the previous chapter, Locke has objected to Hobbesian insistence about the compatibility of negative freedom with absolute political power. This is why he attempted to reconcile the nominalist foundations of negative freedom with limited political power. Yet, Locke has returned to the rationalist tradition of the natural law even if he participates to the nominalist turn. This appeal to the natural law tradition in his version of negative freedom has also brought the identification of freedom with reason. Furthermore, in contrast to Hobbes's formulation of law as restriction to freedom, Locke has regarded the task of law as the preservation and enlargement of freedom.

Modern and contemporary liberals have not been persuaded with Locke's metaphysical turn albeit they have shared his belief in the compatibility of nominalism and limited state. To compensate Locke's metaphysical trust in the natural law, they have tried to justify the priority of right with different theoretical suggestions such as 'utilitarianism', 'rational choice' and 'pragmatism'. No doubt that Berlin's attempt to derive the priority of right from the fact of value pluralism was one of the influential theoretical suggestions. Berlin also did not side with Locke's rationalist justification of the priority of individual freedom. Nor he did recognize the role of absolute sovereign power in protecting individual freedom. Rather, in overcoming this theoretical impasse concerning the substantiation of the priority of negative freedom within nominalist constraints, Berlin applied to the meta-ethical thesis of incommensurability.

In this respect, Berlin's famous essay 'Two Concepts of Liberty' can be considered as one of the major attempts to clarify the meaning of the concept 'freedom'. According to Berlin, demarcating the content of the concept of 'freedom' is a difficult task. The meaning of freedom is so porous and protean that two hundred or more senses of the word can be found in the history of ideas. However, the main concern of the essay is two central uses of the concept in the history of political ideas: namely, negative and positive freedom. These two uses can be identified conceptually distinctive in terms of different set of questions that they ask for the clarification of the meaning of freedom. Negative sense of freedom is involved in the answers to the set of questions such as 'what is the area within which the subject -a person or group of persons- is or should be left to do or be what he is able to do or be, without interference by other persons?' (1969: 121-122) and 'How wide is the area over which I am, or should, be master?' (1969: xliii-xliv) or more particularly 'Over what area am I master?' (1969: xliii-xliv) and 'How far does government interfere with me?' (1969: 130) The answers to these questions are concerned with the establishment of a protected area of non-interference where individuals are able to make choices. Negative freedom therefore identifies freedom simply as the sphere of non-interference within which individual can do what he chooses. From the perspective of negative notion of

freedom, individual lacks his freedom only if he is prevented from doing what he might want to do by the actions of other individuals or by the laws and institutions of government. Individual can be considered free in the negative sense as long as he is not being interfered by other individual or the state. 'The wider the area of non-interference the wider individual freedom' (1969: 123).

On the other hand, positive sense of freedom is identified by the attempts to answer the questions such as 'What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?' (1969: 122) and 'Who is to say what I am, and what I am not, to be or do?' (1969: 130) or more particularly 'Who is master?' and 'By whom am I governed?' (1969: 130) The answers to these questions deal with the self-mastery. By contrast with those of 'negative freedom', the questions concerning positive freedom are principally concerned with the source of power, not with the area of control. Freedom in this sense is not just a matter of the absence of constraints to the choices, but also of being the determining ground of the choices of will. Individuals can be accepted as free only when they determine their choices independently from external forces. In other words, individuals lack their freedom if their choices become the object of external causes, rather than the subject. What is central here concerns whether individuals determine their choices freely or not. Freedom is not identical with the absence of interference for the acts of choices but with free choice. That is to say, the 'positive' sense of 'freedom' stems from the desire of the individual to be her own master, to be moved by her own conscious ends, to decide rather than be decided by others, thus to act with her free choices (1969: 131).

According to Berlin, these two concepts of freedom compete as solutions to the exercise of freedom of choice, which is exclusive condition of the freedom of moderns. For Berlin, at first sight, the logical difference between freedom as the absence of interference for the choices of individuals and the freedom as being the master of choices cannot be considered as great (1969: 131). However, historically, the substantial clash of the 'negative' and 'positive' notions of freedom is inevitable (1969: 131). Although both notions of freedom promote the

free exercise of choice, politically, positive freedom is so liable to become a denial of the freedom as non-intervention. The recent history makes it obvious that the severe individualism of positive freedom on the basis of self-determination has strong propensity to be transformed into the intervention into the choices of individuals. Thus, positive freedom is so vulnerable to be perverted into the totalitarian political and legal language (1969: 152).

In this respect, Berlin's main thesis defends the abandonment of positive notion of freedom on behalf of the negative one, which has not such a philosophical deficit to be politically and legally abused. In other words, Berlin's conceptual distinction between negative and positive senses of freedom results in the normative defense of the negative freedom in terms of the promotion and the protection of the individual's freedom of choice. At this point, it should be emphasized that although Berlin applies to the historical evidence in order to defend the normative supremacy of the negative freedom in the promotion and protection of the freedom of choice, in the essay, his defense actually relies on a philosophical defense of the negative freedom as 'truer and more humane ideal'. Negative freedom is much truer than positive freedom because of its recognition of the incommensurability of the ends, values, goods of individuals (1969: 171). It is also more humane because of its strong legal protections for the prevention of individuals against coercion in the name of any ultimate end, value and ideal (1969: 171). As a result, freedom as non-intervention is the ideal conceptualization of legal order for the freedom of moderns, by which individuals can choose their own goods in their own way.

In this chapter, my purpose is twofold: to depict Berlin's line of reasoning in grounding the priority of right on the meta-ethical discourse of incommensurability and to investigate reasons behind Berlin's consideration of the ideal of autonomy as one of the models of positive freedom. In doing that, apart from his monumental articles 'Two Concepts of Liberty', 'The Hedgehog and The Fox', and 'The Pursuit of Ideal', I will also benefit from his recent edited books *Freedom and its Betrayal: Six Enemies of Human Liberty* and *Three Critics of the Enlightenment*.

6.2. The Classical Liberal Understanding of Freedom

For Berlin, this concept of freedom appears centrally in the classical liberal tradition of freedom, the tradition that begins with the ideas of Hobbes and continues in the political theories of Locke and Mill. In other words, negative freedom is based on the concept of freedom which was dominant in the classical English political philosophers (1969: 123). In that tradition, ‘to strive to be free is to seek to remove obstacles’ (1969: Ivi). One is free in that tradition when there is no obstacle to her actions. In this respect, architects of negative freedom search for the establishment of the area within which each individual can ‘act unobstructed by others’. However, although the classical English political philosophers assign normative priority to the freedom as non-interference, they are aware of the negative consequences of this kind of unlimited ‘natural’ freedom, which can lead to a state in which all individuals can interfere with all other individuals without any limitation (1969: 123). For Hobbes, Locke and Mill, it is impossible to have an absolute freedom. Because individuals cannot remain absolutely free, giving up some of their liberty in the name of the protection of the rest is inevitable (1969: 126). In order to prevent the negative consequences of having natural freedom such as social chaos or the suppression by the strong, these political thinkers defend that the area of free action should be restricted by law (1969: 124). But, at the same time, they believe that law should provide a certain area of individual freedom, the area that makes possible to seek different ends without interference. This is the point that the trick of negative freedom appears. The trick of negative freedom is to create a legal order to protect individuals from interference without creating any interference by the legal order itself. That is to say, on the one hand, the whole task of law is to preserve a free area of non-interference by curtailing ‘natural’ or ‘absolute’ freedom. On the other hand, this area can also be invaded by the law itself. Elimination of this risk requires two interrelated means for the liberally regulated legal order: First, there should be a frontier between the area of private life and political or public authority (1969: 124). Second, this frontier should be drawn by the language of “absolute and inviolable” rights of individuals. Although the place of the frontier and the principles such as natural rights, natural law, utility, a categorical imperative and even the word of God that determine this

frontier is contested in the classical liberal theory, there is no doubt that there should be absolute rights for the protection of the area of non-interference, in which individuals can consider different goals as good, right or sacred (1969: 124; 127; 165). In other words, the task of classical liberal legal order is the establishment of a protected area of private life within which individuals can choose their own ends without the fear of the interference by others even though the proponents of negative liberty have different ideas about how large the area of non-interference could or should be in accordance with their different views of human nature and beliefs in the possibility of social harmony (1969: 123-4). For example, while Locke and Mill formulate the maximum area of non-interference for private life because they cultivated optimistic views of human nature and the compatibility of individual ends, Hobbes considers the minimum area of non-interference sufficient due to his pessimist views about human nature and the harmonization of individual ends. In brief, the fathers of liberalism albeit differences defend the 'negative' conception of freedom.

According to Berlin, the classical liberal understanding of freedom departs radically from ancient and medieval senses of freedom. Neither ancient world's freedom as self-government, nor medieval world's freedom as liberty of the will defines freedom as being unimpeded from exercising one's capacities in pursuit of her choices. In this respect, before negative formulation of freedom, there have arisen two ideas of freedom: namely, self-government and liberty of the will. In the ancient world, freedom is conceived as belonging to a democratically self-governing community. In the medieval world, the idea of freedom is settled in the province of will. Actually, none of classical liberal thinkers believed in freedom as self-government, nor in freedom as liberty of the will. Rather, their theoretical endeavors can be evaluated as the abolition of pre-modern forms of freedom. For classical liberal thinkers, freedom to live as one prefers is not compatible with the freedom as self-government and freedom as liberty of will. In other words, two important ideas of freedom of pre-modern world have been gradually displaced and marginalized by the negative notion of freedom during the transition to modern world (1969: 129).

Furthermore, both pre-modern views understand freedom as something to achieve the supreme good or the final end of human life, given by the Cosmos or God in a hierarchically ordered world. In this sense, the emphasis of pre-modern freedom is upon conformity of individual's decisions with the supreme good, which means the complete realization of one's capacity for virtuous and sacred life. In other words, freedom consists in pursuing the good under the supervision of the final end. In brief, both types of pre-modern freedom involve a strong 'teleological' dimension. Nevertheless, all the proponents of negative freedom reject the notions of the supreme good or final end, which is considered as contrary to the idea of leaving individuals alone to live as they wish. Contrary to pre-modern notions of freedom, negative freedom defines freedom as the absence of all the obstacles to the actions of individuals, regardless of their conformity with virtuous or holy action. Apart from promoting freedom from interference, negative freedom does not have any particular end concerning how individuals should behave or what kind of choices they should make.

Consequently, for Berlin, negative freedom marks a departure from ancient and medieval notions of freedom. Pre-modern notions of freedom recognize neither the idea of frontier between private life and public authority nor the idea of individual rights. In other words, it is impossible to find any 'consciousness of individual liberty as a political ideal in the ancient world' (1969: 129). In this respect, the rise of the consciousness of individual liberty as a political ideal in the recent history of the West should be accepted as the exception rather than the rule (1969: 129).

6.2.1. The Classical Liberal Understanding of Law

Now, I want to explore further the basic features of legal order promoted by classical liberal thinkers. In that tradition, as mentioned above, political obligation is considered as an extension or application of the logic of negative freedom. The *raison d'être* of the state is to provide a free area of action for each individual. The *Nomos* of the state should guarantee an assured space of individual independence by which individuals can pursue their own good in their own way. The whole function of the law, then, is to provide guarantees against two kinds of

interference: namely, interference stemming from the state and other individuals. That is why, in that tradition, the protected area of non-intervention requires the thick boundary between private sphere and political authority derived from the language of individual rights. The task of law begins only when the state or other individuals violate the rights of individuals. That is to say, in classical liberal tradition, the function of laws is defined negatively in such a way that political order imposes only legal obligation to each individual not to violate the rights of other individuals. From this perspective, individuals can do whatever they want as long as they do not infringe on other individual's rights.

The explicit concern with the logic of negative freedom in the classical liberalism also brings the prohibition of the legislation derived from any particular conception of the good life. In this sense, the enforcement of any ethical world-view is accepted contradictory to the very rationale of the negative freedom. The *Nomos* of the state is not to provide for each man an ethical standard of what he ought to do; rather to determine a certain area for non-interference by being neutral among different conceptions of the good life. For this reason, laws do not have any moral or ethical tasks rather than being a night-watchman or traffic policeman (1969: 127). In brief, apart from prohibiting interference with the freedom of others, legal order based on the idea of negative freedom does not tell us what actions are good, right, beautiful or sacred. Indeed, this neutrality is one of the foundations of legitimacy of law.

At this point, freedom as non-interference symbolizes the new logic in the conceptualization of law. It is nearly impossible to find the notion of individual rights in the legal discourses of pre-modern world (1969: 129). In the pre-modern world, the logic of legal obligation was not establishment of the protected area of action for the choices of individuals but the protection and realization of the final end given by the idea of the Cosmos or the divine revelation. Law is considered as a means to achieve this final end or supreme good. In this respect, in the pre-modern world, the very rationale of law is to determine a hierarchy of goods, values and ultimate ends and to mould the character of individuals into the pattern

determined by the fixed hierarchy of goods and moral ends. In other words, concerning with the characters of individuals can be accepted as a very common feature in pre-modern ideas of legal order. Accordingly, the emphasis of pre-modern legal obligation is upon duty (rather than rights) which is the complete fulfillment of one's capacity for virtuous or sacred life.

However, for the classical liberalism, the virtue or excellence of the individuals is not something that legal obligation ought to promote. The character of individuals is something that should lie outside the province of law. The laws are to provide a free area of action not to make individuals good under the normative guidance of final end. The logic of laws is confined to the regulation of the external relations between individuals. Individuals are obliged only legally not to infringe on the rights of other individuals.

Consequently, for Berlin, by promoting negative freedom, classical liberalism leads to the significant consequences for the transformation of the pre-modern image of law in the history of West .

6.2.2. The Centrality of Negative Notion of Freedom

At this point, we should ask the question: why negative freedom and its conception of law are so central for Berlin? The answer to this question can be found in the last section of the essay, entitled 'The One and the Many'. In this section, Berlin claims that the peculiarity of human condition lies in the value pluralism. For him, the multiplicity of values, conceptions of good life and ends are constitutive of human condition (1969: 168). Furthermore, the conflicts among these values, ways of life and ends are inherent in human condition (1969: 168). However, the issue at stake is not merely the plurality of human ends or the inevitability of the conflicts between them; rather the issue is also the incommensurability of these ends. In other words, according to Berlin, our moral condition entails not only the multiplicity of human ends, the collision of these ends, but also the incommensurability of these ends that the attempt to combine these ends inevitably brings the sacrifice of others (1969: 168). That is to say, for Berlin, the existence

of a plurality of competing conceptions of the good life is an inevitable feature of human life.

In brief, for Berlin, we live in a world of value pluralism, value conflict and even in a world of incommensurable values. Value pluralism refers to a fact of multiplicity of human ends, goods and ideals. Value conflict indicates the collision of ends, goods and ideals with each other. Incommensurability of values means both the incompatibility and irreconcilability of certain ends, goods and ideals. At the end, moral pluralism connotes the human situation that the ends, goods and ideals are many and the belief that a final harmony of all these ends is impossible. Berlin explains this point as follows:

It seems to me that the belief that some single formula can in principle be found whereby all the diverse ends of men can be harmoniously realized is demonstrably false. If, as I believe, the ends of man are many, and not all of them are in principle compatible with each other, then the possibility of conflict-and of tragedy- can never wholly be eliminated from human life, either personal or social (1969: 169).

At this point, if the disagreement and conflict about the ends of life is irremovable element in human life, and if these ends are equally ultimate, the fact that we are often faced in our ordinary day is a fact of choice. Moral pluralism, moral conflict and even moral incommensurability as the intrinsic facts of human life inevitably locate the phenomenon of choice to central place in our lives. In other words, the necessity of choice stems particularly from this radical and irreducible pluralism of values. Individuals choose several times in their daily lives. In all instances of choice, they implicitly accept that the realization of one end or an ideal make the realization of others impossible (1969: 168). For this reason, the necessity of choosing among equally ultimate ends is an inescapable characteristic of the human condition (1969: 168).

Indeed, the instant of choice is the instant of freedom. That is why, moral pluralism underscores the value of freedom to choose. The immense value of the freedom to choose derives especially from the human condition of moral pluralism. However, it is necessary to note that the centrality of the freedom in our

human condition can be considered as a blessing and a curse at the same time. It is blessing because freedom provides us to choose among conflicting goods and ends whose values cannot be compared. Yet, freedom can also be considered as a curse because the agony, even tragedy is intrinsic element in the moment of choice. As a result, the ideal of freedom to choose and the pluralism of values are internally connected with each other (1969: 172). Without the pluralism of ends and goods, it is futile to talk about the existence of the choice. However, without the freedom to choose, it is difficult to talk about the plurality of ends, values and ideals.

This is the point where the value of negative freedom appears for Berlin. He claims that the peculiarity of negative freedom lies in the recognition of the freedom of choice and the fact of pluralism. By promoting the idea of non-interference, the aim of negative freedom is to establish a protected space by which individuals can make their own choices among competing goods, ends and values. Rather than promoting wisdom, virtue or faith, the proponents of negative freedom wonder to what extent individuals have free area of choice in which they pursue their conceptions of the good without intervention from other individuals and the state. For this reason, for Berlin, freedom as non-interference places immense value upon the basic feature of the human condition, which is the freedom to choose among alternative and sometimes conflicting values. The aim of negative freedom is to defend the freedom of choice which requires not imposing upon individuals any particular conception of good life and protecting them from any such imposition. The classical liberal is interested firstly in the establishment of absolute barriers to the private realm of individuals, the barriers that enable individuals to face with the reality of choice.

On the other hand, Berlin argues that the choice about how individuals conduct their lives should leave for individuals, irrespective of whether or not they have chosen good, rational and beautiful things, values, ends....etc. According to the results of their choices, individuals can revise and change their opinions about the things that are chosen before. Or, they also can insist about their stupid, irrational or ugly choices. In this respect, negative freedom is not about to choose the good

ends. In all moments of choice, the only condition that must be met is not to interfere with the choice of other individuals. Briefly, according to Berlin, the merit of classical liberalism stems from the promotion and protection of the value of choice, which is an inescapable characteristic of the human life.

The other merit of classical liberalism, for Berlin, lies in its fundamental contribution to the acknowledgment of value pluralism. This contribution derives from the belief the impossibility of acquiring universally acknowledged knowledge of what is good. In this sense, classical liberalism can be evaluated as a philosophical critique of the possibility and knowability of a single criteria or standard to evaluate the existing goods or ends of individuals. The rejection of moral cognitivism leads to the affirmation of every definition about good on behalf of classical liberalism. In this sense, the lack of objective standard brings the equality of all conceptions of goods, thus rescinds the hierarchy of the conceptions of the good life. Each conception of good life has its own merits and virtues. In addition to this, this denial has contributed to the abandonment of the belief in a final harmony by which all conflicts and contradictions between ends can be reconciled. In other words, the claim about the impossibility of acquiring knowledge of what is good results in the acknowledgement of antagonisms in human life. As a result, in contrast to pre-modern world where there is strong faith that cosmos *via* reason and God *via* revelation can provide the knowledge of a universal standard in determining what is good and bad, thereby gives us the guarantee of a final harmony of goods, by renouncing this ‘metaphysical chimaera’, classical liberalism takes one of the most basic steps in the rejection of monism of pre-modern world.

To conclude, freedom of choice and value pluralism internally are related with each other in the notion of negative freedom. Each individual may have a freedom to choose her own ends only if there is no possibility of objective knowledge of what is good. In other words, the abandonment of monism means the abandonment of the distinction between good and bad choices. In this sense, negative freedom can be considered as a significant break with the whole monistic thought of pre-

modern world. It is for this reason that Berlin considers negative freedom as inevitable for the freedom of the moderns. Negative freedom gives individuals a free space to choose their own values, thus recognizes value pluralism as a fact of social life and moral preferences.

6.2.3. The Empiricism of Classical Liberalism

Classical liberalism, opposed to the ancient and medieval worldviews, does not search for the guarantees for the protection of the supreme good or final end. Rather, the aim of classical liberalism is to search for the guarantees for the protection of individual's freedom of choice. At this point, it can reasonably be argued that in the emergence of the negative image of freedom, classical liberalism's appeal to the empirical knowledge has the basic role. In the essay, Berlin explains the importance of empirical knowledge:

But if we are not armed with an *a priori* guarantee of the proposition that a total harmony of true values is somewhere to be found....we must fall back on the ordinary resources of empirical observation and ordinary human knowledge (1969: 168).

It would not be wrong to note that two normative orders of pre-modern world - ancient and medieval- have overlooked the significance of everyday knowledge. For this reason, the tradition of political thought from Plato to St. Augustine seeks to discover a moral order beyond the appearance of ordinary empirical world. This teaching excludes the empirical world in order to achieve a perfect moral order. In this context, the devaluation of the empirical knowledge was the general philosophical tendency in the pre-modern world.

On the other hand, for Berlin, classical liberalism offers something altogether different. It denies the metaphysical separation between the ideal world such as *kallipolis* and *the City of God* and the empirical world such as *polis* and *city of Man*, the denial that can be regarded as a turning point in the recognition of the freedom of choice. The abandonment of the metaphysical separation means the denunciation of the metaphysical priorities and hierarchies of the pre-modern world. Firstly, classical liberalism is aware of the fact that such a separation presupposes a certain hierarchical separation between the ideal and empirical

world. The ideal world is depicted as the realm of virtue and faith. For the advocates of the priority of the ideal world, the empirical world is accepted as the realm of passions, desires, thus the realm of vices and sins. Accordingly, the deep commitment to the hierarchical separation between the ideal and empirical realms classifies the choices of individuals as the good choices, if they obey the requirements of the ideal world and as the bad choices if they are made under the effects of the passions and desires. Secondly, the superiority of the ideal world brings the superiority of knowledge of this ideal world revealed by reason or faith. This knowledge gives us the supreme good, which determines the hierarchy of goods, ends and needs for all individuals. Apart from creating the hierarchy between ends, this distinction also leads to the hierarchy between the few who can know the truth and the many who can not yet know it, like the hierarchy between philosopher, saint and ordinary persons or believers. Besides, this distinction also implies the inability of ordinary individuals in attaining the knowledge of the supreme good by themselves. In this sense, in the pre-modern world, naturally, the aim was the cultivation of the character of ordinary individuals under the dictates of the supreme good and under the guidance of philosophers and saints. The normative orders of pre-modern world determine certain obligations for the choices of individuals in accordance with the constraints of the final end. For the fathers of classical liberalism, the vocabulary pertinent to the fixed hierarchy of values, ideals and goods can not be the vocabulary pertinent to the freedom of choice.

