

Another objection from Sidgwick to Rawls's liberty principle, and a response

Author: Terence Rajivan Edward

Abstract. There are other problems for John Rawls's philosophy that can be extracted from Henry Sidgwick's discussion of the priority of freedom, apart from the problem H.L.A. Hart focuses on. This paper considers one such problem – that it is an empirical issue whether a sane adult is better off more free, rather than something to be assumed – and presents one Rawlsian solution.

Draft version: Version 1 (20th October 2022).

A baby crying in her cot

Says, "It's my freedom, is it not?"

In his *The Methods of Ethics*, Henry Sidgwick discusses the doctrine that each individual should have as much freedom from interference as possible. Sidgwick's discussion has proved influential, with H.L.A. Hart drawing upon and elaborating it when assessing John Rawls on liberty (1973: 538, 548). But Hart mainly focuses on one point from the utilitarian, when there are other points of interest.

One other point concerning the doctrine is the following:

In the first place, it seems obviously needful to limit the extent of its application.

For it involves the negative principle that no one should be coerced for his own good alone; but no one would gravely argue that this ought to be applied to the case of children, or of idiots, or insane persons. But, if so, can we know a priori

that it ought to be applied to all sane adults? since the above-mentioned exceptions are commonly justified on the ground that children, etc., will be manifestly better off if they are forced to do and abstain as others think best for them; and it is, at least, not intuitively certain that the same argument does not apply to the majority of mankind in the present state of their intellectual progress.

(Bk.3, Ch.5, Part 4)

So the problem is this: it is obvious that we have to restrict the freedom of some individuals (children, idiots, and the insane) because they are better off with such restrictions, but it is an empirical question whether others would also be better off if their liberty were restricted. There is no justification for assuming that all sane adult citizens would be better off with as much freedom from interference as possible. (After making this point, he tells us that the people who advocate as much freedom from interference as possible usually do not advocate it for sane adults in a low state of civilization! Probably he would cast the person below as such.)



Now John Rawls's liberty principle is not quite the same as each adult should have as much freedom from interference as possible. It says that each adult should have a set of basic liberties, such as freedom of speech, of movement, and the right to run for public office (1999: 53). And basic liberties should only be restricted for greater equal basic liberty, rather than for other ends, such as economic ones. But Sidgwick is still going to raise the same problem. We

must surely restrict the basic liberties of children, idiots, and the insane for their own good, so why assume that it is in the good of all other adults for their basic liberties not to be restricted, including for other ends apart from liberty?

How can a Rawlsian reply? One reply is this: “The Rawlsian system does not give the full set of basic liberties to all sane adults. Within any liberal state, there are likely to be some citizens who will not publicly commit to its core principles. And those citizens are not given the freedom to run for public office. They cannot be a mayor or a member of parliament, say.” Such citizens are called “unreasonable citizens,” in Rawls’s specialist sense (1993: 54), and if their proportion increases and increases, then Rawlsians are willing to go to war. But note that restriction of basic liberty in this case is not for the good of unreasonable citizens themselves, unlike with children and the insane. It is for the good of reasonable citizens.

References

- Hart, H.L.A. 1973. Rawls on Liberty and its Priority. *The University of Chicago Law Review* 40 (3): 534-555.
- Rawls, J. 1993. *Political Liberalism*. New York: Columbia University Press.
- Rawls, J. 1999 (revised edition). *A Theory of Justice*. Cambridge, Massachusetts: Belknap Press.
- Sidgwick, H. 1907 (seventh edition). *The Methods of Ethics*. London: Macmillan and Company.