As a result, by appealing to the ordinary empirical knowledge, classical liberalism contributes in the destruction of the metaphysical comfort and the hierarchies of the pre-modern world. In other words, the fundamental trust in the possibility of acquiring knowledge of objective good that not only harmonizes various conflicting goods but also determines the hierarchy of goods is seriously shaken by the classical liberalism's turn to ordinary empirical knowledge. By the elimination of the metaphysical language of otherworldliness or transcendence, classical liberalism develops a philosophical outlook for the language of choice. Therefore,

it prepares the way for the individual freedom, by which individual has the right to take the charge of defining the good for herself without the external interference.

5.2.4. The Centrality of Negative Concept of Law

For Berlin, the human condition is characterized by a plurality of conflicting and irreducible conceptions of good life, ends and values. Human values are inherently plural, incompatible, and incommensurable that cannot be hierarchically ordered. Nevertheless, it is by virtue of classical liberalism that the ideal of value pluralism retains a central place in the consciousness of modern age, the ideal that pre-modern world and primitive communities had never been aware (1969: 172). As mentioned above, there are two pre-modern solutions – ancient and medieval- to the fact of value pluralism. Ancient and medieval answer to this fact lies in defining an objective final end that not only provides a common standard in determining what is good and bad, what is true and wrong, what is beautiful and ugly....etc, but also determines the fixed hierarchy of values, ends and goods. In such a hierarchically ordered world, law assigns individuals certain social roles to realize the particular aspects of the final end. Hence, a strong faith in a final criterion discernible with Cosmos or God gives certain task for law in a pre-modern world. In other words, the embodiment of law is designed according to this final end. Although the final ends are different, in either case, the fundamental logic of law remains the same: Final end should take precedence over the choices of individuals. For this reason, pre-moderns assign immense importance to the protection of final end.

However, in a world of conflicting and irreducible conceptions of good life, ends and ideals, instead of choosing between above solutions, classical liberalism would recommend leaving the whole philosophical tradition behind. In this sense, classical liberalism is born from the awareness that monism is no longer capable of providing a useful antidote to the fact of moral pluralism. It accepts that it is on this life experience and predicament that freedom of moderns can be founded. We live in an era of ‘after Cosmos’, ‘after virtue’ and ‘after God’, an era offers neither absolute nor eternal validity of goods, ends and ideals (1969: 172). To realize the

relativity and temporality of goods, ends and ideals is one of the basic merits of negatively arranged legal order. However, to insist on the absolute and sacred principles and to demand the eternal guarantees for values represent a legal logic which belongs to the pre-modern ages -with Berlin's word-, primitive ages (1969: 172). Such a legal order had worked there, but is impossible to work here and now. The idea of a polity to satisfy deep and incurable metaphysical needs was abandoned by the emergence of negative freedom (1969: 172).

In this context, for Berlin, the regime of law built upon the negative notion of freedom symbolizes the transition to political modernity. Because only such a political order grounds the value of choice in the plurality of values. Each individual is accepted as the best judge of what is good, beautiful, sacred and virtuous for himself or herself. They should not be forced to pursue any conception of value or particular way of life. In such a legal order, individuals are constantly confronted with a situation of choice, and want to find out what is good thing for them to do. In whatever good they choose, freedom of moderns consists in the possibility of the enjoyment of the chosen end without intervention from other individuals and the state. If individual has chosen the good for her, the logic is the acceptance of it as a *prima facie* good for her, even if it is stupid, irrational and bad choice. The job of the law is to ensure that individuals pursue their conceptions of the good, organize their lives as they wish and to satisfy their tastes and preferences without any intervention from other individuals and the state. Nevertheless, a normative commitment to permit individual to live their own choices freely can not be considered as limitless. Laws assign only legal obligation to individuals not to put physical and/or psychological obstacles to the actions of other individuals. In other words, individuals have legal obligation not to infringe on the free area of action of other individuals. If anybody builds physical or psychological obstacles to the actions of another, legal order has the right to use force or coercion to punish him/her. Hence, classical liberal political order considers law as an enforcement tool for the maintenance of free area of action for individuals. This stands in sharp contrast to the pre-modern ages where legal

orders are regarded as the coercive enforcement for the fulfillment of the supreme good.

By asserting the law's neutrality amongst the various conceptions of the good life, negative concept of law also allows individuals to live in different ways of life without intervention from the state and other individuals and communities. A classical liberal political order entails the different conceptions of good life and is based on the assumption that individuals would disagree in the answers to the questions, what is the good, what is the beautiful and what is truth? In this context, the pursuit of neutrality principle leads classical liberalism to reject two possible ends deployed by the means of legislation: First, the very principle of neutrality cannot accept to produce and advance any particular ways of life. In other words, legality cannot be used to impose one way of life as the only true way of life. Second, legality should refrain from the formulation of any objective standard of good. Even, it should stay out of the task of solving the disagreement among the various conceptions of the good life. The very principle of neutrality enables classical liberal order to function in spite of such a disagreement. For this reason, the principle of neutrality implicitly involves legal obligation for both public authority and individuals refraining from imposing any particular way of life by legal coercion. Neither the state nor individuals should use legality to force individuals to pursue one way of life as the only correct way of life.

In brief, in classical liberal political obligation, the activities of legality are limited to the preservation of the rights of individuals against infringement by others. A state which purports to adopt a negative freedom is in fact the state which respects simultaneously the freedom of choice and diversity of ways of life, ends and values.

6.3. Berlin's Conceptualization of Negative Freedom

As understood above, for Berlin, the emergence of negative freedom refers to a particular and new conception of the relation between the state and the individual. Indeed, it would not be an exaggeration to say that negative freedom is considered

as the political project of modernity. By introducing and promoting the new concept of freedom, all classical English liberal philosophers, particularly Hobbes, Locke and J.S. Mill created a significant break with the ancient and medieval political philosophies. For Berlin, although this break can be traced back to the days of Occam and Erasmus (1969: 127-8), the originality of classical English liberal tradition springs from the new vision of freedom and law that displaces and marginalizes the classical and medieval notions of freedom and law.

According to Berlin, the originality of Hobbes lies in his physicalist formulation of freedom and law. His second reference in the text highlights the central significance of Hobbesian model of freedom and law:

‘A free man’, said Hobbes, ‘is he that...is not hindered to do what he hath the will to do’. Law is always a ‘fetter’, even if it protects you from being bound in chains that are heavier than those of the law, say, some more repressive law or custom, or arbitrary despotism or chaos. Bentham says much the same (1969: 123).

From this point of view, the idea of law is not considered as liberation but as constraint on actions. By forbidding certain actions, laws actually restrain our freedom. Hence, freedom is incompatible with law (1969: 148). With Hobbes’ words, freedom is ‘the silence of the law’ (1997: 165-6). In addition to this, Hobbes also takes the sympathy of Berlin in terms of his strong faith in the incompatibility, even in the incommensurability of individual ends, goods, and interests (1969: 126-7). That is to say, it is fair to say that Hobbes’ physicalist formulation of freedom and law and his profound belief on the irreducibility of individual’s values, purposes and interests establishes the intellectual bases of freedom as non-intervention.

For Berlin, the novelty of Lockean version of negative freedom springs from the formulation of the limited state. It is obvious that, for Locke, the negative conception of freedom carries with it an explicit conception of the limited state. It restricts the state’s activities by a certain segregated area, whilst leaving a large protected sphere for individuals to choose and pursue their diverse conceptions of the good without intervention from the state (1969: 126-7). In this sense, from the

point of view of Locke, the highest value attached to negative freedom stems from its capacity to provide a normative grounding for the limitation of the state in the name of individual freedom. By Locke, negative freedom becomes a political doctrine of limited government.

According to Berlin, what distinguishes J.S. Mill's model of negative freedom from the preceding ones is its emphasis on civil liberties of individuals such as freedoms of opinion, property, association, speech, life and religion. In the essay *On Liberty*, Mill is concerned with the prevention of the direct interferences with individual's freedom of choice which comes not only from the state but also from the society *via* the mechanisms of self-government or democracy (1969: 128-9). For Mill, there was no internal relation between individual freedom and democratic government (1969: 130). The question 'How far does government interfere with me?' is logically different from the question 'Who governs me?' Society *via* democracy may deprive the individual of many liberties for the sake of ultimate values of society (1969: 130-1). In this context, by privileging the notion of civil rights, this version of negative freedom elevates the position of the individual both before the state and the society, thus leaving too much room for the individual to enjoy her private independence from the claims of majority determined by the means of democratic self-government.

Consequently, for Berlin, since its inception with Hobbes, classical liberalism is a discourse of negative freedom. As emphasized above, Berlin is also aware of the fact that classical liberalism does not consist of simple and unified set of justifications for the negative freedom. However, the tradition he refers, of course, has certain continuities and common features as following:

- 1) The negative freedom and its notion of law imply at least the minimum area of non-interference in which the state intervention is unacceptable and where the individual's freedom of choice is exercised. Although classical liberals disagree about the wideness of the area of non-intervention, they assign a high value to the exercise of the freedom of choice.

- 2) The negative freedom and its conception of law carries with them the principle of neutrality as among individual's conceptions of what constitute a good life, the principle that defers all answers of 'what is good?', 'what is the highest value?', 'what is beautiful?', 'what is happiness?' to the individual's discretion. For this reason, classical liberals attribute a special importance to a moral pluralism as well.

That is to say, by promoting the logic of negative freedom as a useful antidote to the metaphysical illusions of self-government, liberty of the will, *summum bonum*, the assumption of *a priori* knowledge, the rational intelligibility of the universe, the idea of transcendental...etc, classical English liberals described political obligation as a voluntary association consisting of individuals living under the protection of negative freedom while choosing different ends or values. That is why, for Berlin, negative freedom represents the emergence of political modernity.

It is noteworthy, however, to stress here that we should not evaluate the text of 'Two Concepts of Liberty' as the replication of the arguments of classical liberals. If we read the text carefully, it is not difficult to see that in such a short essay, Berlin also separates his notion of negative freedom from its classical forms. By entering into a critical dialogue with classical liberalism, Berlin gives us both his objections to the classical form of negative freedom and the basic pillars of negative freedom in the contemporary world.

In his formulation of negative freedom, neither Hobbes' appeal to the necessity for absolute sovereign (as a result of the fact of disagreement about ends and purposes of human interests), nor Locke's discovery of natural rights as a solution to the fact of the disagreement and as a restriction to the state's activities is inevitable. Rather, it seems that Mill's formulation of civil liberties or rights can provide us both the fact of disagreement and the limited state and society. However, Berlin does not consider the significance of the negative freedom as Mill declares in his famous essay:

Unless men are left to live as they wish 'in the path which merely concerns themselves', civilization cannot advance; the truth will

not, for lack of a free market in ideas, come to light; there will be no scope for spontaneity, originality, genius, for mental energy, for moral courage (1969: 127).

Berlin argues that history shows us the possibility of the growth of individual originality in disciplined communities as much as in open and tolerant societies (1969: 128). But, more importantly, by positing negative freedom as a necessary condition for the human spontaneity, originality, creativity....etc, Mill's argument for negative freedom repeats the same mistake of his predecessors, the mistake of not separating freedom from the conditions of freedom such as peace, property, utility....etc.

However, let us remain with Mill and try to understand the importance of Berlin's defense of the distinction between freedom and the conditions of freedom. According to Berlin, Mill believes that freedom is a necessary condition for the pursuit of spontaneity, truth and creativity. That is why; Mill's defense of freedom does not recognize 'freedom in itself'. Rather, the cause of the freedom is linked to the outcomes of the freedom, such as spontaneity, creativity and the utility even in its humanitarian version (1969: 128). In other words, for Mill, the individual freedom is not pursued for its own sake but as a precondition for the ultimate results of pursuing freedom. Nevertheless, for Berlin, 'Everything is what it is: liberty is liberty, not equality or fairness or justice or human happiness or a quiet conscience' (1969: 125). Freedom should not be pursued in the name of equality, peace, utility, truth and even in the name of freedom. Freedom should be a sacred, untouchable value and absolute principle (1969: 125).

Apart from defending the strong possibility of 'freedom in itself' in the notion of negative freedom, Berlin also describes the situation in which the freedom of choice finds itself as follows:

'Negative liberty' is something the extent of which, in a given case, it is difficult to estimate. It might, *prima facie*, seem to depend simply on the power to choose between at any rate alternatives. Nevertheless,...The mere existence of alternatives is not, therefore, enough to make my action free (although it may be voluntary) in the

normal sense of the word. The extent of my freedom seems to depend on (a) how many possibilities are open to me... (b) how easy or difficult each of these possibilities is to actualize; (c) how important in my plan of life, given my character and circumstances, these possibilities are when compared with each other; (d) how far they are closed and opened by deliberate human acts; (e) what value not merely the agent, but the general sentiment of the society in which he lives, puts on the various possibilities (1969: 130).

Consequently, like Hobbes, Berlin embraces both the physicalist formulation of freedom and law and the fact of disagreement among individuals about the definition of the highest human good. However, whereas Hobbes provides a minimum area of non-interference, Berlin agrees with Locke in linking the cause of negative freedom with the limitation of the state's activities. In this sense, Berlin gives a higher importance to the existence of the maximum area of non-interference. On the other hand, unlike Locke, he does not appeal to the language of natural rights. Rather, Berlin's concept of negative freedom can be best understood as a normative commitment to the discourse of civil liberties, which is obviously based on the concept of freedom, appeared in Mill's work, *On Liberty*. As explained above, needless to say, Mill's position is not Berlin's last word. On the contrary, Berlin keeps on insisting upon the purely non-teleological conception of negative freedom. For Berlin, negative freedom should be regarded as nothing more than an enforcement mechanism for the protection of civil liberties. Let us draw the following table to compare different versions of negative freedom and locate Berlin's conception into the context of liberal tradition:

	Degree of Freedom From	Freedom Vs Law	The nature of Value Pluralism
Hobbes	Minimum	External	Radical
Locke	Maximum	Internal	Reasonable
Mill	Maximum	External	Reasonable
Berlin	Maximum	External	Radical

To summarize: In 'Two Concepts of Liberty', Berlin delineates how the negative freedom is related to the broader political project of the modernity with its goal of awakening men to the sway of monism. The human world is characterized by moral pluralism, moral conflict and even by the incommensurability of moral values. What we should acknowledge with negative freedom and its implications concerning law lies in its inherent capacity to respect the character of human condition with plural values, ends and purposes and to open up the possibility of being, thinking, acting, speaking and choosing differently at the same time. This sobering teaching suggests us that the unique way to recognize the value of choice in a world of moral pluralism is possible only if we attribute absolute value to the political establishment of negative freedom, which has the capacity to establish the common standard of justice without imposing individuals any objective standard of the good. On this view, freedom is considered merely as the right to enjoy personal independence, thus right to choose any way of life, to express political opinions, to have property and to worship without arbitrary interference from the others. For this reason, without adhering absolute value to the political establishment of the negative freedom, it is impossible to escape the trap of monism under the modern conditions of value pluralism.

For Berlin, this is the point at which the dilemma of moderns becomes most visible. On the one hand, the ideal of negative freedom would be accepted by moderns. On the other hand, they might allow the displacement of the negative freedom by the metaphysical illusions of the positive notion of freedom. Berlin argues as follows:

There is little need to stress the fact that monism, and faith in a single criterion, has always proved a deep source of satisfaction both to the intellect and to the emotions....Principles are not less sacred because their duration cannot be guaranteed. Indeed, the very desire for guarantees that our values are eternal and secure in some objective heaven is perhaps only a craving for the certainties of childhood or the absolute values of our primitive past. 'To realize the relative validity of one's convictions'... 'and yet stand for them unflinchingly, is what distinguishes a civilized man from a barbarian.' To demand more than this is perhaps a deep and incurable metaphysical need; but to allow it to guide one's practice

is a symptom of an equally deep, and more dangerous, moral and political immaturity (1969: 170-2).

Now, let me examine the metaphysical pretensions of positive notion of freedom and its understanding of law.

6.4. Positive Understanding of Freedom and Law

As mentioned at the beginning, positive sense of freedom is identified by the questions such as ‘What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?’ (1969: 122) and ‘Who is to say what I am, and what I am not, to be or do?’ (1969: 130) or more particularly ‘Who is master?’ and ‘By whom am I governed?’ (1969: 130). The main concern of this sense of freedom is with self-mastery rather than the area of control and is associated with the doctrines of self-direction and self-realization deriving from the personal ‘self-abnegation’ found in Kant and from the individualist and collectivist versions of self-realization initiated by Spinoza, Rousseau, Kant, Fichte, Hegel and Marx.

At the outset, it is necessary to point out that Berlin’s position *vis-à-vis* positive vision of freedom is somehow ambiguous. The ambivalence of Berlin stems from the definition of the various uses of positive notion of freedom. C.B. Macpherson, in his essay entitled *Berlin’s Division of Liberty* criticizes Berlin for melting the different senses of positive freedom into the same basket (1973: 108-9). For Macpherson, three different kinds of positive freedom are determined by Berlin and he separates them as PL1, PL2 and PL3. PL1, as the basic kind, means the liberty of individual self-direction and self-mastery. This kind of positive freedom can be identified as the Stoic ideal of self-abnegation, the ideal based on the elimination of desires, which are considered as unrealizable or unattainable (Berlin, 1969: 135). The Stoic prefers to withdraw into the inner world instead of subjecting himself to uncertainties, risks, fears and desires of external, empirical world. According to Berlin, the problem with the Stoic ideal of freedom as ‘a strategic retreat into an inner citadel’ lies in its expediency to the political autocracy. As Berlin explains:

The tyrant threatens me with the destruction of my property, with imprisonment, with the exile or death of those I love. But if I no longer feel attached to property, no longer care whether or not I am in prison, if I have killed within myself my natural affections, then he cannot bend me to his will, for all that is left of myself is no longer subject to empirical fears or desires (1969: 135).

It is obvious that this psychological approach to the freedom does not fit into the physicalist formulation of freedom envisaged by Berlin.

PL2, as the ideal of self-realization, refers to the idealist and metaphysically rationalist transformation of PL1 (Macpherson, 1973:109). Although it has its idealist advocates like Rousseau, Spinoza, Fichte, Kant and Hegel or materialist followers such as Marx and Comte, PL2 represents the positive doctrine of emancipation by reason, which has defined as the capacity to distinguish ‘what is necessary or rational’ from ‘what is contingent or irrational’. Then, PL2, the program of enlightened rationalism, identifies freedom with the rational recognition of necessity, provided by rationally intelligible laws of nature, history and society. In other words, philosophers of ‘Objective Reason’ understand freedom as the realization of what is inescapable given by the laws of nature, history and society. In this sense, by offering the knowledge of rational laws conforming to the necessities of things (Berlin, 1969: 144), reason has the capacity to demonstrate the principles of free life, the principles that are necessarily willed by any rational agent. According to Berlin,

That is the metaphysical heart of rationalism...I am a rational being; whatever I can demonstrate to myself as being necessary, as incapable of being otherwise in a rational society — that is, in a society directed by rational minds, towards goals such as a rational being would have — I cannot, being rational, wish to sweep out of my way. I assimilate it into my substance as I do the laws of logic, of mathematics, of physics, the rules of art, the principles that govern everything of which I understand, and therefore will, the rational purpose, by which I can never be thwarted, since I cannot want it to be other than it is (1969: 144).

Needless to say, this version of positive freedom does not entail the idea of a protected sphere in which individual can do whatever he desires without obstacles.

PL3, as the self-government, represents the collective form of self-mastery by its emphasis on political participation in an ongoing process of democratic decision-making. For Berlin, in PL3, democracy or collective self-mastery is considered as the pre-condition for achieving freedom. That version of positive freedom can be found in Rousseau. For Rousseau, democracy as the sovereignty of the people is associated with the laws of liberty. In other words, PL3 does not consider any conflict between the doctrine of absolute sovereignty of the people and individual freedom. On the contrary, government by a society is logically connected with individual freedom. However, for Berlin,

The liberals of the first half of the nineteenth century correctly foresaw that liberty in this 'positive' sense could easily destroy too many of the 'negative' liberties that they held sacred. They pointed out that the sovereignty of the people could easily destroy that of individuals (1969: 163).

For this reason, in contrast to the third version of positive freedom, liberals consider political rights as a means for the protection of negative freedom (1969: 165).

That is to say, it is obvious that all versions of positive freedom have nothing to do with the establishment of a frontier between public authority and private sphere. Neither have they interested with the legal embodiment of individual rights. Rather, they fall into debate on the alternatives among whether in 'traditional self-emancipation of ascetics, stoics or Buddhist sages, or in the discourse of enlightenment emancipation by reason, or in the doctrine of collective emancipation by self-government.

According to Macpherson, the definition(s) of positive freedom is/are not well suited. For him, there is no problem in identifying a contrast between negative freedom and the third conception of positive freedom. It is clear that individual freedom can be curtailed by a society *via* democracy. For Macpherson, Berlin's

distinction between negative freedom and the second conception of freedom can be admitted. However, if we consider PL1 as individual self-direction, individual's ability to organize her life in accordance with her choices, it is difficult to find any case supported by a strict contrast between PL1 and negative freedom. At this point, the distinction is blurred. For this reason, as Macpherson argues, Berlin fails in the essay to differentiate between a Kantian self-direction and idealist or rationalist versions of self-mastery (1973: 111). Nevertheless, although Macpherson makes a strong point in his criticism, he does not stop there and tries to reach a very different conclusion in favor of 'developmental liberty', which is a defense of social liberty immune from the metaphysical illusions of positive liberty. In contrast to Macpherson, however, I believe that this point can serve as an important background to criticize Berlin's treatment of the concept of freedom as autonomy. This would be theoretical task of next sections. For now, I will continue to explain the drawbacks of positive freedom according to Berlin.

6.4.1. Vices of Positive Notion of Freedom

As explained in the preceding section, positive freedom has become an ambiguous notion with different meanings to which Berlin ascribes. On the other hand, as will be seen below, this is not the case with his thesis of 'monism' about the positive notion of freedom. In this respect, although positive notion of freedom is historically younger than negative notion of freedom, its philosophical grounds imply a return to the ancient way of thinking about human condition. Naturally, positive version of freedom carries the philosophical vices of ancient times. For this reason, for Berlin, the intellectual appeal to positive freedom represents nothing other than retreating back into the ancient style of thinking about freedom and law. Yet, before explaining the reasons that reveal the similarities between positive freedom and ancient freedom, now, it is necessary to note briefly the fundamental philosophical assumptions of ancient moral thought.

According to Berlin, the fundamental philosophical pillars of ancient thought spring from moral rationalism, moral monism, moral objectivism, moral perfectionism and moral elitism. Moral rationalism of ancient thought symbolizes

the capacity of reason in revealing to us the teleological purpose and order of the cosmic structure of the universe. By giving us the knowledge of the hierarchy of the goods, reason has the capacity to answer the question 'what is the final end or supreme good'. The moral monism of ancient thought refers to the strong belief that all moral values, goods and ideals can be hierarchically ordered in accordance with a final end which determines how individuals should live and what way of life is best for them. The lust for a single criterion in ancient thought also means the quest for the faith on a final harmony that all different values in the end can be compatible and can be reducible to a single criterion. Thus, the center of ancient moral and political thought embraces the optimistic belief that moral values, goods, ends and ideals can never be in conflict when they are carried to the level of universal principles. Furthermore, even if two values, ends or goods are in conflict with each other, such a single criterion is deployed as a yardstick to evaluate their merits and to separate which one represents the true way of life. One way of life is good only when it fulfils the objectively given principles of the supreme good. This moral objectivism which determines the hierarchical order of values is also valid for the hierarchical order of men that occupy a certain place in the cosmos according to their nature in which they find their perfection. By fulfilling their objectively given purposes, individuals participate to the realization of the final end. In other words, by living up to the requirements of their natural place in the cosmos, individuals attain their perfection. In brief, a life according to the dictates of the supreme good is accepted as the life of virtue. Here, there is a print of elitism that is based on the hierarchical division between the philosopher or sage who are able not only to discover the knowledge of virtuous life, but also live according to the principles of the supreme good and common individual who is neither able to get the idea of the final end nor to live up to the requirements of it. For this reason, it is the belief about the necessity of the guidance for the common individual that underlies the inevitable elitism of ancient world. For Berlin, this ancient cosmology is first constructed by Plato and then developed further by other ancient philosophers in different ways.

In brief, classical moral theory gives immense value upon the realization of the final end. It is for this reason that a polity is considered as an ideal polity if and only if it is consistent with the requirements of the final end. Here, the goal of law is obvious: it undertakes the responsibility of the realization of the final end. That is why, in the ancient political thought, it is believed that a wise lawgiver can, in principle, build a perfect, wholly harmonious political order in accordance with the requirements of the supreme good by appropriate education and legislation.

According to Berlin, classical moral and political thought do not fit into the freedom of moderns because of two basic reasons: First, the strong faith in reason's capacity for the discovery of the knowledge of a single criterion as the final end of man does not grasp the human fact that human ends are many, in conflict, incompatible and at times incommensurable, thus moral conflicts are inevitable and irresolvable by reason. For this reason, ancient moral viewpoints can not recognize the human condition that individuals are constantly confronted with the need to choose between ultimate ends (1969: li; 172). However, for Berlin, 'the need to choose, to sacrifice some ultimate values to others, turns out to be a permanent characteristics of the human predicament' (1969: li). Second, for the classical moral and political thought, nothing is more needed than a wise lawgiver who predisposes individuals to promote, support and maintain the requirements of the objectively given supreme end by the cosmic order and even coerces individuals in the name of the supreme good by legislation. By assigning law to the task of striving to realize the dictates of the supreme end and that of developing a course of a fixed behavioral pattern which conforms to the requirements of the supreme good, ancient political theory cannot acknowledge the necessity of the establishment of a protected area of action, which leave individuals alone and allow them to choose their own ends irrespective of whether or not they have chosen good, rational and beautiful things, values, ends....etc.

It is necessary at this juncture to point out that the philosophical basis of the positive freedom is nothing other than the conquest of the modern world by the philosophical premises of the ancient cosmology. Thus, by revitalizing the

classical rationalism under the guise of scientific rationalism in the name of the critique of the classical liberalism and its negative conception of freedom, the rationalism of enlightenment carries the metaphysical chimaeras of the ancient moral and political thought into the modern world. Since ancient cosmology is corporatist, collectivist and organic, such a transition brings its own historical tragedies under the totalitarian regimes such as Fascism, Nazism and Stalinism. Berlin explains this possibility explicitly in the last section of the essay by accusing the conception and practice of positive freedom of ‘Jewish genocide’:

One belief, more than any other, is responsible for the slaughter of individuals on the altars of the great historical ideals –justice or progress or the happiness of future generations, or the sacred mission or emancipation of a nation or race or class, or even liberty itself, which demands the sacrifice of individuals for the freedom of society. This is the belief that somewhere, in the past or in the future, in divine revelation, or in the mind of an individual thinker, in the pronouncements of history of science, or in the simple heart of an uncorrupted good man, there is a *final solution* (1969: 167). (emphasis mine)

At this point, for Berlin, the following question is relevant: Why does the severe individualism of enlightenment thinkers has the strong propensity to pervert into a pure totalitarian doctrine? The answer of the question lies in the analysis of the logic of freedom as rational self-direction with its different justifications such as autonomy, laws of nature, laws of history, laws of society, the logic that colonizes the half of the world and assimilates the freedom of moderns into the freedom of ancients. In this way it destroys the benefits of the negative freedom that modern world had gained.

The analysis of such logic can be found in the section of the essay, entitled ‘The Temple of Sarastro’. In this section, Berlin claims that the advocates of positive freedom who believe in freedom as emancipation by reason will be bound in the end to consider the problem of the application of this vision of inertial freedom to the external relations between individuals. It is at this inevitable stage that the program of enlightened rationalism collapses into the trap of the metaphysical illusions of the ancient world and enhances positive notion of freedom at the

expense of the accomplishments of the political modernity endorsed by negative freedom. Let me examine now in what senses positive freedom can be considered as a revival of ancient freedom and law. First, the notion of positive freedom belongs to the ancient tradition of separation between 'higher nature' identified with reason and 'lower nature' of animal desires, passions and pleasures (1969:132). Under the program of enlightenment rationalism, this separation transforms into the separation between two selves, the higher self based on the capacity of reason is depicted as 'real', 'ideal', 'noumenal', 'transcendental', and 'autonomous' self and the lower self determined by the pursuit of immediate desires, passions and pleasures is described as 'empirical', 'phenomenal' and 'heteronomous' self (1969: 132). Accordingly, this inner self is regarded as the only self, choices of which should be taken into account (1969: 133). Freedom is understood as the mastery of 'rational' choice over 'irrational' choices and the domain of law becomes a means of imposition of the way of life chosen according to the dictates of reason on the individual's choices determined by irrational impulses. As Berlin argues:

Once I take this view, I am in a position to ignore the actual wishes of men or societies, to bully, oppress, torture them in the name, and on behalf, of their 'real' selves, in the secure knowledge that whatever is the true goal of man (happiness, performance of duty, wisdom, a just society, self-fulfillment) must be identical with his freedom – the free choice of his 'true', albeit often submerged and inarticulate, self (1969: 133).

For the advocates of positive notion of freedom, individual can be free only if he lives up to the dictates of her 'real' self, the knowledge of which is discovered by reason and the implementation of which is carried out by the laws. 'To force empirical selves, who do not understand the true 'needs' of their own 'real' selves, into the right pattern is no tyranny, but liberation' (1969: 148).

The second character that settles positive notion of freedom into the tradition of ancients rather than the freedom of moderns is related to the central status of knowledge in the determination of what is good for each and every one. Identification of a direct relationship between knowledge and reason was one of the central claims of the positive concept of freedom. 'Rationality is knowing

things and people for what they are:’ (1969: 147). Even though positive notion of freedom differs from the classical rationalism by the faith in the discovery of language of laws scientifically demonstrable by reason, the kernel of the classical rationalism remains in the rationalism of positive freedom, the kernel that assumes knowledge *via* reason as a location for finding objective principles which are valid for every one and all times. The strong belief in the ability of reason in attaining the knowledge of objective laws or a single criterion restates the metaphysical fantasies of ancient monism in the guise of scientific laws of society, economy, history or nature. All conceptions of good life can be evaluated and ranked in accordance with one correct rational way of life that is discerned by scientific method (1969: 151). It is believed that knowledge of the rational way of life liberates us automatically by eliminating irrational ways of life (1969: 142). To live according to the pronouncements of reason is nothing but freedom. Second, such identification of rationalism with freedom also reiterates the monism of ancient world that the true, and hence the rational ends of man cannot collide (1969: 145). The seduction of the ideal of ‘harmonious state of affairs’ with *a priori* guarantees of reason shapes the political theories of many thinkers of positive freedom. For Berlin, the common assumption of these thinkers is clear:

Thinkers of this type argued that if moral and political problems were genuine – as surely they were – they must be in principle be soluble; that is to say, there must exist one and only one true solution to any problem. All truths could in principle be discovered by any rational thinker, and demonstrated so clearly that all other rational men could not but accept them....On this assumption, the problem of political liberty was soluble by establishing a just order that would give to each man all the freedom to which a rational being was entitled (1969: 145).

In brief, ‘the philosophers of objective reason’ believe that individual can be free only if rational and scientific laws govern a state. For this reason,

If I am a legislator or a ruler, I must assume that if the law I impose is rational (and I can only consult my own reason) it will automatically be approved by all the members of my society so far as they are rational beings. For if they disapprove, they must, *pro tanto*, be irrational; then they will need to be repressed by reason: whether their own or mine cannot matter, for the pronouncements of reason must be the same in all minds. I issue my orders, and if you

resist, take it upon myself to repress the irrational element in you which opposes reason (1969: 152-3).

The third aspect of positive sense of freedom that can also be traced back to the ancient world is associated with its faith in the realization of a perfect polity consisting of perfect individuals. A perfect polity can be founded if it is designed in accordance with the dictates of reason. Normally, in such a perfect polity, it is expected that all individuals would obey the rational laws that they give themselves. By living up to the imperatives of reason, individuals attain their perfection, thus their freedom. Actually, every individual wants to be a perfect being. Yet, some individuals are unable to understand their perfect nature by letting passions, desires to govern their decisions. In other words, ‘some men are not as well attuned to the voice of their own reason as others: some seem singularly deaf’ (1969: 152). Hence, they become the victim of their irrational and heteronomous life. In this context, the task of law is to educate you to listen to your own reason. Here, once again, the *telos* of law is considered as the elevation of the character of individuals by activating their dormant reason. When all individuals are taught to obey the dictates of reason or to repress their irrational nature by appropriate legislation and education, they actualize their latent potential. Thereby reason would claim its triumph over passions and desires and the task of law – creating perfect political order consisting of perfect individuals – would be accomplished.

According to Berlin, by such perfectionism, the door is opened to ‘the experts in moral and political issues’ (1969: 152). Positive notion of freedom follows the ancient division between philosophers or sages who have the highest capacity of their time (people who are better educated and more rational) and the ordinary individuals who compose the irrational and ignorant section of the society (1969: 150). The former who is able to know and live according to the dictates of reason is considered as knowing what the latter truly need, better than they do themselves. From this perspective, the guidance and the compulsion of ‘enlightened forces of the society’ over the irrational and ignorant section of the society become inevitable in order to rationalize the irrational members of society (1969: 150).

Obedying the directives of the rational ones makes ordinary members both rational and free. For Berlin, at this stage, the rationalist argument,

with its assumption of the single true solution, has led by steps...an ethical doctrine of individual responsibility and individual self-perfection to an authoritarian state obedient to the directives of an *elite of Platonic guardians* (1969: 152). (emphasis mine)

In this sense, elitism is at the very heart of positive notion of freedom.

Having underlined the ancient spirit in the positive notion of freedom, it becomes easier to answer the question why the very *rationale* of positive freedom is antagonistic with the freedom of moderns, the freedom that would involve the facts of pluralism and choice at the same time. Since rational self has a privileged status, rational way of life has priority over the other choices and preferences of the individuals. In other words, because living according to the requirements of reason is accepted as the only way for a good life, rational conception of good life is identified as the ultimate choice of each rational individual, without taking into consideration the demands of living individuals of the empirical world. As a result, in pursuit of positive freedom, there would be no room for the choices that are decided independently from reason. This is why, as Berlin explains, there occurs a discrepancy between ‘what X would choose if he were something he is not, or at least not yet, with what X actually seeks and chooses is at the heart of all political theories of self-realization’ (1969: 134).

By considering ‘reason’ as the higher element of the self and by promoting rational way of life as the ideal life, positive freedom could not acknowledge the inevitable and irreducible pluralism of the empirical world. Rather, by granting an ontological status to reason and by separating the realm of reason from that of passions and desires, positive freedom takes a backward step in the valorization of the empirical world. In brief, the centrality of ‘reason’ in the positive concept of freedom privileges and imposes a particular conception of the good life, the life that is not suited to the reality of plural life experience of modern individuals and the empirical nature of the modern world.

Furthermore, positive freedom is certainly at odds with the accomplishments of negative conception of law. In a similar vein with ancient idea of freedom, nothing is more needed than an embodiment of law as the teleological enterprise. The very logic of law is linked to the broader philosophical project of the enlightenment rationalism. In this sense, what has inspired the proponents of positive notion of freedom is the belief that the laws discovered by reason on the basis of scientific method – in whatever models formulated such as natural laws, laws of society, laws of historical development and moral law – are capable of providing an objective framework for legal intervention to the private choices of individuals on the behalf of their liberation. Even if certain versions of positive freedom ironically present themselves as the discourse of the individual freedom, as long as legal obligation is regarded as nothing more than an enforcement mechanism, positive notion of law cannot speak persuasively about freedom of choice. Neither the principle of neutrality nor the free area of action can be provided by the positive freedom, which assigns the state the task of realizing the true goal of man like classless society, the general will, self-fulfillment, a just society, ‘Geist’, scientific laws of society....etc. For Berlin, it is obvious that this oppressive model of law has nothing to do with the protection of individual’s right to arrange his own affairs and plan his life as he wishes without the fear of political and legal intervention.

Let us summarize this section of Berlin’s own words on the dangers of positive freedom concerning totalitarian politics:

first, that all men have one true purpose, and one only, that of rational self-direction; second, that the ends of all rational beings must of necessity fit into a single universal, harmonious pattern, which some men may be able to discern more clearly than others; third, that all conflict, and consequently all tragedy, is due solely to the clash of reason with the irrational or the insufficiently rational – the immature and undeveloped elements in life – whether individual or communal, and that such clashes are, in principle, avoidable, and for wholly rational beings impossible; finally, that when all men have been made rational, they will obey the rational laws of their own natures, which are one and the same in them all, and so be at once wholly law-abiding and wholly free (1969: 154).

Therefore, for Berlin, the claims of positive conceptions of freedom and law upon the individual have paved the way for authoritarian and totalitarian polities in modern times. As we explained at the beginning of the chapter, negative and positive notions of freedom compete as alternative solutions to the predicament of the freedom of choice in modern world. Nevertheless, from Berlin's perspective, historical tragedies of modern times have given us sufficient evidence to interrogate the capability of positive freedom in the protection of the freedom of choice. The same tragedies have proved the significance of the constraints of negative freedom in the protection of the freedom of choice. In other words, after the tragedies moderns lived, we have learned once again how much we actually need the guidance of negative freedom in modern political societies.

However, as mentioned before, his essay does not seek to eliminate positive notion of freedom. Nor does it assert that the questions of positive freedom have no legitimate grounds for the modern societies. Rather, Berlin wants to illustrate that none of the versions of positive freedom is concerned with the establishment of the protected area of non-intervention. It is true that all political theories of positive freedom more or less are claimed to advance individual freedom in the modern world. But, it is also true today that without the normative constraints of negative freedom, the rationalist discourse about the individual freedom can be politically deployed as a justification for the authoritarian and totalitarian regimes. This is why Berlin thinks that negative freedom trump positive notions of freedom if the central issue is the protection of the freedom of choice in modern polities.

6.5. The Delusions of Autonomy

According to Berlin, the problematic justification of authority for the sake of freedom in the positive freedom makes sense of why and how negative freedom is imperative to modern political power. Positive freedom begins with an investigation concerning the establishment of a single account of the highest human good –classless society, the general will, wisdom, happiness, self-fulfillment, a just society – which can appeal the public at large by the deployment of the laws. By contrast, negative freedom begins with demarcating a protected

area of non-interference which allows individuals to live in different ways as long as they respect the others. Hence, treating law as a coercive institutionalization of the objective human good is not the case with the legal order endorsed by classical liberalism and its negative conception of freedom. For Berlin, whatever paradigm we rely on in pursuit of positive freedom, the same destiny resides in this tradition. In this respect, the vices pertinent to positive freedom are also valid for the idea of freedom as autonomy, because autonomy too is against the freedom of moderns as doing whatever one wants. This is why Berlin also spells out the rationalist and tyrannical basis of the conception of freedom as autonomy.

In this section, by following Berlin's line of reasoning, my primary concern is to explicate the reasons why freedom as autonomy has the same destiny with positive freedom in terms of leading to authoritarian and totalitarian polities in modern times. Let me clarify the characters of autonomy that are considered by Berlin as rendering this ideal to look similar to the metaphysical rationalism of positive freedom.

At the outset, I should note that, like positive notion of freedom, we can identify three primary types of autonomy in his text. They are autonomy as rational self-direction, autonomy as rational self-realization and autonomy as self-government. Now, I will elaborate and specify these types and their interrelations.

We can categorize them as SD, SR and SG. SD refers to decision making in the light of an internal cause or source. Indeed, autonomy as rational self-direction signifies the possibility of thinking, acting, choosing and speaking without the interference of desires or passions. Thus, it marks the capacity of reason being independent from empirical factors. For Berlin, it would not be exaggeration to identify SD with the traditional Stoic ideal of self-emancipation as self-abnegation. However, in SD, the Stoic ideal of eliminating desires is displaced by the ideal of the autonomous self, and the self endowed with reason is considered as cultivating the capacity to resist and control desires (1969: 138). On this view, freedom is being autonomous, being independent from external factors. With Berlin's words;

‘I am free...in so far as, I am autonomous. I obey laws, but I have imposed them on, or found them in, my own uncoerced self’ (1969: 136). Hence, from the angle of autonomy, the free activities of individuals should be independent from the natural causality. Subjecting to the laws of nature on which individuals cannot have any control is to be unfree. Briefly, the choices based on passions and desires cannot be described as free choices.

According to Berlin, such conceptual transformation of the Stoic ideal of self-emancipation into the ideal of autonomy as SD does not make qualitative changes in terms of possible normative and political consequences. Apart from being an obstacle to the valorization of the empirical world, which is a process prompted by the negative sense of freedom, the search for autonomy inevitably suggests the objectification of supposedly self-directing beings by the rulers, in the name of raising them to the level of autonomy, which is accepted as a ‘higher’ level of freedom. Such objectification leads to the denial of empirical freedom. This is an inevitable result whether it is a normative supremacy of *amour de soi* over *amour-propre* or duty over inclinations. In either case, the doctrine of autonomy has strong propensity to treat individuals as objects or sub-human, and therefore it humiliates them.

Needless to say, portraying individuals as if they are not free, or as beings who do not have their own will is not the position that the liberal individualism of Rousseau and Kant has intended at the beginning of their journey. For Berlin, especially Kant, by pointing out that nobody may force individuals to be happy in her own way and by lamenting paternalism as the greatest despotism, Kant autonomy comes close to the negative ideal of freedom (1969: 137; 153). However, by introducing the language of transcendental self, which should be evaluated as backward step in the face of the accomplishments of orthodox liberalism and by identifying free individual with this transcendental self, Kant’s model of autonomy, albeit it presupposes individuals as the authors of values and as the ends in themselves, facilitates the justification of using individuals as human material for ‘the benevolent reformer’ in order to mould them in accordance with

the such reformers' already independently chosen ends (1969: 137). As a result, the ethical commitment in the doctrine of autonomy to the language of duties on the basis of the capacity of reason submits the laws to the service of the reign of reason. The promotion of the rational life becomes the sole ambition of the *nomos*.

If SD is logically connected with the Stoic idea of self-abnegation, SR sides with the metaphysical rationalism of enlightenment, the project that identifies freedom with the laws deducible from the operation of human reason on itself. This positive transformation of SD accepts the *telos* of enlightened rationalism that has strong faith in the capacity of reason in finding the solution to the problem concerning which way of life is the best for humans and how they must. The solution is found by separating what is necessary – discovered by reason – from what is contingent. In this sense, while SD version of autonomy appeals to reason in order to control the passions and desires, SR version of autonomy trusts in the *telos* of reason in the possibility and knowability of the laws, – moral laws or general will – the very possibility of these laws gives us rational universal standards to classify and grade the moral quality of the individual's choices. From this perspective, the choices of individuals are accepted as free choices as long as they conform to the dictates of moral law or general will. Subjecting to the pronouncements of moral law or general will is nothing but freedom. However, for Berlin, the idea of freedom as autonomy does not accord with a freedom of moderns which allows individuals to choose whatever they want. The reason why this is so is directly related to the problem concerning the application of such an internal apprehension of freedom to the external relations among individuals. At this stage, the goal of the law becomes visible for the advocates of autonomy: Individuals would be free once moral laws or general will be realized in a political society. The purpose of the political obligation consists not in the establishment of a protected area of free action, but in the transformation of individuals into autonomous individuals. Accordingly, for Berlin, in such a political order, the law does not leave any free space for the choices which cannot be generalized. Thus, the autonomy turns the domain of law into a legitimate tool for the realization of the claims of rational will by interfering

with the choices of individuals for the sake of autonomy. For the proponents of autonomy, Berlin claims that freedom is not freedom:

to do what is irrational, or stupid, or wrong. To force empirical selves into the right pattern is no tyranny, but liberation. Rousseau tells me that if I freely surrender all the parts of my life to society, I create an entity which, because it has been built by an equality of sacrifice of all its members, cannot wish to hurt any one of them; in such a society, we are informed, it can be nobody's interest to damage anyone else. 'In giving myself to all, I give myself to none', and get back as much as I lose, with enough new force to preserve my new gains. Kant tells me that when 'the individual has entirely abandoned his wild, lawless freedom, to find it again, unimpaired, in a state of dependence according to law', that alone is true freedom, 'for this dependence is the work of my own will acting as a lawgiver'. Liberty, so far from being incompatible with authority, becomes virtually identical with it (1969: 148).

Consequently, autonomy as rational self-realization cannot protect the freedom of choice, because the very possibility of choice rests on the variety of possible choices.

It would not be wrong to regard autonomy in the sense of self-government as the spatio-temporal adaptation of autonomy as 'obedience to a law which we prescribe to ourselves'. This version of autonomy assigns central importance to democratic self-governance in the realization of the individual freedom. Here, the normative content of autonomy originates from the process of collective self-determination. Furthermore, according to Berlin, this model of autonomy can also be evaluated as collective adaptation of the theory of the two selves: an 'ideal', 'autonomous' self, as distinct from the 'empirical' and 'heteronomous self'. In the context of SG, the ideal self is identified with a social whole like a nation, a state, a race....etc. For this spatio-temporal and the collective version of autonomy, Berlin's direct target is Rousseau's doctrine of absolute sovereignty. His criticism of Rousseau can be found in the section of the essay, titled 'Liberty and Sovereignty' where he appeals to the ideas of Benjamin Constant who describes Rousseau's theory of popular sovereignty as the most dangerous enemy of individual freedom (1969: 164). Since Rousseau does consider the dictates of the popular government as the laws

of liberty, he does not see any problem with imposing the decisions of collective body upon its citizens. Therefore, Rousseau does not have any discomfort with the unlimited authority of the sovereign body. Rather, since public authority is accepted as a shared project of the political community, it is believed that the sovereign is everybody. And because the sovereign is accepted as everybody, for Rousseau, it is logically absurd to assume the possibility of the deprivation of the liberty of any member of the political society by the sovereign. For this reason, Rousseau

does not mean by liberty the ‘negative’ freedom of the individual not to be interfered with within a defined area, but the possession by all, and not merely by some, of the fully qualified members of a society of a share in public power which is entitled to interfere with every aspect of every citizen’s life (1969: 162-3).

For Berlin, nobody can clearly express the conflict between two models of freedom (negative and positive) better than Constant (1969: 164), who claims that a popular government can be dangerous as much as a monarch in the deprivation of individual liberties. The transfer of the sovereignty or unlimited authority from a monarch to a people cannot affect this inevitable end, but only shifts ‘the burden of slavery’ (1969: 164). In this sense, individual freedom would be deprived by the absolute authority of democratic law-making process. In brief, Rousseau is criticized for privileging the doctrine of popular sovereignty over that of the inviolability of the individual freedom. However, for the nineteenth century liberals such as Mill, Constant and Tocqueville, the doctrine of absolute and indivisible sovereignty is nothing other than the quest for a modern tyranny. According to Berlin, about this issue, Hobbes seems more sincere than Rousseau (1969: 164). At least, ‘he did not pretend that a sovereign does not enslave: he justified this slavery, but at least did not have the effrontery to call it freedom’ (1969: 164)

Until now, by deriving three types of autonomy from the essay ‘Two Concepts of Liberty’, I have elaborated the logic of Berlin’s criticism of the normative commitment to the idea of freedom as autonomy. Bearing this criticism in my mind, now, it is time to review the basic postulations of the freedom as autonomy

for Berlin. First, it is quite obvious that freedom as autonomy is internally connected with the hierarchical division between two selves – ‘autonomous’ self and ‘heteronomous’ self or *amour de soi* and *amour-propre*. The choices done in accordance with the inclinations (heteronomy) do not have equal value with the choices done according to the reason (autonomy). Second, freedom as autonomy has tremendous trust in the ability of reason in revealing the knowledge of objective laws of what is good, true and right. From this angle, the faculty of reason is treated as the location of final harmony, thereby as the frame of reference or yardstick to resolve the conflicts between ultimate values or to evaluate and rank the merits of different values, ideals and ends. Third, such an apprehension of reason conceives knowledge solely as a tool for liberation. Then, the appeal of ordinary or empirical human knowledge offering new possibilities for making our choices is completely neglected in the name of the sacred mission attached to the ultimate knowledge derived from the operation of reason on itself. Fourth and finally, the certainty of the knowledge regarding what constitutes the ideal or ultimate end of man inevitably results in the rejection of the actual choices of individuals. In other words, the privilege attributed to the choice derived from the knowledge of ultimate goal does not take into consideration the choices of supposedly poor empirical self. Needless to say, this inevitable gap between the ultimate choice and the actual or empirical choices retains the central place in the discourse of freedom as autonomy even though it was not the original aim of it.

At this stage, for Berlin, it is obvious to see that autonomy as freedom carries the basic pillars of the metaphysical rationalism of the positive notion of freedom and faces with its inescapable political and legal consequences. First, the concept of autonomy does not treat all human ends as equal ends. This treatment is monistic. It leads inevitably to present the way of life according to reason as the supreme way of life. It is for this reason that the doctrine of autonomy does not grasp the plural and contested nature of human ends and it remains insensitive to the need for choice among equally ultimate and sacred ends. For Berlin, again, even though Kant is nearly aware of the negative ideal of freedom, because he does not consider all human ends as equal, in the end, he does not accord with an idea of

plural and incompatible human ends, thereby his formulation of autonomy is assimilated into the metaphysical rationalism of positive freedom. At this juncture, I should quote the following critical footnote for disclosing the way in which Berlin conceives Kant's notion of autonomy:

Kant, and the rationalists of this type, do not regard all ends as of equal value. For them the limits of liberty are determined by applying *the rules of 'reason'*, which is much more than the mere generality of rules as such, and is a faculty that creates *or reveals a purpose identical in, and for, all men*. In the name of reason anything that is non-rational may be condemned, so that the various personal aims which their individual imagination and idiosyncrasies lead men to pursue – for example, aesthetic and other non-rational kinds of self-fulfillment – may, at least in theory, be ruthlessly suppressed to make way for the demands of reason. *The authority of reason and of the duties it lays upon men is identified with individual freedom, on the assumption that only rational ends can be the 'true' objects of a 'free' man's 'real' nature. I have never, I must own, understood what 'reason' means in this context*; and here merely wish to point out that the *a priori* assumptions of this philosophical psychology are not compatible with *empiricism*: that is to say, any doctrine founded on knowledge derived from experience of what men are and seek (1969: 153-4) (emphasis mine).

Negative freedom presents a polar opposite to this treatment. In other words, in contrast to freedom as autonomy, the proponents of negative freedom do consider all individual ends as equally ultimate ends as long as these ends do not create physical or psychological obstacles to the other people's ends. For Berlin, this is a unique dimension that can be attributed only to classical liberalism. He explains this point in the same footnote as follows:

Most modern liberals, at their most consistent, want a situation in which as many individuals as possible can realize as many of their ends as possible, without assessment of the value of these ends as such, save in so far as they may frustrate the purpose of others. They wish the frontiers between individuals or groups of men to be drawn solely with a view to preventing collisions between human purposes, all of which must be considered to be equally ultimate, uncriticizable ends in themselves (1969: 38).

Second, apart from having a monistic basis, the doctrine of autonomy also offers a perfectionist moral and political outlook which is also hostile to the negative idea of freedom. On this view, preserving and developing our rational nature, thus self-

discipline, take precedence over our empirical, irrational nature. Being perfect is to elevate ourselves above the necessities of the empirical world. Completely rational action (thus perfect action) is coded as the ultimate goal of each individual. This perfectionist outlook is bound inevitably a conception of political society understood as a rational community consisting of wholly rational individuals. In other words, the doctrine of autonomy and its perfectionist stance provides us with a conception of perfect political community where every action of individuals is fully complying with the rules of reason. It seems that for Berlin, it does not matter whether such perfectionism has its different versions in the advocates of autonomy, such as 'the kingdom of ends' as the transcendental version and the community of virtuous citizens as the spatio-temporal version. For him, the important thing is the inevitability of a vision of the state as having the responsibility and right to cultivate the excellence of all its citizens even coercively. According to Berlin, Kant may have an objection to this criticism as identifying paternalism as the greatest despotism and it can be legitimately argued that the spirit of the autonomy lies in the belief that the freedom is obedience to a law which I prescribe to myself alone. Yet, for Berlin, this is nothing but a 'counsel of perfection'. He continues his criticism as follows:

If you fail to discipline yourself, I must do so for you; and you cannot complain of lack of freedom, for the fact that Kant's rational judge has sent you to prison is evidence that you have not listened to your own inner reason, that, like a child, a savage, an idiot, you are not ripe for self-direction or permanently incapable of it (1969: 153).

Consequently, for Berlin, the notion of a perfect political community realizable on the earth is the creed of freedom as autonomy, as it is located in the tradition of the positive concept of freedom.

Third, Berlin argues that elitist outlook is one of the possible political excesses of freedom as autonomy. Since morality is not related to the expertise knowledge, both Rousseau and Kant do not accept the role of experts in the moral issues (1969: 152). Because the capacity of being autonomous is the capacity covering all rational individuals and it is not something that somebody could do in the name of

anybody else, the experts should stay out of the moral issues. Therefore, morality has nothing to do with specialized knowledge (1969: 152). However, when the political issue is at stake, Berlin concludes that they open the way for the guidance of experts (1969: 152). From this perspective, as emphasized before, the story of freedom as autonomy can be depicted as the story of the transition from an ethical doctrine of individual self-perfection to an authoritarian political doctrine of Platonic guardians.

Then, for Berlin, negative freedom and the freedom as autonomy are inherently at odds with one another. The pursuit of autonomy on behalf of the freedom of individuals is necessarily incompatible with a normative commitment to allow individuals to choose their own ends without intervention from others. Any theory of political obligation founded upon the doctrine of autonomy is inevitably intrudes too much into the individual's private life in the name of cultivating autonomy of individuals, which is legitimized as the only correct way of life into which all other ways of life are obliged, even coercively, to fit. Freedom as autonomy envisages a teleological conception of law, which sooner or later, has the strong propensity to subsume the individual's freedom of choice, the type of freedom which is central to the political project of modernity. For this reason, freedom as autonomy should also be evaluated as the quest for returning to the freedom of ancients and becomes one of the major impediments to spreading of the accomplishments of negative freedom all over the world.

In his essay, 'The Hedgehog and The Fox', Berlin gives reference to the expression of the Greek poet Archilocus: 'The fox knows many things, but the hedgehog knows one big thing' (1978:22). The metaphorical usage symbolizes the fundamental difference between pluralist and monist perceptions of human condition, thereby refers to the conceptual distinction between negative and positive visions of freedom. In the recent book *Freedom and its Betrayal: Six Enemies of Human Liberty* where H. Hardy has collected Berlin's essays about freedom, Berlin presents classical liberalism and its proponents as fox. However, he lumps together all the thinkers from Plato to Rousseau, Kant, Fichte, Hegel,

Marx and Comte in to the category of hedgehog. From this perspective, the pursuit of freedom under the Enlightenment thought is nothing but the imposition of the mind of a hedgehog upon the world of foxes. Hence, enlightenment rationalism, Berlin believes, inevitably leads to authoritarian and totalitarian polities and results in the denial of individual's freedom of choice. Although enlightenment thought presents itself as in line with fox (i.e., defending freedom), Berlin argues that the tragic events of the modern age give us sufficient evidence that the identification of freedom with reason is nothing but a hedgehog in the guise of a fox.

As mentioned above, Berlin founds his separation on a unique apprehension of human condition: The proponents of negative conception of freedom claim that in modern world, identified with the irreducible plurality of human values and inevitable conflicts concerning the validity of these values, individuals face with the necessity of choice among these ultimate values. In other words, if human values, ends and ideals are irreconcilably plural, inherently conflicting and incommensurable, then individuals cannot avoid making choices among them even if they would be tragic choices. In such a condition, the moment of choice is accepted as the moment of freedom. Berlin argues that such freedom can be best protected and promoted by negative model, the freedom that allows individuals to make their own choices among competing world-views without the coercion and interference of other intentional actors such as individuals, communities and agents like institutions. On this normative model, the goal of political obligation appears as the establishment of the protected sphere of action within which the individual has full authority to choose whatever he wishes. Then, political obligation is accepted legitimate only insofar as it guarantees the inviolability of a maximum extent of individual freedom. Thus, freedom of choice can be protected and promoted only if political obligation is founded upon the establishment of a maximal sphere of action within which the individual has the right to pursue his arbitrary ends as he wishes – provided that the pursuit of individual ends does not violate the similar right of others.

Classical liberal political order, built upon the recognition of the multiplicity of equally ultimate and conflicting value-choices, gives absolute priority to the freedom of choice by taking necessary legal measures to prevent any kind of intervention stemming from other intentional agents. In doing that, the law has two major tasks: First, by promoting the individual rights, it creates strong barriers to the infringement of protected sphere of individual by others. Second, by envisaging the neutrality, it allows us to live our own values and ends without imposing upon any conception of good life.

In this respect, Berlin claims that the value-free bases of negative freedom make it prominent defender of the freedom of choice, so classical liberalism is immune from the perils of rationalist dogmatism of enlightenment thought. For him, the critique of the negative conception of freedom by reference to the doctrine of autonomy is a backward critique carrying the potential for betraying the achievements of classical liberalism. We can summarize the contributions of negative freedom vrs. the dangers of the enlightenment as follows:

- 1) One of the basic contributions of classical liberalism stems from eliminating the strong ancient belief that the possession of the rational knowledge of the highest good is possible and the realization of freedom belongs to the participation of individuals to the actualization of the highest good by the fulfillment of their assigned roles, thus by reaching perfection within a morally harmonious universe. However, by centralizing the language of *summum bonum* into the context of modern world, and by attributing the rational knowledge of the world as the *sine qua non* of freedom, the program of enlightenment considers the pronouncements of reason as superior to the choices of individuals and repeats the fundamental error of classical rationalism, by equating the virtue with knowledge (1969: 154).
- 2) Classical liberalism has also challenged one of the deepest assumptions of ancient thought that the individuals should

decide their ends by ignoring the ordinary and empirical human knowledge. Here, philosophical struggle against the vocabulary consisting of transcendence, *a priori* and innate ideas have paved way for the affirmation of the individual choices based on the everyday human knowledge. Nevertheless, the doctrine of autonomy re-introduces the hierarchy of the ancient thought between the ideal world and the empirical world by defending the claims of reason against the so-called whims and caprices of the empirical self.

- 3) One of the novelties introduced by classical liberalism originates from the destruction of the belief in the possibility of final harmony among different ends, values and ideals. By shaking the normative bases of such conviction, classical liberalism has made original contribution into the process of abandoning the hope for final harmony. Hence, negative model of freedom has identified itself with the recognition of antagonisms in the modern world. By contrast, the ideal of freedom as autonomy determines the realm of reason as the location of final harmony among conflicting ends. By doing this, advocates of autonomy consider the antagonism as exogenous phenomenon to the realm of reason.

As a result, the main characteristic of freedom as autonomy is to believe in the power of reason which operates as an objective court of appeal for classifying and ranking the different choices of individuals. Obviously, the goal is to separate reason from contingent and distorting features of the empirical world. In this respect, by exaggerating the power of reason, the doctrine of autonomy gives full expression to the metaphysical rationalism of Enlightenment. This is why Berlin is determinant about both the conceptual and political deficiency of the principle of autonomy in concerning the freedom of moderns, which is the protection of the space within which individual can do whatever he wants. In this sense, autonomy seems to be a reactionary ideal to the reality of modern life.

PART 3

THE CRITIQUE OF NEGATIVE FREEDOM

CHAPTER 7

THE DILEMMAS OF DEFENDING INDIVIDUAL FREEDOM THROUGH VALUE-PLURALISM

7.1. Introduction

At the beginning of my thesis, I have pinpointed the main task as the demonstration of the limits of negative freedom in terms of justifying individual freedom as such. As mentioned there, such an endeavor has both universal and contextual ramifications in itself. Universal ramification manifests itself by the oscillations of negative freedom in transforming itself into the language of political liberty. As I have argued, the investigation of contextual ramification of the appeal to epistemic arguments of negative freedom in the last two decades of Turkish polity requires the disclosure of the hidden paradox that may result in the sacrifice of the priority of the right over the good.

In line with this, this chapter consists of two sections. In the first section, my aim is twofold: to show the dilemmas of negative freedom in grounding the priority of freedom of choice by referring to value pluralism, and to demonstrate that if negative freedom seeks to accomplish its political goal as the establishment of a protected space of non-intervention in which individuals pursue their own choices without the fear the state intervention, then it should call for the normative support of the principle of autonomy. As I have expressed at the end of the previous chapter, this does not mean that Berlin's criticism of autonomy referring to its commitment to the metaphysics of rationalism is not true. Berlin may be right that to think freedom via the concept of autonomy had devastating political consequences, yet I think it is possible to unleash the inner capacity of autonomy for departing itself from the metaphysics of enlightenment rationalism. By neglecting such capacity of the ideal of autonomy Berlin is unfair. Furthermore, apart from the recognition of the limits of human reason, freedom understood as

autonomy protects individual's freedom of choice from the voluntarist consequences of the metaphysics of historicism. Contrary to negative freedom's major drawbacks in terms of its insistence on the derivation of the priority of freedom of choice from the meta-ethical discourse of incommensurability, autonomy has better epistemic and legal grounds than that of negative freedom in transforming itself into the language of political liberty.

The task of the second section is to underline the profound risks of deriving the priority of basic liberties from the thesis of incommensurability of human goods. At this point, I take a position against the Turkish proponents of negative freedom. In other words, I want to display the possible ramifications of the dilemmas of Berlin's justification of individual freedom on value pluralism. When such pluralism is brought into the context of Turkish polity, an interesting paradox occurs: sacrificing individual freedom. Now, let me begin to articulate Berlin's dilemmas in deriving the value of freedom from the fact of moral pluralism.

7.2. Criticizing Berlin's Version of Negative Freedom

At the very centre of Berlin's justification of freedom of choice within the boundaries of epistemic and political conceptions of negative freedom, there occurs an oscillation between his political commitment to classical liberalism declared in the priority attributed to maximum area of the freedom as non-intervention and his ethical concern for moral pluralism expressed in his belief in the particularity of various cultures. Indeed, this is nothing but a permanent tension between Berlin the classical liberal – as the follower of Hobbes, Locke and Mill – and Berlin the historicist – as an admirer of Herder and Vico (Crowder, 2003 ; Galipeau, 1994). In case of his attachment to the classical liberalism which manifests itself in his fear of unlimited political power, he gives the absolute priority to the establishment of an extensive area of non-intervention in which individuals can act according to their own choices. However, Berlin's endorsement of historicism which refuses any trans-cultural normative standard in the evaluation of the different cultures brings discord into his defense of negative freedom as such. In this sense, if Berlin maintains his attachment to the absolute

priority of the negative freedom, then he should decline his historicist emphasis on the uniqueness of different national cultures. Yet, if he insists on his paradigmatic loyalty to Herder and Vico's recognition of the individual's need for a moral or cultural system of belief, then this would certainly jeopardize his defense of negative freedom as the sole grand ideal for humanity. From this perspective, the creation of a political condition in which the freedom of choice will be protected and promoted cannot be the only (and prior) end of political society. Therefore, as Robert A. Kocis rightly argues, Berlin's meta-ethical doctrine of pluralism founded upon the belief in the absence of any external normative standard in the ranking of different values is incompatible with his substantive ethical commitment to the superiority of the negative freedom (Kocis, 1980: 39). According to Kocis, the discrepancy between the romantic celebration of the distinctiveness of cultures and the rationalistic vision of individuals as the choosers pushes Berlin's negative concept of freedom to face with a dilemma. If we have to consider negative liberty as the external normative standard in the evaluation of the different cultures, then we should accept the validity of the rationalist thesis that insists on the necessity in discovering the order belonging to reason in ranking the values of the different cultures. But, if we share his faith in the impotence of theoretical reason in the justification of the cross-cultural validity of negative liberty, then we have to give up the assertion that negative freedom is truer and more humane ideal (Kocis, 1980: 39).

7.2.1. The Relativist Approach to Berlin's Value Pluralism

John Gray, whose studies have been profoundly influenced by Berlin, in his recent book, *Two Faces of Liberalism*, also argues that value pluralism cannot ground the priority of negative freedom on a theoretically solid ground. The ideal of freedom of choice based on negative freedom cannot simply be derived from the meta-ethical position of pluralism. Berlin's moral pluralism lies in his assertion that every culture has its own standard which is incommensurable with the standards/values of other cultures. Due to the irreducible plurality of values, each culture can be interpreted only by its own logic, the logic that offers a set of meanings to its members. Therefore, the cross-cultural criticism on the basis of

negative freedom is out of question when cultures are conceived as distinct sets of meanings which provide a sense of belonging for its members under the shared experience of history. In this respect, according to Gray, Berlin's moral pluralism fails to endorse the priority of the negative freedom. In short, in "Two Concepts of Liberty", the link suggested by Berlin between pluralism and the freedom of choice does not truly hold.

Nevertheless, for Gray, Berlin's failure in the justification of negative liberty stemming from his radical commitment to value pluralism should be regarded as his merit instead of his vice. For him, in "Two Concepts of Liberty", Berlin accomplishes the goal where Mill has left off in *On Liberty* (Gray, 2000: 31). By recognizing the plurality of the human goods and the ways of life, Mill opened the path for a philosophy of liberal pluralism in which the idea of universal liberal civilization has no place (Gray, 2000: 31). However, in his tacit abandonment of the philosophical search for a rational consensus on the best way of life, Mill was misguided by the philosophies of Locke and Kant. If Mill would have relied on the philosophies of Hobbes and Hume, he would have been able to formulate the notion of negative freedom not for merely supporting spontaneity and creativity in individuals, but to form a peaceful existence among different ways of life. But, in contrast to Mill, in "Two Concepts of Liberty", Berlin defends negative freedom in order to allow individuals to adhere themselves to the different ways of life. Therefore, Berlin's recognition of moral pluralism refers to a new development in liberal thought (Gray, 2000: 32). The merit of his formulation of negative freedom lies in the acknowledgment of the fact that liberty is not one thing (Gray, 32). On the contrary, Berlin's commitment to freedom as non-interference underpins the existence of the different and incommensurable notions of freedom. Yet, for Gray, Berlin's attempt to ground negative freedom on a meta-ethical thesis of value-pluralism does not accomplish its task as a similar failure of Mill (Gray, 2000: 32). Because, if Berlin's mission would accomplish its end, he should give up his insistence on the priority of negative liberty as the core liberal good. For Gray, Berlin's recognition of moral pluralism under the principle of incommensurability allows us to think of incommensurable sorts of negative liberty (Gray, 2000: 32).

Otherwise stated, Berlin's own conception of negative freedom can be one sort of negative liberty among many. If this is the case, then different political regimes can protect different kinds of negative freedom. As a result, for Gray, ruling out Berlin's futile attempt to justify the absolute priority of the negative freedom on the basis of moral pluralism gives us the opportunity to renew the liberal project on the grounds of *modus vivendi*, by which liberalism would return to its original task of searching for the terms of peace among different ways of life.

7.2.2. Defending Value Pluralism under Rational Limits

In contrast to Gray's identification of Berlin's nominalism with relativist standpoint, Jonathan Riley sees Berlin as 'a liberal rationalist' rather than a liberal relativist. The anti-rationalist reading of Berlin's agonistic or tragic pluralism points out that human goods are not only incompatible but also incommensurable in a way that they cannot be rationally ranked when the conflict among these visions of good appears (Riley, 2001:283). According to Riley, since such a reading of Berlin's emphasis on the principle of incommensurability does not separate liberal values from illiberal ones, it confuses his moral pluralism with cultural relativism. Therefore, instead of adhering ourselves to Gray's relativistic reading of Berlin's agonistic liberalism which grounds freedom upon 'radical' or romantic choice among inherently incommensurable goods, the choice that is impossible to be governed by reason, the foundations of Berlin's moral pluralism should be searched in his commitment to rational choice (Riley, 2001: 284). For Riley, Berlin's definition of himself as a liberal rationalist in an interview with Jahanbegloo endorses his thesis about the rational limits of Berlin's value pluralism. In this interview, Berlin manifests his positive attitude towards reason by pointing out that 'I never said that I did not believe in 'reason'. But I simply do not understand what some philosophers mean by reason, which is for them a kind of magical eye, which sees non-empirical universal truths' (Riley, 2001:285). Yet, Riley's primary concern is not to locate Berlin's rationalism in a benign pluralism for which incommensurability may entail the rational comparisons of conflicting values (Riley, 2001: 283). Charles Larmore (1996) and William Galston (1999) attribute Berlin the doctrine of benign pluralism in order to avoid the radical

consequences of his moral pluralism. They both regard value pluralism as a comprehensive philosophical doctrine which provides a rational ground for “the actual structure of moral universe” by which we can have common moral horizon (Riley, 2002: 78). But, for Riley, in contrast to benign pluralism that does not endorse Berlin’s anti-rationalistic spirit of romanticism, the crucial and difficult task is to demonstrate the restrictions on Berlin’s agonistic pluralism, the restrictions that stem from his endorsement of imperfect rationalism.

In this respect, Riley argues that Berlin’s moral pluralism does not subvert his negative freedom. Rather, his derivation of the priority of negative freedom in a world of conflicting and irreducible values springs from the peculiarity of Berlin’s liberal rationalism. Such a genuine and liberal version of rationalism – which can also be called as imperfect rationalism – departs itself from aggressive mainstream rationalism of the Western world which inevitably results in state oppression. While mainstream rationalism – embedded in the Western rationalist tradition from the classical philosophers of Plato, Aristotle to the Enlightenment thinkers such as Rousseau, Kant, Fichte and Hegel – exaggerates the claims of reason in resolving the ethical and political conflicts, imperfect rationalism recognizes the true limits of reason and permits us to make agonizing choices (Riley, 2001: 284). Otherwise stated, in stark contrast to mainstream utopian rationalism which cultivates an overwhelming trust in the capacity of reason in finding out the supreme good for the human life, according to which the other goods can be rationally ranked, for imperfect rationalism, reason is too weak to reach the knowledge of the single ultimate value that might resolve the conflicts among incommensurable goods. In this sense, utopian rationalism should be left behind in the name of imperfect rationalism that makes room for an agonistic pluralism.

Nevertheless, according to Riley, Berlin’s departure from utopian rationalism – or departure from positive freedom – on behalf of moral pluralism does not necessarily mean that reason is completely helpless in realizing that negative freedom embedded in the institutionalization of the certain basic rights draws limits on the extent of plural and incommensurable choices that may be made

spontaneously by individuals or communities (Riley, 2001: 283-85). For him, Berlin never supports “unbridled” romanticism (Riley, 2001: 285). On the contrary, even though rational indeterminacy permits individuals or groups to choose freely whatever they wish, Berlin does not extend this indeterminacy to the point of choosing illiberal values. In other words, reason has enough capacity to provide us a common moral horizon on the grounds of negative freedom, by which the scope of moral pluralism is restricted in order to protect certain basic human rights. Therefore, for Riley, Berlin’s formulation of negative freedom does keep insistence on minimal liberalism as binding standard in the evaluation of the different choices of individuals or groups (Riley, 2002: 89). In short, Berlin’s moral pluralism does not defend unlimited cultural pluralism that sacrifices his commitment to the necessity of the establishment of a minimum area of non-intervention. Rather, Berlin advances limited cultural pluralism under the normative guidance of negative freedom which necessitates at least the protection of the basic individual rights (Riley, 2002: 90). It is for this reason that the protection of negative freedom is essential to make any political society minimally liberal or decent.

In line with Riley, George Crowder (2003) also objects to Gray’s relativist reading of Berlin’s agonistic pluralism. He claims that Berlin’s moral pluralism does not contradict with the universal defense of negative freedom. Indeed, the absolute priority of negative freedom is positively backed by Berlin’s thesis of incommensurability. According to Crowder, Gray wrongly extends the scope of incommensurability to cultures. On Gray’s view, cultures are incommensurable. However, for Crowder, it is not cultures but human goods that are incommensurable (Crowder, 2003). This is why the ‘argument from choice’ inherent in the principle of incommensurability can provide a strong reason for universalist reading of Berlin’s pluralism. Hence, like Riley, Crowder argues that Berlin’s view of incommensurability makes a room for reasoned or rational choice. Choosing among incommensurable goods is not necessarily to be irrational or arbitrary (Crowder, 2003).

At this point, Crowder also points out that Riley's appeal to Berlin's notion of the common moral horizon in the demonstration of the compatibility of pluralism and negative freedom is far too thin to reach conclusions on behalf of the protection of certain basic human rights (Crowder, 2003). For this reason, Riley's suggestion of a 'minimal liberalism' under the notion of common moral horizon is too general or abstract that most cultures or societies would comply to the content of it, including illiberal societies (Crowder, 2003). In this sense, neither Berlin's emphasis on common moral horizon, nor a common human nature as a Berlin's second main concept that refers to the universality of negative freedom may distinguish his moral pluralism from cultural relativism. They are both too weak to justify the priority of negative freedom. In sum, Berlin's criteria of a common moral and a common human core do not virtually exclude many societies in today's world which refuse giving absolute priority to freedom of choice.

In this respect, for Crowder, in order to overcome the problem concerning the justification of the value of choice, Berlin's agonistic pluralism should be articulated by the 'human capabilities' approach developed by Martha Nussbaum and Amartya Sen (Crowder, 2002: 462 ; 2003). For this approach, a good life for a human being necessitates the possession of certain virtues. Here, since Aristotle's account of *phronesis* or 'practical wisdom' shares Berlin's objection to Plato's rationalist monism, Aristotle's concept of practical reasoning can serve Berlin's very purpose as the reconciliation of value pluralism and freedom of choice. On this view, irreducible plurality of human goods does not mean that the choices among them would be necessarily irrational (Crowder, 2002: 462). It is true that value pluralism lets us to make tragic choices. In order to deal with that burden, it is necessary to cultivate certain virtues. If we have certain liberal virtues, value pluralism does not lead to irrational choices. That is to say, rational choice under the conditions of moral pluralism needs the possession of certain character traits (Crowder, 2003). More importantly, these virtues are best promoted by a liberal form of politics (Crowder, 2003: 468). Crowder defines these liberal virtues that are necessary for practical reasoning under the conditions of pluralism as

generosity, open-mindedness, realism, attentiveness and flexibility (Crowder, 2002: 468:69; 2003).

Nonetheless, I think, Crowder's attempt to articulate Berlin's negative model of freedom with certain virtues for overcoming the drawbacks of its moral pluralism is a futile attempt. Neither Riley nor Crowder's restructuring of Berlin's agonistic pluralism under the rational choice thesis can sustain the political conditions that give absolute priority to individual freedom. Otherwise stated, even if we interpret Berlin's value pluralism as a quest for rational choice – rather than a romantic orientation –, it is difficult to declare that such an attempt will justify the priority of the freedom of choice. For this reason, the destiny of individual freedom under rational choice thesis would not be different than that of romantic choice argument. This is because Berlin's moral pluralism is unable to transform itself into the language of political liberty in which the freedom of individual should be protected and promoted against any arbitrary interference springing from either the state or society.

Therefore, negative concept of freedom cannot accomplish its political task: the establishment of the maximum area of non-intervention in which individuals can act in accordance with their choices without any psychological or physical intervention coming from the state or society. Once more, the epistemic – nominalist and empiricist – foundations of negative freedom prevent it from articulating a plausible model for political liberty. As a matter of fact, negative model of freedom – no matter how it is grounded – can not exempt itself from collapsing into political absolutism if it would protect a minimum area of non-intervention for individuals. The necessity of political voluntarism is in conflict with the original argument of negative model of freedom.

Let me further clarify this point. It is obvious that the target of Berlin's negative model of freedom is the rationalism and scientism of Enlightenment. He is deeply skeptical about the claims of reason in demonstrating the normative standards in the classification of human goods. For Berlin, enlightenment rationalism identifies

freedom as individual's capacity for self-determination in accordance with the moral rules, the content of which is given by the reason. In the same manner, the followers of scientism promote the application of the laws found in natural sciences to the human world in order to cultivate the conditions for individual freedom. Nevertheless, Berlin's inversion thesis entails that even though both rationalism and scientism aim at the liberation of individual (in accordance with the dictates of reason or science), at the end, since it justifies state intervention into the choices of individuals in the name of the ultimate value, it speaks through an authoritarian or totalitarian political language. That is to say, rationalism or scientism has ended with political voluntarism, by which the will of whole sovereign body is legitimately allowed to determine the scope of freedom of choice according to the given knowledge of 'the supreme good'. According to Berlin, the paradigmatic example of Enlightenment rationalism that results in political voluntarism is Rousseau's notion of the General Will. From the perspective of Rousseau, negative freedom is nothing but animal license. But, human freedom lies in the formulation of freedom as autonomy which means individual's capacity to act in accordance with his authentic self. In political society, the General will as the will of the sovereign body becomes the representation of this authentic self. This is why nothing can prevent the state from forcing individuals to be free in the name of the general will, which is identical with their authentic self. Forcing individuals to act in accordance with the laws of the general will liberates their authentic will from the pressures of *amour-propre*. For Berlin, the same logic is also prevalent in Kant's hierarchical division between 'autonomous and heteronomous self' and in Comte's scientific method. In short, when the content of the freedom is determined by the positive laws of the sovereign body, since challenging the requirements of the sovereign will lowers the status of human beings to the level of beasts, whoever disobeys these laws deserves to be treated like an animal.

As I have expressed before, as an antidote to the voluntarist conclusions of Enlightenment rationalism, Berlin advocates negative freedom as a model for political liberty. Negative freedom aims for a protected space for individuals

where they can choose their own ends without the fear of interference by others – the state, the communities or other individuals. In order to accomplish its goals, negative freedom fosters the establishment of the frontier between private sphere and state authority maintained by the legal embodiment of the ‘absolute and inviolable’ rights of individuals. In line with this, negative notion of law is grounded upon the principle of neutrality, by which legal order does not seek to impose any conception of the good life upon its citizens. In short, by offering the institutionalization of the negative liberty under the discourse of inviolable rights and the principle of neutrality, Berlin tries to eliminate the risk of political voluntarism stemming from rationalism or scientism.

As I have emphasized at the beginning of my study, I completely agree with the political goal of the argument for negative freedom, for which the very purpose of the state should be the protection of individual’s freedom of choice against the incursions coming from public authorities and society. However, my argument is that negative model of freedom cannot accomplish its political goal because of its commitment to value-pluralism and to a very weak conception of law. It either prepares the way for political absolutism in protecting a minimum area of freedom – as in Hobbes’s nominalism – or it may not prevent the transmission of the conventional morality into the realm of law. Therefore, if Berlin insists on the incommensurability of cultures, his version of negative freedom do not provide any argument to preclude the easy entrance of the conventional moral norms that do not recognize the priority of individual freedom into the domain of law. These norms may even cultivate an urge to eliminate freedom of choice. Thus, Berlin’s tribute to negative freedom carries the similar risk of his political opponents in terms of perverting freedom into its opposite: oppression

As Hobbes’s work clearly displays, under the conditions of conflicting and incommensurable conceptions of good life, the only way to protect a minimum area of individual freedom is to establish an absolute sovereign whose decisions and judgments concerning the preservation of a minimum area of the freedom should not be liable or responsive to any sort of criticism. As I have examined

before in chapter four, since Locke objects to Hobbesian suggestion that nominalism inevitably culminates into the political absolutism, the main task of Locke's epistemic theory is defending the possibility of moral knowledge on the basis of nominalism which does renounce the possibility of the knowledge concerning the real essences of the substances. Otherwise stated, in contending with Hobbes's identification of nominalism with moral relativism, the natural right to property as the external manifestation of the law of nature occupies an indispensable role in the justification of Locke's objection to Hobbes. Not only does property give Locke opportunity to re-conceptualize the nominalist grounds of negative freedom within the rationalist boundaries of the law of nature, but it also provides the moral standard in limiting the scope of political power. However, as I have displayed in the fourth chapter, even Locke's appeal to the discourse of natural law may not escape from collapsing into a majoritarian voluntarism in determining the scope of the freedom of choice and the scope of law.

At this point, although Berlin shares with Locke's central fear of the unlimited political power, he does not approve Locke's trust in reason's power to demonstrate us the dictates of the natural law, according to which not only the actions of individuals, but also those of the states can be evaluated. In this sense, he sides with Hobbes's nominalist objection to the metaphysical pretensions of the classical and scholastic natural law tradition. But, if Berlin opposes to Locke's attempt to ground the negative freedom upon the discourse of natural rights by referring to its involvement with the monist tradition - , he faces with a dilemma: either Hobbes is right that the moral vacuum in human condition – due to the incommensurability of the goods – necessitates the absolute power if individuals seek to establish a minimum area of the freedom of choice, or Berlin should abandon his insistence on the political power limited by the principle of negative freedom.

It is essential to emphasize that such a dilemma also manifests itself in Berlin's ambivalent attitude towards the notion of free will and in his construction of the relationship between freedom and law. In his articles, 'From Hope and Fear Set

free' and 'Historical Inevitability', Berlin discusses the limits of defending the compatibility of determinism and freedom. For Berlin, Hobbes's determinist model that denies the possibility of free will fails to understand the distinctive place of freedom for human actions. In contrast to Hobbes's determinism, freedom should be seen as the distinctive character of human beings. Man is unique in terms of choosing and pursuing his purposes (Parekh, 1982: 212). Yet, by reducing human purposes and intentions to the effects of motion on the senses, Hobbes draws a distorted picture of the human condition in which the distinction between human and non-human loses its meaning (Galipeau, 1994: 40; 72). For Berlin, if the determinism of Hobbes were true, i.e., if man's decisions are determined by external factors, there would be no place for moral responsibility (Berlin, 1969: 64; Riley, 2002: 75). In other words, without the possibility of free will, it is meaningless to attribute responsibility to the actors for their acts (Galipeau, 1994: 76). Hence, determinism and freedom are incompatible.

In this sense, Berlin's conception of negative freedom departs from that of Hobbes in terms of his commitment to free will, but it unleashes to another dilemma at the same time. On the one hand, it seems that, like Kant, Berlin regards free will (*Willkuer*) as constitutive of human beings (Galipau, 1994: 76-86 ; Kenny, 2002?: 1029). On the other hand, he strongly rejects *a priori* formulation of free will (Kenny, 2000: 1029). Thus, he refrains from grounding the thesis of free will (Galipeau, 1994: 73). Therefore, while Locke, like Kant, identifies the liberty of man with the power of reason in suspending the determinations of the will, due to his antipathy of rationalism, Berlin refuses to follow Locke's rationalist approach to negative freedom. This is why Berlin cannot explain the source of our political obligation that stimulates the suspension in the determination of the will as such.

Berlin's definition of freedom as exemption from any necessity imposing a restraint on our actions seems to be contradictory on this issue. His position has to encounter with certain troubling questions: If he gives his support to the thesis of free will, why does his definition of negative freedom as the absence of obstacles to our actions carry an obvious Hobbesian foundation? Or, if Berlin opposes

reducing freedom to license for the sake of opening a place for free will or moral responsibility in the discourse of negative freedom, how can his commitment to the meta-ethical discourse of incommensurability (like Hobbes) ground the possibility of free will?

Here, I do not claim that Berlin should abandon the nominalist foundation of his definition of freedom on behalf of the free will. My problem is not with his nominalism that does not make a room for the free will argument. However, if he defends the consistency of his model of freedom, he should leave his endorsement of the free will thesis. But, such an attempt would not be easy to pursue from the position of Berlin because defending the compatibility of freedom and determinism will inevitably require the establishment of absolute political power in order to establish a minimum area of individual freedom. In short, Berlin's vision of free will is not critical enough to allow him to question the determinist framework of his model of freedom.

The other ambivalence in Berlin's commitment to the free will argument lies in his approach to the relationship between law and freedom. For Berlin, a political society should be founded upon negative model of freedom in order to set certain limitations to state action. By following Hobbes, he considers laws as a restriction on individual freedom. But, if this is the case, (if there should not be limits to individual's choices and actions) Berlin's position cannot answer to the question what factor prompts individuals to accept the laws of the state that bring restrictions on their individual freedom. Therefore, no political society can be simply established merely on negative liberty (Franco, 2003: 497-98 ; Parekh, 1982: 225-226). As Parekh argues rightly it is not clear how such a model of negative freedom can be sustained in political society (1982: 226). In sum, Berlin's Hobbesian approach to law is another manifestation of the inconsistency inherent in his model of the free will. Once again, there is no exit for Berlin other than accepting the necessity of political voluntarism in sustaining the conditions of the freedom of choice.

Let me clarify my criticism further. Hobbes's nominalism grounded upon the lack of any normative standard to evaluate rationally the rightness of the choices of man (in the state of nature) had challenged the metaphysical assumptions of the classical and scholastic rationalism and their understandings of freedom as 'virtue' and 'free will'. It is not to exaggerate to say that if Hobbes were alive, he would completely share Berlin's arguments against the metaphysical or speculative aspects of enlightenment rationalism. On the other hand, it is also true to say that if Hobbes were alive, he would be facing a difficulty in understanding how does Berlin's thesis which begins from the principle of incommensurability reach to the priority of individual freedom. Such theoretical difficulty would be deepened if Hobbes learned about Berlin's commitment to relativism – in the sense of the existence of moral vacuum – and his formulation of law as a fetter to freedom. In other words, Hobbes would be sure that Berlin's commitment to value pluralism is in serious need of deriving the individual freedom from the cause of peace that would be provided only by absolute political power.

As I have also explained in the chapter devoted to Locke's version of negative freedom (chapter: 4), the dilemma concerning Locke originates from his attempt to reconcile the nominalist foundations of negative freedom with limited political power. To this purpose, he is obliged himself to return to the rationalist tradition of the natural law with his theory of mixed modes and relations. Faced with the difficulty of grounding the priority of natural rights derived from the knowledge of the law of nature – stemming from nominalist grounds of his theory of mixed modes and relations that denounce the possibility of the knowability of the real essences of the substances – on a rationalist epistemology Locke turns to justify individual freedom under the scope of property. This theoretical shift in his version of negative freedom also brings the identification of freedom with reason, thereby regards law – natural or civil – as the enlargement of human liberty. But, even Locke, at the last instance, lays his confidence in the decision of majority consisting of property-holders in protecting and promoting the freedom of choice.

Coming back to Berlin, he does not participate in Locke's rationalist solution to overcome this theoretical impasse in grounding the absolute priority of rights under the epistemic boundaries of nominalism. Indeed, he accuses Locke by reference to his phrase 'where there is no law there is no freedom' – that defends the compatibility of freedom with legal coercion – of betraying the freedom of moderns, like his Jacobin and Marxist followers. Hence, Berlin does not concur with Locke's rationalist justification of the priority of individual freedom either. Nor he does recognize the role of property in grounding the priority of rights.

Actually, it can be reasonably argued that Berlin applies to the historicisms of Vico, Hamann and Herder in order to overcome this theoretical impasse in defending the superiority of individual freedom and value pluralism at the same time (Berlin, 2000). To avoid Hobbes's nominalism and determinism and to make a room for the freedom of will that cannot be determined by mere pressures of appetites, Berlin re-conceptualizes the thesis of free will by applying to the epistemic tools of historicism which enables him to depart from rationalist account of free will (as in the scholastic doctrine of free will or as in Kant's *a priori* foundation). He argues that our perception of the world is determined by the categories and concepts of our own understanding, which provides the sources of meaning for human actions and purposes (1956: 7-23). The spatio-temporal limits to our perception of the world spell out the distinctive character of man as historical being. The way we perceive the world is deeply linked with the meanings and experiences of particular historical era. Yet, this does not mean that we are just spectators of our historical era. Since the distinctive character of man lies in his capacity for autonomy and since the will of man has the power to pursue his own purposes, he is also active participant in making of historical experiences.

Nevertheless, such effort to overcome the theoretical impasse in grounding the priority of individual freedom on value pluralism by applying to historicism does not prevent the relativist consequences of his commitment to moral pluralism. Rather, adding 'history' as a new element deepens the fundamental problem of Berlin's version of negative freedom concerning the defense of the universality of

the rights. His sympathy for historicism is clear in his reading of Vico's stress on the differences of historical perspective and of Herder's emphasis on the particularity of cultures. This brings the identification of negative freedom with particular historical experience of certain societies (Crowder, 2003: 337 ; Gray, 2000). Actually, at first sight, Berlin's justification of the priority of individual freedom as referring to the history of Western societies seems to work at the cost of withdrawing from his original claim about the universality of negative freedom for the whole world, freedom that is necessary not only for Oxford philosopher but also for the Egyptian peasant. But, despite his historicist supplement, I still cast doubt on the validity of his thesis about the compatibility of value pluralism and individual freedom even for the Western societies. This doubt arises especially when we consider Berlin's fundamental commitment to the meta-ethical discourse of incommensurability which not only marks the impossibility of any rational normative standard – like, 'categorical imperative' or 'natural law' – but also entails the belief that the meanings, symbols and standards of any particular moral system would be subjected to radical disagreement among its members. In other words, incommensurability is not only among unified cultures, but also among the members of same culture. Otherwise stated, even for the Western societies, the historicist argument does not provide any normative guarantee to ground the priority of the freedom of choice if the principle of incommensurability is not left aside. Hence, Berlin's commitment to incommensurability undermines his historicist justification in deriving the value of freedom. This is because, from the standpoint of incommensurability, it is always possible to encounter with conceptions of good – at the individual or community level – that seriously challenge the superiority of negative freedom as a normative standard in defining human freedom as such.

In this respect, I agree with John Gray's claim that Berlin's argument beginning from value pluralism and ending in individual freedom fails (Gray, 2000). Therefore, if Berlin insists on value pluralism, negative freedom should turn out to be *modus vivendi* ideal at the cost of sacrificing individual freedom. But, if Berlin does keep his faith in the protection of individual freedom, Hobbes's *Leviathan*

will be the sole alternative for the establishment of a protected area of non-intervention for individuals. In either case, his version of negative freedom cannot accomplish its political goal as the restriction of political power for the establishment of a maximum area of non-intervention for individual choices.

7.3. Taking Freedom as Autonomy Seriously

Failure of negative freedom in the operation of deriving priority of individual freedom from value pluralism can be identified in terms of its three fundamental features:

- 1) Nominalism as its epistemological core
- 2) Formulation of law as the major impediment to freedom
- 3) The persistent oscillation between determinism and free will

1) The merit of nominalism comes from its challenge to the metaphysical demands of rationalism, whether it is the classical, scholastic or enlightenment version. Nominalism draws limits to the claims of human understanding. By building epistemic restrictions on the claims of reason, nominalism also aims to prevent politically voluntarist consequences of enlightenment rationalism. However, in the light of the central belief in the incommensurability of goods, values and ideas, nominalism does not give us any reason to recognize the priority of individual's right to choose. This is why nominalist grounds of negative freedom do not provide any normative constraints to prevent the authoritarian claims of conceptions of the good life which does not recognize the priority of individual freedom.

2) Nor Berlin's formulation of law as a restriction to freedom does have sufficient legal constraints to eliminate the risk of transmission of one particular conception of the good life into the domain of law *via* the conquest of political power. Freedom as non-intervention represents each legal regulation as an encroachment on individual's right to pursue his ends without any obstacle. In other words, this conception of freedom does not discriminate between different types of encroachment. Individual's relation to the positive laws of political society is seen as externally constituted. Such an understanding of law does not legitimize necessary restrictions on individual's ends because when an individual

is prevented from pursuing his ends, Berlin regards it as an immediate loss of liberty. Actually, this impotence of negative conception of law may also lead to two unavoidable results which may not prevent the imposition of one man's arbitrary will on another. First, once we conceptualize the relationship between law and freedom in this way, as Parekh rightly argues, there is no normative restriction for questioning the legitimacy of law which prohibits and criminalizes a person raping another, or murdering a child (1982: 226). Second, apart from questioning the legitimacy of existing laws by anarchist individuals who do not recognize any normative limits to their actions and choices, the legitimacy of such laws can also be questioned by dogmatic individuals who may regard the priority of individual freedom as an obstacle to advancing their own particularistic conception of good. In either challenge, the formulation of the relationship between law and freedom does not ground the limits to individual freedom on the basis of the right. For this reason, the justification of the value of freedom by referring to the incommensurability of the goods inevitably calls for legal pluralism which does not seem to be a viable under the conditions of legal formalism.

3) Although Berlin criticizes Hobbes's thesis about the compatibility of determinism and freedom in terms of not making a room for free will, it is doubtful whether his own definition of freedom as the absence of obstacles to action may presuppose the possibility of an unconditioned choice. Rather, it is fair to say that Berlin's vision of freedom can only defend the possibility of uncoerced choice. As I have expressed in the previous section, Berlin's appeal to historicism for overcoming this theoretical impasse of negative freedom between Hobbes's determinism (which denies the possibility of free will) and Locke's rationalism (which presupposes the reason's capacity to suspend the determination of will) does not work in creating a space for free will. Even if Berlin's historicism considers men as active participants in the creation of norms (which have particular meanings and validity in their historical moment) and even if Berlin enriches his historicism by appeal to Vico's concept 'imaginative sympathy' (which emphasizes the capacity of man as historical being in learning from other particular histories or cultures), it is extremely difficult to cultivate the belief that

‘imaginative sympathy’ will enable man to question the norms of a given culture. If this is the case, I want to argue that Berlin’s formulation of negative freedom does not rule out historical determinism through which men are expected to act in accordance with given norms of symbolic world and the historicity and plurality of these norms may override the priority of freedom sought by Berlin.

As a result, it is obvious that neither Riley’s optimism about the very possibility of a common moral horizon nor Crowder’s appeal to the discourse of virtues serve to substantiate the priority of individual freedom under the epistemic and normative boundaries of the thesis of value pluralism. I think, in order to overcome Berlin’s theoretical impasse in substantiating the priority of the right over the good, we need to take the ideal of autonomy very seriously. Putting it differently, if we consider the goal of political society as the establishment of protected area for individual by the institutionalization of rights, there are very good reasons to take into account the advantages of freedom as autonomy in terms of its solid epistemic grounds and the concomitant conception of law. This is not to say that Berlin’s identification of autonomy with the metaphysics of enlightenment rationalism is not true. Rather, it is to say that even if his depiction of autonomy were accepted as valid, it is vital to consider the advantages of autonomy for the sake of protecting freedom of moderns in the face of the obvious weaknesses of negative freedom which have been outlined so far. Otherwise stated, the relative superiority of autonomy should be recognized.

Above all, as Gray points out, political horizon of autonomy cannot be reduced to a single pattern concerning the objective truths (Gray, 1986: 59:60). Though he is not a proponent of freedom as autonomy, he claims that autonomy carries the potentiality for open formulation as free exercise of the human intelligence which avoids falling into the rationalist metaphysics to which Berlin objects (Gray, 1986: 61). In a similar way, Macpherson maintains that Berlin fails to differentiate between a self-direction and the idealist or rationalist versions of self-mastery (Macpherson, 1973: 111). While Gray relies on the deficiency of Berlin’s distinction between negative and positive notions of freedom to problematize the

universalist claims of negative freedom and while Macpherson deploys autonomy as self-direction to defend his own thesis of ‘developmental liberty’, my endeavor is distinguished from them in the following manner: substantiating the non-metaphysical aspect of autonomy in dealing with the problem of interference with the choices of individuals originating not only from the universalist claims of enlightenment rationalism, but also the relativist claims of historicism and concomitant romanticism.

What are the advantages of non-metaphysical version of autonomy vis-à-vis negative freedom in grounding the priority of the right over the good? I want to identify three points of superiority. In other words, contrary to Berlin’s obvious failure, autonomy’s success in justifying the priority of individual freedom can be substantiated in three fundamental positions:

- 1) Critical rationalism as its epistemic ground
- 2) The task of law understood as the protection and promotion of individual autonomy
- 3) Its well-founded and reasonable opposition to two major versions of determinism

7.3.1. Critical Rationalism of Freedom as Autonomy

In the first place, critical rationalism sides with the nominalism of negative freedom in denouncing the possibility of knowledge concerning the essences of the substances. Moreover, in contrast to Berlin’s reductionist account, the ideal of autonomy indeed condemns the illegitimate claims of enlightenment scientism upon the human world. In other words, critical rationalism does recognize the fundamental distinction between *scienza* (scientific knowledge) and *coscienza* (matters of conscience). Critical rationalism enables us to challenge not only the rationalist dogmatism of enlightenment thought, but also to resist the historicist relativism of negative freedom. That is to say, epistemic grounds of autonomy are able to maintain obstacles to the metaphysical demands of historicism. For Berlin, only the claims of reason cultivate a metaphysical outlook to be condemned, yet I think the historicist alternative too makes individuals vulnerable to the claims of

another set of metaphysical assumptions which may also end up in intervening into the choices of individuals legitimized by reference to one's culture, religion, past etc. The rule of thumb for autonomy is that the goal of the political power should be the protection of the individual's 'autonomy as a fundamental right'. Each individual should be left to govern his life in accordance with his choices as long as he respects the autonomy of other individuals. Neither the state in the name of rationalist objectivism, nor the community for the sake of advancing particular world-views should interfere with the autonomous choices of individuals. The ideal of autonomy does not require the detachment of individuals from the power of traditions in which they find the meaning and direction of their life. Thanks to critical rationalism as its epistemic standpoint, ideal of autonomy invites us to question the conceptions of good life we encounter. Each individual should have the right to question the norms, values and the symbols of his community. The ideal of autonomy persistently warns us about the danger that intervening to the choices of individuals brings the relations of dependence. As Richard Dagger excellently points out the central element in the ideal of autonomy is the fear of dependence whether originating from the state, community and other individuals (1997: 15). Independence as the core moral element embedded in the ideal of autonomy necessitates the elimination of subjection to the state, community and other individual's choices. Therefore, autonomy should be the major principle of right and its priority over the notion of negative freedom should be recognized.

7.3.2. Law as the Condition of Freedom

The second theoretical superiority of autonomy lies in its conception of law as a condition of individual freedom instead of an obstacle to it. In other words, law is not conceptualized as an 'impediment' to freedom, but as necessary condition of it. Autonomy as a fundamental right provides the solid normative measure for the law's regulation of the external relations among individuals. For this reason, freedom as autonomy enables us to distinguish between the legitimate and illegitimate state intervention, because as the universal principle of right it suggests drawing strict limits to state intervention. Yet, at the same time autonomy legitimizes a space for state intervention because no one can be let to act according

to his arbitrary will. Autonomy is an antidote for arbitrariness and licentiousness as problems created by modern individuality, but also as problems that cannot be solved by advantages of negative freedom. In this sense, the state has the right to interfere with the choices of individuals in order to protect autonomy of each citizen. In line with this, citizens can be forced by the state not to interfere with the choices of other citizens. Autonomy as the fundamental right calls for the public power and legal restrictions to guarantee the external freedom of each citizen from threat by another. Briefly, if we consider autonomy as the constituent element of any political embodiment, positive laws should not be regarded as the enemies of our freedom. Rather, clear boundaries of intervention and non-intervention are acknowledged in a way much better than in the paradigm of negative freedom.

7.3.3. Autonomy versus Determinism

Third, contrary to what Berlin has presented, autonomy as a fundamental right accommodates a certain amount of the right to be different without dissolving political society into a federation of competing ways of life. This advantage of autonomy compared to negative freedom originates from its opposition to two sorts of determinism, namely natural and historical. In the case of the former, autonomy presupposes man's capacity to determine his actions independently from the pressures of natural forces and inclinations. In the case of the latter, autonomy also indicates man's capacity to question the prescriptive practices of his own society. Hence, autonomy serves to minimize dependence of man's choices on arbitrary natural forces and historical/cultural circumstances.

As a result, the principle of autonomy recognizes negative freedom's nominalist challenge to the classical and the scholastic rationalism and Enlightenment scientism. Moreover, like negative freedom, it also admits the possibility of disagreements among individuals about the conceptions of the good life. However, autonomy trumps negative freedom by grounding the task of political society in the cause of individual freedom rather than that of peace. This was the achievement of autonomy – finds its roots in Rousseau and Kant's moral and political theories – criticizing relativist grounds of negative freedom in general,

and its historicist and romanticist extensions in Berlin's model. Let me now return to the context of Turkish polity by reference to distinctions I have made so far.

7.4. The Reflections of the Dilemmas of Negative Freedom upon Turkish Political Context

In the last two decades, the debate over the reconstruction of relations between the state and individual has been at the center of the public life in Turkey. In all central public debates on secularism, privatization, Kurdish ethno-nationalism and so on, it is not difficult to see *the bifurcation of Turkish polity* between the claims of republican front and that of liberal front. While the followers of the republicanism have defended the republican way of life as the exclusive source and condition of individual freedom in Turkey, the representatives of liberal front have deployed the ideals of negative freedom in order to open a protected space for individuals in which everyone may choose his values without any state intervention understood as the imposition of republican values. Otherwise stated, republicans have argued that in the name of the liberation of citizens, the state ought to interfere with the values of individuals. The ethos of the state, which takes its legitimacy from the foundational ideals, should have a priority over the contingent choices of citizens. In order to protect the republican way of life against the imperialist or divergent claims of the other conceptions of the good life, the freedom of choice should be submerged in the sacredness of the ethical world-view of the state. Thus, republican conception of the good life as the representative of the *volonte generale* should be protected and promoted by the legal rules and constitutional decisions which may outlaw the legitimate pursuit of other ways of life. Republicans have endorsed the bans in laws concerning certain alternative conceptions of the good life, which have been regarded as dangerous to the 'indivisible unity of the state with its nation' and 'laic pillar of the state'. Every choice of the citizen should be subordinated to the ethos of the general will. The very meaning of being citizen lies in the complete renunciation of particular ways of life on behalf of the republican way of life. In brief, republican front has envisaged a polity which does trust in the state intervention in advancing a republican way of life rather than

citizens themselves. Thus, there remains no place for the language of the limits for state intervention in the current discourse of republican ethos.

In contrast to the strong interventionist thesis of the republican front, liberals have contended that a democratic state should maintain certain norms of non-interference for letting individuals choose their particular values without the fear of doing something unlawful. Only in this way can citizens limit state power and protect their private choices from arbitrary state intrusion. In this sense, the very purpose of appealing to the epistemic and legal tools of negative freedom has been to rule out state interference for the main project of allowing citizens to shape their lives freely. Therefore, this front has an essentially negative attitude toward the state, persistently pointing out the need for absolute restrictions on the power of the state and law.

The devotees of liberal front in Turkey have always emphasized the embedded status of the citizens in their particular world-views, in contrast to the republican project which has aimed at constructing an abstract and disembodied citizen through devoting them to the republican ethos. They have tended to underline the value of being a member of the specific historical and religious groups, again by contrast to the republican argument which has insisted on the value of being citizen as the ultimate bearer of republican ideals. The proponents of negative freedom have criticized republican ethos for its indifference to historical and local constitution of the self, its belief in the primacy of the state and its enlightenment dogmatism. For this reason, by promoting the classical liberal view of freedom, they have suggested a new social contract grounded upon the co-existence of the different conceptions of the good life against the totalizing threat of republican world-view. To create a legitimate place for other world-views in society, according to the advocates of negative freedom, two things should be promoted. First, by the institutionalization of the basic individual rights, negative freedom will allow individuals to identify different world-views as good, right and sacred without the fear of intervention. Second, by its normative commitment to the principle of neutrality, negative freedom rules out the legislation of the republican

morality aiming imposition of certain values which are also partial. Their motto about such demand can be formulated as: no one can be forced to be republican. The state should be neutral to the claims of particular world-views including republicanism. In brief, liberal front has an endeavor to establish a thick boundary between the state and individual's private sphere.

On the other hand, faced with the challenges of particularistic cultural and religious world-views which become to be revitalized due to the devaluation of the political and normative ideals of the enlightenment, republicans in Turkey have preferred to protect the foundational ideals of the state by applying to the substantial meaning of the state sovereignty, and even nationalism more recently through which the proponents of particular cultural and religious world-views have been classified as the 'enemies' of the republican regime. It is frequently declared that they threaten the 'indivisible unity of the state with its nation' and 'laic pillar of the state' in our country. The substantial understanding of the state sovereignty manifests itself in the discourse of "militant democracy" which cultivates the normative belief in the national independence, culturally and ethnically homogenous nation and the necessity of militant attitude in defending existing regime. According to this proposal, the laws of the state should be regulated under the normative commitments of the militant democracy in order to protect the republic's unitary and laic principles from the "external and internal enemies". As a result, republican front has proposed introducing an authoritarian form of democracy from above in which the state determines the scope of the freedom of choice in accordance with the already decided normative dictates of militant democracy.

Liberal front's commitment to the negative concept of freedom has an historical precedent if we take into account the interventionist nature of the Turkish state, normative boundaries of which have been determined in accordance with the peculiar synthesis of the enlightenment rationalism (in which Comte's positivism has been attached to Rousseau's voluntarism). This commitment to negative freedom can be seen promising in favor of the establishment of the protected space

within which citizens can shape freely their lives without the fear of interference coming from the State, which has the general propensity in subordinating the preferences of citizens to the secular and national morality of it.

At this point, as I have said before, I completely agree with the proponents of negative freedom in their skeptic and agnostic attitude towards the metaphysical claims of enlightenment rationalism and scientism which may result in the denial of the freedom of choice and thereby may turn into the legitimization of oppressive political authority. In other words, the appeal to epistemic and legal tools of negative freedom has stemmed from the awareness concerning the destructive results of the rationalist monism in suggesting arbitrary restrictions on freedom of choice by the state power. For this reason, I concur with liberal conviction that the very purpose of the state should be the protection of individual freedom against arbitrary interference coming from public authority. No doubt that protecting individuals against the arbitrary interference of the state requires two major legal instruments: First, the establishment of protected space for individuals necessitates the institutionalization of the basic rights which builds strong barriers to the incursion of the state into the private domain of individuals. Second, the principle of neutrality rules out the possibility of any state intervention in the name of legislating morality. As a result, the goal of political obligation should be the establishment of a maximal sphere of action within which it should be up to each individual to pursue his own values provided that he does not violate the similar right of others.

In the last two decades, as I have pinpointed in the chapter 2, we have witnessed the deployment of two basic models of negative freedom – neo-liberal model and pluralist model– in the name of the recognition of the individual’s right to choose his particular cultural and religious identities, such as Islamic and Kurdish. The analysis of the argument of the first model which establishes philosophically rigorous connection between free-market economy and the freedom of choice was out of the scope of my study. Throughout the study, I have investigated the epistemic grounds and the conceptions of law in the pluralist model that justifies

the priority of individual freedom on the basis of the meta-ethical thesis of value pluralism. I have claimed that the freedom of choice on the basis of value pluralism cannot be justified.

At this point, let me clarify my criticism further. As I have emphasized repeatedly, I agree with the ideas of the proponents of pluralist model who underscore the limits of human reason in the resolution of the human goods, ends and ideals. It is true that the citizens of a modern state may disagree in their approaches to the answer of the question ‘what are the normative standards of the good life?’ Therefore, I also side with their beginning assumption that a modern state should be founded upon the toleration of the individual’s right to choose his cultural, religious and philosophical world-views. Modern citizens should have the right to be members of the different religious and cultural communities which satisfy their need for belongingness.

Yet, my argument is that for such a political society to be intelligible by its citizens, liberals should, at least, recognize the minimum standards of negative freedom by which citizens can have the right to question the basic norms of their world-views. This requires the recognition of the priority of the right over the good by the members of any particular conception of the good life. In other words, the members of particular world-views should not be completely identified with and be enclosed by the norms of them. Otherwise stated, the protection of the priority of individual rights necessitates the establishment of two domains independently from these particular world-views: one is the domain of law and the other is the domain of public education. In this sense, the communities and their particular members should not challenge the regulation of these domains on the grounds of negative freedom, because the norms and standards generated by such communities are irrelevant to these domains.

In this thesis, I have argued that negative freedom argument cannot protect the independence of these two realms in contrast to the challenges of particular world-views which do not identify themselves with the epistemic and normative priorities

of negative freedom. This is because negative freedom cultivates a radical commitment to the meta-ethical thesis of value pluralism. Now, let me consider the principle of incommensurability by applying it to two different levels: namely, individual and community.

When we apply the thesis of incommensurability of the goods at the level of individual, it is possible to face with two kinds of selves: one is flexible that does not feel any particular attachment to any particular world-view and its prescriptive rules. The other one may be called as the dogmatic self because of its unquestionable commitment to the norms of a particular world-view. If we take into account the condition of moral vacuum that is presupposed by the thesis of nominalism and if we consider the definition of law as a restriction on individual freedom, what would prompt individuals to accept political liberty that is grounded upon the priorities of negative freedom? How would the state authority explain the necessity of the laws that restrict the actions of flexible self? More importantly, how would the political power legitimize the bans concerning the commitments of the dogmatic self?

Coming back to the level of the community, facing with two main kinds – modest and offensive – is highly probable. In this case of the former, how would the public power justify its arguments against the exception demands of modest communities for the domains of law and education? In the case of the latter, what would prevent the offensive community from gaining political power and imposing its conception of the good upon the rest of political society by transforming this conception into legal norms?

To ground the priority of rights over the conceptions of good, Turkish defenders of value pluralism followed the line of thinking suggested by Berlin's 'imaginative sympathy' or Riley's trust in liberal virtues and proposed to rely on the cultivation of empathy which entails to understand the other from within his world-view without pacifying. Nevertheless, as I have already demonstrated that such subjective feelings do not provide an intersubjective guarantee and they are

theoretically too weak to make a case for the creation of common moral horizon among the citizens on behalf of the freedom of choice.

Hence, negative formulation of freedom is a self-defeating project in terms of grounding the priority of individual freedom. Although it seems to allow too much room for individual discretion and choice by putting absolute limits to the political power at the beginning, at the end of the story, it cannot leave enough room for the freedom of choice due to its theoretical incapacity to prevent the dissemination of the conventional moral norms into the realm of law.

As I have declared at the beginning of the thesis, the inspiration for my research came when I have encountered with a question together with a suspicion. As the attraction of value pluralism under the epistemic boundaries of negative freedom has become prevalent in the last two decades of Turkish intellectual and public debates calling for the recognition of individual's right to choose his own values without the fear of interference coming from the state, I have asked whether negative freedom's belief in the meta-ethical thesis of value pluralism will be able to ground the absolute priority of individual freedom in a theoretically satisfying way. Until now, I have demonstrated that negative freedom theoretically is not capable of justifying the priority of 'right' to 'the good' in terms of its relativist grounds. Therefore, despite the opposite thesis of liberal front, pluralist model cannot be a good model for the solution to the problem of political liberty that should institutionalize necessary legal rights to protect individuals from the arbitrary interference stemming from the state and other individuals. Ironically and paradoxically, as I have demonstrated in Hobbes's version of negative freedom, the nominalist grounds of negative freedom calls for the establishment of absolute political power in order to guarantee, (at least), a minimum protected area of non-intervention for the actions of individuals. But, if liberal front does not fall into the trap of political absolutism by insisting on the incommensurability of cultures, then, they face the serious difficulty of not providing any political and legal instrument to prevent the transmission of human goods into the domain of law. And these conceptions may not recognize the freedom of choice as the freedom of

choice as the ultimate value. Due to its radical perspectivism and relativism, negative freedom cannot accomplish its original political goal of restricting political power in order to establish a legally protected space for freedom as non-intervention.

At the beginning of the first chapter, I have referred to the valorization of the Ottoman millet system in the last two decades by reference to its plural and multicultural setting in contrast to the Unitarian and secular political principles of the republic. The identification of freedom with reason in the program of enlightenment scientism might end up with the authoritarian and interventionist state mentality in the Turkish experience of modernity. However, if we want to insist on the priority of individual's right to challenge the cultural norms of his community, we should understand that the Ottoman millet system as consisting of closed sectarian belief-systems cannot constitute a viable political model for modern era, the era that is distinguished as the era of individuality and the era of spontaneity.

CHAPTER 8

CONCLUSION

Let me tell you my version of the negative freedom which has been traced back to the emergence of a new human condition as a result of the destruction of classical and scholastic formulations of human freedom, 'virtue' and 'free will', which have cultivated a strong confidence in the power of human reason in revealing us the knowledge of the supreme good. The new human condition, under the anti-foundationalist epistemology of nominalism, has also brought the relativisation of human goods and choices. For moderns, every value and every criterion of good and evil springs from the human will itself.

Within these normative and epistemic boundaries of rational indeterminacy, Hobbes formulates a new conception of freedom as the absence of external impediments to motion. For him, due to the impossibility of knowing the supreme good, the only remaining yardstick for us to determine whether one is free or not, lies in the absence of external impediment to his actions. For this reason, our freedom consists in *those things, which by his strength and wit he is able to do, is not hindered to do what he has a will to* (1997: 159). Therefore, one should be considered free when his voluntary actions are not hindered by an outside intervention. If something physically opposes the voluntary action of someone, then, nobody can talk about the existence of freedom about this person.

For Hobbes, insisting on the metaphysical claims of 'virtue' and 'free will' is nothing but a quest for *ignes fatui* among the relations of man which brings contention, sedition and contempt. The speculative claims of reason (such as belief in the rational intelligibility of virtue and free will) cannot cultivate the cause of peace among us. Actually, if reason alone had such a capacity in demonstrating us the knowledge of the supreme good, there would be no need for political co-

existence. However, since reason has not such a power, the permanent clash of the ideas among men is an inevitable outcome of a new human condition.

Under the conditions of modernity, neither Aristotle's nor Thomas's conceptions of *zoon politikon* may sustain the necessary conditions for the co-existence of man. The mere possibility of human togetherness within the normative and epistemic restrictions of nominalism is the establishment of political society on the basis of 'civil doctrine' which declares that the worst evil is the intervention into individual's voluntary actions by other individuals. This is why, the only remaining option for the peaceful co-existence of human beings is the recognition of the consequentialist language of civil doctrine which requires preventing the dissemination of the first-person standpoint into the realms of law and public education. Otherwise, under the epistemic constraints of nominalism, the relativist consequences of negative freedom are nothing but a 'trumpet to war and sedition' among men, because nominalism denies the possibility of an Archimedean point.

At this point, the originality of Hobbes stems from his endorsement of the necessity for an absolute political power in the foundation of co-existence that would bring a stable peace among citizens. In this way, individuals may benefit from the fruits of their negative freedom without the fear of interference coming from the other individuals. Therefore, it is necessary to emphasize that although Hobbes has a firm commitment to the epistemic claims of negative freedom as the mere source of peace, his insistence on a strong and unlimited authority originates from his outstanding awareness concerning the perils of negative freedom. In this respect, his transition from unlimited nature of negative freedom to unlimited political power is somehow contradictory, but not paradoxical. Nevertheless, as I have demonstrated in Chapter four, the paradox in Hobbes arises when his version of negative freedom is associated with the metaphysical (foundationalist) turn to the capacity of reason in discovering the laws of nature as the articles of the co-existence, because the epistemic constraints of nominalism do not allow such capacity to reason.

It is due to this paradox that the first oscillation of negative freedom appears: On the one hand, in the light of the nominalist epistemology, human reason has nothing to do with the derivation of the priority of the civil doctrine over the conceptions of good. Nominalism represents the departure from the doctrine of medieval natural law which cultivated a substantial trust in the power of reason, the power through which we can attain the knowledge of the supreme good, according to which we can have the hierarchy of the norms. On the other hand, negative freedom, paradoxically, appeals to the help of reason to ground the priority of civil doctrine under the language of natural law. Through a peculiar transplantation of natural law into negative freedom, Hobbes aims to oblige man *in foro interno* to the principles of civil doctrine. In this respect, the task of the laws of nature is twofold: to oblige men horizontally to respect the negative freedom of their fellows and to oblige man vertically not to interfere with negative freedom of an arbitrator as the third party. Yet this is an extremely difficult (even impossible) task to be accomplished given the boundaries of nominalism. Actually, Hobbes himself seems to be aware of this difficulty and this is why the fear of death as *summum malum* (as the privileged passion among others) takes the place of natural law in sustaining the political conditions necessary for the protection of the freedom of choice. Unfortunately, at the last instance, even the fear may prevent the transformation of a given body politic into the federation of incommensurable world-views. Instead of deriving the cause of peace from the priority of negative freedom, indeed, the cause of peace pays lip service to the sacrifice of negative freedom.

As I have expressed throughout the dissertation, this oscillation – and the other possible oscillations in the history of negative freedom – reflects the substantial (not accidental) difficulty of employing negative freedom in justifying the priority of right as a political freedom.

Hobbes's *petitio principii* is not a mere example in the history of negative freedom. As I have demonstrated in Chapter five, Locke has also applied to the help of reason in grounding the priority of the right under the nominalist

constraints of negative freedom. His solicitation for the power of reason is not to pay lip service to create moral obligation for the civil laws of the absolute authority – as in Hobbes’s case – but to pave the way for the restriction of the political power. Apart from preventing the interference of individuals with the choices of others, the fundamental evil which Locke most worries about is the excess of political power. His major task is to identify a normative standard both for man and the state which is capable of ruling out the possibility of “might makes right”. Therefore, while Locke commits to the nominalist achievements of negative freedom that allow individuals to regulate their lives as they see fit, he aims to construct a foundation for negative freedom in such a way that there is no necessity for absolute authority. In short, it is on the same nominalist grounds of Hobbes’s view of freedom that Locke opposes Hobbes’s political absolutism which was nothing but a solution to the problem of moral relativism and subjectivism.

In this respect, although Locke follows anti-foundationalist aspects of nominalism in undermining the metaphysical orthodoxies and hierarchies of the medieval natural law, his concomitant epistemological project of drawing certain limits to the metaphysical claims of human understanding suggests a hope in the capacity of reason for formulating moral knowledge from which we can derive the natural law. Thus, even under the nominalist constraints, Locke claims that human reason is not necessarily restricted to the search for the truth of peace. Instead, it has potential to give us the truth of moral knowledge according to which we can substantiate the priority of the right. Therefore, after the destruction of the metaphysical illusions of scholastic doctrine of natural law, human reason still maintains a capacity in leading us towards the peaceful co-existence in the light of normative natural rights without the need for an absolute sovereign. Otherwise put, while we may enjoy our freedom as license (which became possible for moderns with the denial of the speculative knowledge on immutable and unchanging essence of either the cosmic or divine order), as rational creatures, we can attain the knowledge of the law of nature, which determines not only our natural rights – life, liberty and estate – but also our natural obligations toward others.

As I have pointed out in Chapter Five, Locke's category of 'mixed modes and relations' as a dimension of the complex ideas of human understanding referring to moral, social and legal terms plays the central role in demonstrating the possibility of moral knowledge under nominalist constraints. Nevertheless, Locke's attempt to give solid foundation to negative freedom by employing the category of mixed ideas and relations is not without shortcomings in terms of sacrificing individual freedom. Even if we accept that reason (under the category of mixed modes and relations) demonstrates theoretical validity of moral knowledge, it is difficult to find, practically, the source of our obligation to that knowledge. Indeed, Locke himself is aware of this difficulty of his attempt to grounding the priority of right on reason alone under the epistemic constraints of nominalism. That difficulty which has ended up in dropping his trust in the power of unaided reason led him to search the justification of the natural law in the "reasonableness of Christianity".

At this juncture, in the revitalization of the trust on reason in Locke's moral and political theory, no doubt that property has played the central role. Property has the potential in the accomplishment of two goals in Lockean model of negative freedom. They both discredit the realist grounds of medieval natural law on the one hand, and the relativist consequences of Hobbes's nominalism on the other. Property as a natural right – in contrast to medieval natural law – acknowledges the diversity, or plurality in the conceptions of goods according to which individuals pursue different courses in their life. On the other hand, property as the substratum – in contrast to Hobbes's nominalism – determines certain limits to freedom as license. Therefore, property as a materialization of the natural law determines both internal and external limits to our negative freedom, by which we can learn our natural obligations valid not only for ourselves but also for the others.

Yet once again, the story of negative freedom fails in grounding the priority of right over the good. In this sense, at first sight, theory of property may support Locke's trust in reason's capacity for the co-existence of negative freedoms without calling for Hobbes's *Leviathan*. However, in the last instance, property

argument suffers from a different kind of deficiency in introducing a majoritarian decisionism which will determine the limits of freedom arbitrarily. As I have demonstrated in Chapter Five, neither Locke's consent theory, nor his recognition of the right to revolt may rule out the arbitrary determination of the scope of individual freedom. His consent theory and his endorsement of the right to revolt are only valid for the violation of individual's natural right for property in a narrower sense. This is why, Locke's political theory does not provide any mechanism to prevent the dissemination of any partial world-view into civil laws. For him, unless civil laws violate the right to estate, partiality is not a problem.⁴⁹ As a result, in terms of grounding the superiority of the right over the good, the Lockean political order may be as uncertain as Hobbes's *Leviathan* due to its vulnerability to the voluntarism of property-holders.

The political order grounded upon the epistemic constraints of negative freedom has no normative standpoint and legal mechanism allowing us to criticize or challenge those human goods, values and choices which are at odds with the priorities of negative freedom. Whatever an individual prefers is seen as immune from any moral criticism. That is why, neither the cause of peaceful co-existence, nor the recognition of property as the basic right is capable of defending the priority of negative freedom to alternative conceptions of goods and values.

In the history of modern political thought, not everyone has been persuaded by the relativist ramifications of negative freedom which may result in sacrificing individual freedom. To compensate for this deficiency, Rousseau has offered 'freedom as non-dependency' which makes a categorical distinction between moral freedom as a man's capacity for self-direction in accordance with laws that he prescribes for himself and natural freedom as being able to do what he wills to do without interference. Freedom Rousseau was talking about was completely distinct from negative freedom which has been defended by previous political thinkers almost two centuries. It was essential for Rousseau that no citizen of political society should be dependent on another's will. The very task of political

⁴⁹ In Locke's favorite society, no doubt that this is Protestantism that may outlaw both Atheism and Catholicism.

society was to overcome this problem of dependence stemming from social and economic inequalities. This task could be realized if, and only if, every citizen of the body politic participates in public decision-making. In other words, freedom as non-dependence necessitates a highly participative mode of politics in a way that the addressees of the civil laws should be able to regard themselves at the same time as the authors. In this respect, Rousseau's recourse to the tradition of civic republicanism brought an inter-subjective understanding of freedom and law in which the democratic will-formation should play the central role.

Paradoxically, for Rousseau, the elimination of the relations of dependency among citizens requires the subordination of the private will to the general will. Thus, citizens should give themselves entirely to the dictates of general will. Only the sovereignty of the general will can protect individual freedom from the relativist effects of the particular will. Therefore, in contrast to the defenders of negative freedom, for whom the absence of state intervention alone is sufficient for individual freedom, for Rousseau, it is futile to talk about individual autonomy without eliminating or curbing the relations of domination in society. His basic fear was never the excess of political power. Rather, his nightmare was the imposition of one man's arbitrary will on another. This is why any restriction on the power of the sovereign body may pose a significant threat to individual autonomy by bringing the domination of particular wills in a society. In short, the main threat to individual autonomy springs from the particular wills rather than the general will.

If we might undermine Plato's residues in Rousseau's suggestion (such as the undemocratic roles of the legislator and the tutor in the cultivation of virtue), Rousseau's endorsement of the moral freedom that emphasizes the importance of democratic will-formation in the making of civil laws was a serious challenge to the ongoing rather unproblematic story of negative freedom. His republicanism (which I think was heavily influential on the Republicans of Turkish polity) privileges complementary relation between freedom and law, albeit its fundamental concessions to the domination of the general will. Rousseau's

recourse to civic republicanism has started a debate between two versions of freedom and law that are still pertinent to contemporary societies, including our country.

Kant whose real achievement was in epistemology and moral philosophy had also a partial contribution to political philosophy by his ideal of autonomy. By following the route taken by Rousseau, he has developed this new ideal. Kant promoted a republican ideal of political society which carries on it the imprint of Rousseau's stress on moral freedom. Yet, as my interpretation has already shown, there were serious departures from Rousseau's belief in the legislation of morality. In contrast to his perfectionism and elitism, Kant repeatedly points out the impossibility of realizing moral freedom by juridical legislation. Otherwise, if we believe that moral freedom can be realized in any particular legislative act, we are faced with a position in which morality is conceived of as the realm of theoretical reason, rather than that of practical reason. It means to attribute an objective truth to moral freedom as if it is a part of the empirical world. Otherwise stated, if we do not recognize the gap in the relation of legality to morality and if we interpret them as overlapping or possibly merging, we might face with the danger of treating moral freedom as objective truth. This is why, Kant warned us in the *Critique of Practical Reason* that "the assurance in such a case never becomes apodictic certainty, and as a mere opinion it is very dangerous". It is very dangerous because the legal order may intervene directly into the choices of its subjects in order to force them to obey the dictates of moral freedom. In the case of Rousseau, all the choices of citizens may be subordinated to the requirements of the general will. Yet, it is difficult to accept Berlin's accusation that Kant's moral philosophy can support any legal order which is designed to impose force on its subjects for the sake of the ideal of autonomy. From Kantian perspective, autonomy can only be a personal achievement. For this reason, Kant's formulation of autonomy recognizes the limits of theoretical reason and draws the boundaries of practical reason in such a way that the moral and political realms are protected against overarching claims of theoretical reason.

But, in giving a foundation to autonomy as a cause of freedom in the empirical world, Kant's own formulation of metaphysics has introduced the language of transcendentalism without the substantial rationalism of Plato. In this respect, against Berlin's ideological position toward autonomy, I have defended that the ideal of autonomy can be conceptually identified neither with Rousseau's endorsement of the general will for the cultivation of virtue, nor with any kind of solipsism. Rather, it is highly possible to formulate an ideal of autonomy as allowing and fully legitimizing the inter-subjective construction of laws under the epistemic limits of rational indeterminacy. For this reason, Berlin's very influential attempt to restore the respect and dignity of negative freedom by completely ignoring the political potentials of autonomy seems to me extremely problematic, reductionist and hence indefensible. In contrast to his story of autonomy presenting it as the major impediment to the accomplishments of negative freedom due to its rationalist, perfectionist and elitist bases in the modern world, in my story, I defended that we should seriously take the achievements of the ideal of autonomy into consideration in grounding the priority of the right over the good. Therefore, the ideal of autonomy has never been a point of retardation for the freedom of moderns, and indeed it is the most developed and at the same time most convenient notion of freedom for moderns.

Instead of unleashing such significant contribution of Kantian autonomy Berlin, together with some other contemporary liberals, prefer to go back to the ratio of negative freedom, but now without Lockean foundation of natural rights, but also without the solution suggested by Hobbes. Throughout my thesis I wanted to explicate that such an attempt may lead only to a dead end. Because, to compensate the absence of rationalist natural right, liberals have pursued various mental tools, ranging from market mechanism (Hayek), rational choice theories, utility or a bastardized version of the natural right (Nozick). In the case of Berlin, the elements employed to compensate the lack of a solid foundation for negative freedom, I think, have been derived from romanticism and historicism. The significance of such compensation lies in its introduction of culture and history in the realm of negative freedom. This ubiquitous combination of romantic and

historicist theories of Vico and Herder with the prosaic language of classical liberalism in Berlin's defense of negative freedom is built on the scandalous thesis that defends the derivation of the priority of the right from the value pluralism.

If we follow the line of my story, without falling into the trap of creative conspiracy, value pluralism is extremely dangerous not only because it is insufficient to establish a ground upon which negative freedom can be justified (as I shown), but also because it can easily be abused by religiosity, parochialism, nationalism, sexism and the like in the defense of what is given by culture and history against the formal and procedural requirements of autonomy. Let me give an example. In the case of "töre cinayeti", from the perspective of value pluralism, upon which we can prioritize negative freedom, dealing with this problem may require the sacrifice of freedom. Of course, in such cases, the proponents of negative freedom will defend the basic liberties but the problem arises when the thesis of value pluralism is emphasized by the other side i.e. defenders of cultural values, parochial priorities, against the claims of negative freedom.

I wanted to defend that the republican ideal of autonomy still gives us a much better position in the face of the possible abuses of negative freedom, because autonomy allows citizens to interpret the content of independence in the face of practical circumstances, whereas value pluralism, due to its emphasis on the incommensurability leaves us not only moral but also political void.

In the case of Turkey, against this background, the controversial development which motivated me to engage into in this thesis was the celebration and defense of negative freedom contrary to the authoritarian promotion of the ideals of republican epistemology. Such a bifurcation has been at the agenda since the 1980s both in political and intellectual discourses: on the one side, there appeared the promotion of negative freedom, and on the other side, a statist kind of republicanism has been advanced which at certain circumstances revealed an undemocrat and even antidemocratic character. I found both of these trends not only polarized, but also disrespectful and ignorant (sometimes negligent) to the

ideal of autonomy, which gives us not only foundation for the priority of right, but also the possibility of inter-subjective public debate oriented towards the determination of the content of the civil laws. Without somehow resting on an ideal of autonomy, law would either be seen as a mere imposition upon freely acting individuals, or it would be represented as a tool for protecting the established political power against the challenges coming from pluralism, globalization and multiplicity of ideas. Therefore, I must even say that both parties of Turkish polity are parasitic to the ideal of democracy. This is why we have faced with certain unacceptable mixtures and extremist definitions of being a democrat in our country in very recent years: associating democracy with market mechanism and value pluralism versus at the other pole the irritating slogan of militant democracy.

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APPENDICES

APPENDIX-A

TURKISH SUMMARY

HOBBS'DAN BERLİN'E NEGATİF ÖZGÜRLÜĞÜN SORUNLU HİKAYESİ VE BUNUN TÜRK SİYASAL YAŞAMI İÇİN ÇAĞRIŞIMLARI

Isaiah Berlin'in negatif özgürlük kavramlaştırmasında başlıca eleştirisi yirminci yüzyılda totaliter ve otoriter siyasal rejimlerin oluşmasına yol açarak birey özgürlüğünün feda edilmesine neden olan aydınlanma rasyonalizminin siyasal iradeciliğidir. Berlin'e göre, aydınlanma rasyonalizminin Platoncu realizminin aklın en üst iyinin bilgisini bize sağlayabileceğine dair temel ve sarsılmaz inancına karşın, negatif özgürlüğün nominalist temelleri bize hakların iyiler karşısında üstünlüğünü haklılaştırmada aradığımız güçlü temeli sağlayabilir. Berlin negatif özgürlüğün hem hakların vazgeçilemezliğini ve devredilemezliğini savunarak hem de tarafsızlık ilkesini temel alarak aydınlanma rasyonalizminin veya bilimciliğinin yarattığı siyasal iradecilik riskini bertaraf ettiğini iddia eder.

Türk Aydınlanmasının Rousseaucu özgürleştirici siyasal iradeciliğine karşı olan siyasal ve toplumsal hareketler Türkiye'de 1980'li yıllardan günümüze negatif özgürlüğün epistemik argümanlarına ve siyasal hedeflerine – bireyin devlet karşısında konumunun güçlendirilmesi ve siyasal iktidarın sınırlandırılması – sıklıkla başvurular. Bunda negatif özgürlüğün müdalesizlik olarak özgürlük anlayışının her bireyin devletin müdahalesi korkusu olmaksızın istediği yaşam tarzını seçebilmesini mümkün kılması, yine negative özgürlüğün değerlere ilişkin benimsediği kıyaslanamazlık tezinin cumhuriyetçi yaşam biçimini en iyi yaşam biçimi olarak sunan devletin tekçiliğine (monizm) karşı güçlü bir eleştiri imkanı sunması temel bir rol oynadı.

Bu çalışma negatif özgürlüğün epistemik açıdan aklın gücüne karşı şüpheli ve bilinemezci bir tavır alan nominalist temellerini kabul eder ve Berlin'in aydınlanma rasyonalizminin realizmine getirdiği eleştirilere katılır. Ne var ki negatif özgürlük kavramlaştırmasının hakların iyiler karşısında ki üstünlüğünü teorik açıdan haklılaştıramadığını savunur. Teorik açıdan böylesi bir eksiklik negatif özgürlüğü bir siyasal özgürlük modeli olmaktan çok doğal bir özgürlük modeli yapar. Bu ise negatif özgürlüğün siyasal iktidarın sınırlandırılmasına yönelik başat amacına ters siyasal sonuçların doğmasına neden olabilir. Diğer bir ifadeyle, negatif özgürlük aydınlanma rasyonalizminin siyasal iradeciliğine karşı güçlü bir önlem sağlarken benzer bir önlemi tarihsiciliğin veya romantizmin neden olabileceği siyasal iradeciliklere karşı geliştirememektedir.

Bu çalışma hem aydınlanma rasyonalizminin ve bilimciliğinin siyasal iradeye yüklediği özgürleştirici misyona hem de negative özgürlüğün tarihsiciliğinin doğurabileceği tikel bir iyi anlayışının siyasal iradeyle özdeşleşmesi riskine karşı ve hakların iyiler karşısında ki üstünlüğünün temellendirilmesinde otonomi olarak özgürlük idealinin kazanımlarının göz önüne alınması gerektiğini vurgular.

1980'lerde başlayan negatif özgürlük savunusuna dönersek, ülkemizde yürütülen bu savununun önceki dönemlerin muhafazakar-gelenekselci liberalizminden temelde iki yeni amaçta ayrıştığı söylenebilir: 1)özgürlüğün müdahalesizlik olarak tanımlanmasıyla devletin keyfi iradeciliğinin sınırlandırılmasına ve birey haklarının garantiye alınacağına dair güçlü bir kanı, 2) Toplumsal yaşam biçimleri ve kültürel değerlere ilişkin olarak Batı'da geliştirilmiş olan kıyaslanamazlık (*incommensurability*) tezinin öne çıkarılmasıyla cumhuriyetçi vatandaş tipini en iyi yaşam biçimi olarak sunan resmi ideolojinin sorgulanması. Bu bağlamda da, etnik kimlik, kültür, din ya da gelenek çerçevesinde belirlenen çoğul iyi yaşam anlayışlarının tanınmamasının gerekliliğine yapılan vurgu. Bu çalışmada negatif özgürlük anlayışının ne dünyada, ne de ülkemizde bu iki amacı birarada gerçekleştiremeyeceğini, çünkü ikisinin hem kuramsal hem kılışal açılardan çelişik olduğunu gösterdim. Birey haklarının iyi yaşam anlayışlarından üstün

tutulmasına yönelik taleple, iyi yaşam anlayışlarının kıyaslanamaz olduğu iddiası kanımca birbiriyle uyuşmaz arayışlardır. Çünkü, bireysel hakların ilkesel bir savunusuyla varolan bütün yaşam biçimlerinin devlet tarafından tanınmasına (ve hatta hukuk düzeni içinde istisnalara tabi tutulmasına) yönelik talep arasında ciddi bir ikilem söz konusudur. Bu nedenle, negatif özgürlük anlayışının hakların önceliğini temellendirme girişimiyle iyi yaşam anlayışlarının kıyaslanamaz olduğu iddiası aslında bağdaşmaz. Dahası, böylesi bir ısrar birey özgürlüğünün feda edilmesiyle sonuçlanabilecek düzenlemelere zemin hazırlayabilir. Bu iddiamı Berlin'in negatif özgürlük kavramının sorunsal yönlerini ortaya koyarak savunmaya çalıştım.

Berlin “İki Özgürlük Anlayışı” başlıklı konuşmasını yaptığında üzerinde ısrarla durduğu nokta özgürlüğün kendi içinde bir değer olarak kabul edilmesi ve başka hiçbir değer – eşitlik, adalet, fayda vb. – için feda edilmemesi gerektiğini savunuyordu. Bu yollu bir anlayış ancak negatif özgürlük kavramlaştırmasında ifade edilebilirdi. Berlin'e göre negatif özgürlük modernlerin özgürlüğünü temsil noktasında seçeneksizdi. Pozitif özgürlük ve onun farklı biçimleri dünyaya antiklerin özgürlük anlayışını canlandırıp yaygınlaştırma çabalarının ürünüydü. Bu açıdan bakıldığında pozitif özgürlük modernlerin özgürlüğünü üç noktada tehdit etmekteydi: 1) antiklerin özgürlüğü Plato'nun rasyonalizmi ve epistemolojik realizmi altında aklın en üst iyinin ne olduğunu bulmaya yönelik bir kapasitesinin olduğuna dair bir inanca dayalıydı. Aklın sınırlarına ilişkin kuşkucu bir tutum barındırmayan bu inanç modern zamanlarda yenilenecek kendini aydınlanma rasyonalizminde ve pozitivismde gösterdi. Bu yeni akılcılık insan dünyasıyla doğa arasında herhangi bir ayrımı tanımayan, bilimsel yöntemin toplumsal, etik ve siyasi alanlara da taşınmasını öngörüyordu. Bu yolla, insan davranışları ve seçimleri de evrenselci ve belirlenimci bir yaklaşımla hem yargılanabilecek, hem de değiştirilebilecekti. Böylesi bir tekçilik insan özgürlüğünü olumsuzluktan çok zorunlulukta ve nedensellikte kavramlaştırma arayışı içindeydi. 2) Antiklerin en üst iyinin ne olduğunun bilinebileceğine dair inancı paylaşan aydınlanma düşünürleri yasaları bu bilinebilir iyiyi gerçekleştirme amacının araçları olarak görüyordu. Tek ve en üstün iyiye olan bu inanç aklın yasaları ile toplumsal yasalar

arasında bir örtüşmenin zorunlu olduğunu iddia eden aydınlanma felsefesiyle 18. yüzyıldan başlayarak günümüz dünyasına nakledilmişti. 3) İnsan için iyi olanın tekçi kavranışı ve bu kavrayışın yasa-koyma sürecine taşınması toplumda varolan değerlerin çoğul ve çatışmalı olabileceği varsayımını reddediyordu. Çatışma çoğu zaman en üst insan iyisinden sapma anlamına indirgenerek, düzeltilmesi gereken bir kusur ya da telafi edilmesi gereken bir eksiklik olarak görülmeye başlanmıştı. Pozitif özgürlük ilkeleri son kertede totaliter ve otoriter siyasal rejimler için çatışmanın bastırılması ve farklılığın giderilmesi emellerine meşru bir zemin sağladı. Bu nedenle her ne kadar yola sahici ve dönüştürücü bir “özgürleşme” adına çıkılmış olsa da, aydınlanma rasyonalizmi insan özgürlüğünün feda edilmesiyle sonuçlandı. Berlin’e göre ‘nesnel akıl’ filozofları Rousseau, Kant, Fichte, Comte, Hegel ve Marx negatif özgürlüğün liberalizmde edinilmiş kazanımlarına bu daha sahici özgürlük adına ihanet ettiler.

Berlin’e göre 20. yüzyılın başından beri yaşanan insanlık trajedileri (baskıcı rejimlerin yaptığı) negatif özgürlüğün pozitif özgürlüğe göre daha doğru ve daha insani bir ideal olduğunu gösterdi. Negatif özgürlük daha doğrudu çünkü insanların iyi yaşama ilişkin tasarımlarının, değerlerinin ve amaçlarının birbiriyle kıyaslanamaz, hatta çelişkili olmasını meşru sayıyordu. Daha insaniydi, çünkü bireylerin vazgeçemeyecekleri haklarını tanıyarak, siyasal iktidara karşı (genelde iktidar her zaman kıyaslanamazlık ilkesini hiçe sayma ve insanlara belli bir iyi yaşam biçimi empoze eğilimi barındırdığından), önemli bir kalkan oluşturuyordu.

Berlin’e göre negatif özgürlüğün modernler için getirdiği kazanımlardan geri adım atılmasında insanların metafiziğe, (belli bir tek değere) hem duygusal hem bilişsel bağlanma arayışı temel rol oynamıştır. Aydınlanma rasyonalizminin metafiziği bu gereksinime cevap vermiş, ama aynı zamanda insanlık tarihinde eşi benzeri görülmemiş felaketlere de yol açmıştır. Oysa negatif özgürlük ilkelerin hem geçiciliğinin hem de göreceliliğinin ayırdına varmamızı sağlamıştı. Berlin, yarattığımız değerlerin görece geçerliliğinin farkında olmanın, aynı zamanda bu değerleri boyun eğmeksizin savunmanın medeni bir insanı barbar bir adamdan ayıran en önemli özellik olduğunu dile getirmişti. Bundan fazlasını istemek – 19.

ve 20. yüzyılda bazı rejimlerin yaptığı gibi – derin ve giderilemez bir metafizik gereksinimden kaynaklanıyor olabilir, ama böylesi arayışların gündelik yaşamı yönetmesine izin vermek ahlak ve siyaset açısından son derece tehlikeli bir hastalığın da ilk belirtisi sayılmalıdır.

Bu konuşmanın son cümleleri negatif özgürlüğün neden evrensel olması gerektiğinin altını çiziyordu. Bu evrensellik iddiası tam da insan değerlerinin ve iyi anlayışlarının çoğulluğunun – yani, göreceliliğinin ve geçiciliğinin – farkına varılması ile yakından ilintilidir. Berlin için ancak o zaman özgürlük gibi bir değer kendi içinde savunulması mümkün olabilecek ve başka hiçbir değer için – özgürlüğün kendisi de dahil – feda edilmeyecekti. Özgürlük Oxford’daki bir profesörle Mısır’daki bir köylü için aynı derecede gerekliydi.

Burada ilginç olan yön Berlin’in negatif özgürlüğün birey haklarını garanti altına alabileceğine dair önermesini felsefi olmaktan çok tarihsel kanıtlara dayandırdığı gerçeğidir. İlk bakışta insanlık tarihinin son iki yüzyılının trajedileri gerçekten göz ardı edilemez. Berlin bu trajedilerde devletlerin oynadığı temel role vurgu yaparken esasında arka planda aydınlanma akılcılığının ve bilimciliğinin moderniteye taşıdığı metafiziği suçlamaktadır. Kurnazca bir adım atarak, negatif özgürlüğün üstünlüğünü göstermek için bir eşleştirme yapmaktadır. Bu eşleştirmenin doğru olduğunu varsaysak bile Berlin’in sadece bu konuşmasında değil, tüm diğer eserlerinde de çözüm bulmakta zorluk çektiği temel bir sorun vardır: negatif özgürlüğün hakları öncellemede felsefi üstünlüğünü savunabilmek. Çünkü, negatif özgürlük anlayışı epistemik temelleri ve yasayla özgürlük arasında kurmuş olduğu ters ilişki nedeniyle özgürlüğün kendi içinde bir değer olmasını haklı kılamamaktadır. İşte tam bu nedenle de, kendi politik idealleri ile ters düşecek politik rejimlere meşruluk kazandıracak bir zihinsel yapıya sahiptir.

Berlin’e göre aydınlanma felsefesinin modernlerin özgürlüğü üzerinde yarattığı tahribatı giderebilmek için – ya da liberalizmin modernliğe yaptığı kazanımlara geri dönebilmek için – negatif özgürlük tasarımının tarihsel bilgiyi, ulusal ve yerel kültürleri göz önüne alacak şekilde yeniden formüle edilmesi gerekiyordu. Bu

hamleyle yalnızca klasik liberalizmin Hobbes’da ifadesini bulmuş olan belirlemciliğe ve Locke’un siyasal kuramında geliştirilmiş rasyonalizmine karşı çıkmış olmuyordu. Aynı zamanda, Hobbes ve Locke’un insan dünyasına ve davranışına yönelik mekanik ve kuru yaklaşımlarına da alternatif bir çerçeveye sunmuş oluyordu. Böylece Berlin Vico’nun tarihsel bakışın bilimsel bakıştan farklılığına, Herder’in farklı kültürlerin tekilliğine yaptıkları vurguları, kıyaslanamazlık teziyle güçlendiriyordu. Bir adım daha atarak Locke ve Mill tarafından savunulmuş olan “siyasal erkin sınırlandırılmasının gerekliliği” ilkesini bu bireşime ekleyerek ilk bakışta tutarlı görünen bir özgürlük kuramı inşa ediyordu.

Klasik liberalizmin tarihinde değerlerin, iyi yaşam anlayışlarının kıyaslanamaz olduğunu ilan eden ve insan aklının bize normatif olarak evrensel değerler sunamayacağını savunan ilk düşünür Hobbes’dur. Hobbes’a göre ne antiklerin vatandaşlık özgürlükleri, ne de skolastiklerin iradenin özgür olduğuna dair kanıtlamaları insanların bir arada yaşamalarını sağlayabilir. Nominalist (adcı) epistemoloji skolastik doğa hukuku anlayışının sağladığı metafizik konforu ortadan kaldırdıktan sonra, hepimizin üzerinde anlaşabileceği tek özgürlük doktrini olsa olsa negatif özgürlüktür der Hobbes. Bu yeni özgürlük, insan eylemliliğinin önünde dışsal engellerin olmamasında anlamını bulur. Hobbes’a göre ‘özgür bir insan gücü ve zekasıyla yapmaya muktedir olduğu şeylerde, istediği şeyi yapması engellenmemiş olan birisidir’. Ne var ki böylesi bir özgürlük farklı dünya görüşlerini bir arada yaşatabilmesi açısından tarafsız ve değer- yüksüz olmasına rağmen, nominalizmin getirdiği kıyaslanamazlık ilkesi nedeniyle, insanlık durumunu sürekli bir savaş olasılığına götürebilme potansiyeli taşımaktadır. Çünkü nominalizm herhangi bir insan eylemliliğine hem karşı çıkmayı, hem de sınır koymayı neredeyse olanaksız hale getirmiştir. Hobbes için paradoksal olarak negatif özgürlüğümüzü başkalarından korumamızın yegane teminatı mutlak ve sınırsız bir egemenlik doktrini geliştirmek ve bu öğretiyi pratiğe taşımaktır.

Bu öneriyi klasik liberalizm geleneğinde en temel karşı çıkışı, bildiğimiz üzere, Locke yapmıştır. Locke’un siyaset ve bilgi kuramlarının güttüğü temel amaç

nominalizmin aklın rolüne biçtiği sınırlar içinde kalarak siyasal erkin sınırlandırılabilmesine olan inancın pekiştirilmesi yatar. Yani, Locke bir yandan Hobbes'un nominalist pozisyonunu onaylarken, öte yandan bu pozisyonun illa ki bir mutlak egemen gereksinimine yol açmadığını kanıtlamak istemiştir. Bunun yolunu da insan aklının nominalizm dahilinde evrensel bir ahlakın olanaklılığını sunduğu önermesini savunarak çizmeye çalışmıştır. Her insan, aklın ışığında bu evrensel ahlakın – doğa yasasının – varlığını keşfedebilir. İnsan doğa yasasını şekillendiremez, çünkü yasanın yapıcısı Tanrı'dır. Bu yasa ve ondan türetilen doğal haklar ve yükümlükler sadece insan davranışları için değil, aynı zamanda devletler için de ölçütler sunar. Buna uymayan insanlar kendisini beşeri olmayan yaratıklar düzeyine indirgediğinden cezaya tabi tutulmayı hak ederler. Locke'a göre bireylerin doğal haklarını hiçe sayarak sınırsız iktidar uygulayan hükümetlere karşı vatandaşların isyan etme hakkı saklıdır.

Berlin Locke'un nominalizmi yeniden rasyonalizme ve skolastik doğa hukuku anlayışına yakınlaştırma çabasına karşı çıktı. Negatif özgürlüğü haklılaştırmak için aklın kurgusal işlevine ve doğa yasasına başvurmak Berlin için kabul edilebilir bir seçenek değildi. Böylesi bir kavramsal kaymanın özgürlük ile yasa arasında pozitif bir ilişki kurmakla (Locke'unda onaylayacağı bir açılandı bu) sonuçlanacağını ilan ediyor, ve bu bağdaştırmadan kaçınılması gerektiğini öne sürüyordu. Bu açıdan bakıldığında, aslında Berlin Locke'a karşı Hobbes'un iyi tasarımlarının kıyaslanamazlığına ve insan aklının bize bir takım normatif standartlar sağlayamayacağına dair olan inancını desteklemekteydi. Berlin için özgürlük Hobbes'un ifade ettiği gibi yasanın sessizliğine (yasaların herhangi bir sınırlama getirmediği eylem, değer ve tasarımlarda vatandaşların tümüyle serbest olduğu anlayışı) dayanmaktaydı. Yasaların, Locke'un söylediği gibi insan özgürlüğünü genişletme gibi bir işlevi olması mümkün değildi.

Hobbes'un mutlakiyetçiliğine de geri dönmek istemeyen Berlin klasik liberalizmin rasyonel ve yavan sözlüğüne tarihselcilik ile romantizmin duygusal ve canlı dilini katma çabasına yöneldi. Ne var ki, bu çaba negatif özgürlüğün hakların öncelliğini savunmada sağlam bir vargıya ulaşamadı, çünkü negatif özgürlüğün kuşkucu

epistemik konumu böyle bir çabaya direnir nitelikteydi. Kanımca tam tersine, Berlin hep dert etmiş olduğu metafizik kurgunun bir başka pencereden içeri girmesine olanak sağladı. Çünkü eğer değer çoğulculuğu aynı zamanda kültürlerin ve tarihlerin sorgulamazlığını beraberinde getirecekse, bu değer çoğulculuğu ister istemez kültürel bir görecelik iddiasıyla yüzleşmek zorundaydı. Böylesi bir iddia da negatif özgürlüğün kendisinin de feda edilebildiği, özellikle özgürlüğe hiç değer atfetmeyen kültürel oluşumlar karşısında liberalin tamamen suskun kalmasına neden olan bir çıkmaz yarattı.

APPENDIX B
CURRICULUM VITAE

PERSONAL INFORMATION

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EDUCATION

Degree	Institution	Year of Graduation
MS	METU	1999
BA	METU	1996
High School	Burdur Cumhuriyet Lisesi	1990

WORK EXPERIENCE

Year	Place	Enrollment
1996-1999	AİBÜ Department of Public Administration	Research Assistant
1999-2001	METU Department of Political Science and Public Administration	Research Assistant
2001-2002	Yale University Law School	Visiting Scholar
2002-Present	METU Department of Political Science and Public Administration	Research Assistant

FOREIGN LANGUAGES

Advanced English

PUBLICATIONS

Encyclopaedia Entry

- entitled Seyla Benhabib (3,500 words) in *Encyclopedia of Philosophy*, pp.263-270, (İstanbul: Etik Publishing House, 2004)

Translation (into Turkish)

Journal Article

- Seyla Benhabib, 'Unholy Wars', *Constellations: An International Journal of Critical and Democratic Theory*, March 2002, *Doğu Batı* 20:51-65

Book

- Agnes Heller, *A Philosophy of Morals*, (İstanbul: Ayrıntı Yayınları, 2006)

Interviews

- 'An Interview with Seyla Benhabib', *Doğu Batı*, Vol:4, No:20 (August, September, October 2002)
- 'An Interview with Agnes Heller', *Doğu Batı*, Vol:9, No:37 (May, June, July 2006)

Conferences

- “The Possibility of Third Derivation: The Relationship between Ethical and Juridical Legislation in Kant's Moral Philosophy”, *200 Years After: Returns and Re-interpretations of Kant*, 8-10 March 2004, University of Navarra, Pamplona, Spain
- “The Role of ‘Legality’ in Kant's Moral Theory”, *XXIst World Congress of Philosophy*, August 10-17, 2003, İstanbul, Turkey
- “The Relationship Between Morality and Legality in Kant's Moral Philosophy”, *IVR, 21st World Congress*, 12-18 August, 2003, Lund, Sweden

- “Hunger Strikes in Turkey and the Limits of Governmentality”, *Cultural Returns: Assessing The Place of Culture in Social Thought*, 18-20 September 2002, St. Hugh’s College, Oxford
- “An Ethnographic and Phenomenological Inquiry into the Practice of the Rule of Law in Turkey”, *Crossroads in Cultural Studies*, Fourth International Conference, June 29 - July 2, 2002, Tampere, Finland.

Workshop Papers

- “Hunger Strikes in Turkey and the Limits of Liberal Discourse”, 19 April 2002, *Human Rights Workshop: Current Issues and Events*, Orville H. Schell, Jr. Centre for International Human Rights, Yale Law School, New Haven, USA
- “The Question of Political Sovereignty and Individual Freedom in the Context of Turkey’s Integration into the European Union”, 24 July-4 August 2006, *the SIAS Summer Institute 2006 The Political: Law, Culture, Theology*, the Wissenschaftskolleg zu Berlin (Institute for Advanced Study Berlin), Berlin, Germany

SCHOLARSHIPS, GRANTS AND FELLOWSHIPS

Scholarship

The Turkish Academy of Sciences receives a grant to carry out my Ph.D. dissertation;

METU, Ankara, TURKEY	January 2000 – December 2004
Yale Law School, New Haven, USA	August 2001 – August 2002

Grant

A European grant for young researchers to participate in 21st World Congress of Philosophy of Law, Lund, SWEDEN 12-18 August 2003

Fellowship

A Fellow of the SIAS Summer Institute 2005-2006 "The Political: Law, Culture, Theology" organized by the Wissenschaftskolleg zu Berlin (Institute for Advanced Study Berlin) and financed by the Alexander von Humboldt Foundation.

At Yale University, New Haven, USA	24 July- 5 August 2005
At the Wissenschaftskolleg zu Berlin, GERMANY	23 July- 4 August 2006