Introduction

This book is the result of a desire to answer a pressing, practical and often articulated question: are South Africans now free twenty years after apartheid? But it only provides a partial answer and it does so in a very roundabout way. A more direct answer might have been possible had the various accounts of freedom on offer in the political theory and philosophy literature been more realistic and more concerned to deal with the concrete, substantive issues the question throws up. In the main they are not. So, as a political theorist, I had to revert to type: as the work now stands it does not marshal a sustained argument in response to this question, but rather it is an attempt to develop a more comprehensive understanding of freedom under modern conditions that could deal comprehensively with the question of whether South Africans are now free. This is therefore a theoretical book, but it makes liberal use of South African history, politics and economics; and thus, along the way, I do provide some sort of an answer: in short, 'not yet'.[1] However, in order to do so, I have, as it were, had to change the conceptual framework through which scholars, politicians, freedom fighters, activists and ordinary citizens would normally have understood the question. This has involved engaging with all the major contemporary theoretical debates around freedom, making forays into the history of political thought, and referring to a number of other contexts and problems, such as Brazil, the United States of America, the United Kingdom and the global economic crisis that began in late 2007 and still bedevils all of us today. Therefore, while *Freedom is Power* was inspired by conditions within South Africa, it stands or falls, I would hope, on the extent to which it provides an apt conceptual, theoretical framework for answering this kind of *practical* question regarding freedom not only in South Africa now but also in other places and times.

[1] I give a more comprehensive, direct and empirical answer in *Are South Africans Free?* (London: Bloomsbury, 2014).

That this question has plagued me since at least the mid-2000s may seem like the height of ignorance or impudence: since the early 1990s in South Africa the odious and tyrannical regime of apartheid has been demolished peacefully and her people liberated. Not long ago South Africans all around the world were celebrating the twentieth anniversary of the release from prison of Nelson Mandela and then, soon thereafter, in late 2013, they and the world mourned his passing and celebrated his life and leadership. These celebrations were not only about the life, and long walk to freedom, of this one iconic individual but also the liberation of an entire country. South Africans live now in a true republic as opposed to a republic by name alone, a republic that reduced the majority of its population to non-citizens, strangers in their own land, without formal political power and generally impoverished. In 1994 South Africans were granted equal rights to elect their political representatives, to be treated equally before the law and to move, associate, love and worship as they see fit. But does that make them free? If we conceive of freedom in more realistic and substantive terms than is the norm, we get a very different answer from the one normally given by those who view contemporary conditions in South Africa through the rose-tinted spectacles of contemporary conceptions of formal freedom (and rights).

My political concern is with South Africa, but my main problem in this book is theoretical; and, fortunately for me, the case of South Africa provides a vividly illuminating lens through which to view the various dimensions of freedom under modern conditions. In particular, it brings into sharp focus two related components of freedom and the fact that the *relations* between them are poorly expressed in both 'ancient' and 'modern' accounts of freedom. These are that to be free is (a) to live in a free state in which one is a member of a (or a set of) collectively free group(s) and (b) *to have the ability* to act or be as one would choose to act or be. Moreover, and more importantly, the South African context highlights well a second set of claims I defend in this book: (a) that both these components of freedom depend on citizens having the *power* to determine *who* governs and *how* they govern – in particular, the power to ensure that one's economic and political representatives in general and one's political rulers in particular skilfully formulate and effectively implement economic policy that secures 'the enjoyments of a voluntarily chosen personal life';[2] (b) that freedom therefore depends upon representation;[3]

[2] J. Dunn, 'Liberty as a Substantive Political Value', in *Interpreting Political Responsibility* (Cambridge: Polity, 1990), pp. 61–84, at p. 81.

[3] With some important exceptions, referred to in particular in Chapter 5, contemporary normative political philosophy is marked by an aversion to representation in general and

(c) that the degree of a citizen's freedom depends upon the power of their various formal and informal representatives; and (d) that freedom depends on the citizen's having power to counter what I call, following Foucault, 'states of domination' via effectual political participation and meaningful control over political representatives.

The South African context is helpful in the way that any particular context is helpful in understanding politics: it enables us to think about our beliefs, opinions, interests, values, ideals and power relations as framed by the political institutions and practices that have generated them or have been produced by them.[4] However, the experience of South Africa is of particular interest for a full understanding of freedom and power for another reason. Categorised crudely, accounts of freedom occupy two main camps: (a) those who think of freedom as having little or nothing to do with politics or, more exactly, the nature of the political regime under which one lives; and (b) those who think that it is uniquely about the form of the regime under which one lives. Good examples of the former position can be found in Stoic, Christian and other forms of religious doctrine, as well as some forms of liberal thought (see below) within which freedom is not only a matter for the individual but, more importantly, a matter for the individual mind or soul, irrespective of the prevailing material or political conditions. In fact, for philosophers and prophets such as Epictetus, Jesus Christ, Gautama (later known as Buddha) and Seneca, freedom is primarily freedom from the prevailing material conditions: that is, freedom is fully realisable only under conditions in which one has freed oneself from the necessities imposed on one by nature and politics – *from* one's body, one's desires and one's engagement with other selves. Freedom in this sense is therefore *reduced* to a state of the mind or 'mental state', and it follows from these sorts of arguments that one can therefore supposedly even be free as a prisoner or a slave.[5] For

the link between representation and freedom in particular. This is particularly true of radical democrats, anarchists and deliberative democrats. See, as respective examples of each, B. Barber, *Strong Democracy: Participatory Politics for a New Age*, twentieth anniversary edn (Berkeley: University of California Press, 2004); R. P. Wolff, *In Defense of Anarchism* (Berkeley: University of California Press, 1998); and the essays in J. Bohman and W. Rehg, *Deliberative Democracy* (Cambridge, MA: The MIT Press, 1997).

[4] For more on these mechanisms and relations, see L. Hamilton, *The Political Philosophy of Needs* (Cambridge University Press, 2003), pp. 116–133.

[5] See, for example, Seneca the Younger, *De Tranquillitate Animi* [*On Tranquility of Mind*], x. 1–5, in Seneca, *Moral Essays II*, Book IX, trans. J. W. Basore (Cambridge, MA: Harvard University Press, 1932 [*c.* 63 AD]), pp. 250–252. As Karl Marx and Friedrich Nietzsche have argued, it is therefore unsurprising that religion in general, and Christianity in particular, are not short on messages that teach acquiescence to the 'natural' order of things, which include extant political power relations. See, in particular, Marx's famous 'religion is the opium of people' argument in his *Critique of Hegel's Philosophy of Right*,

proponents of the other extreme, by contrast, the condition of slavery is the archetype of unfreedom and is the direct result of living within an unfree state. This form of argument is common to both republican and liberationist accounts of freedom, in which liberty depends upon the acquisition of political freedom or the nature of one's regime: to be a free person is to live in a free state, for to live in a free state is to live in a situation of non-domination (the one republican version). Freedom in this second variant is therefore *reduced* to the form of one's state or what is sometimes called 'regime type'.[6]

South Africa's recently acquired political freedom and the current social and economic conditions – high levels of inequality, poverty, unemployment, crime and corruption – bring into stark relief the inadequacy of both forms of thinking about freedom. First, the experience of living in the manifestly unfree state of apartheid South Africa highlights how difficult it is to be free in such a state – that is, it points to the multiple inadequacies of the first group of arguments regarding liberty, that freedom is reducible to a 'mental state'. The South African context also exposes the deep problems with a related, and even more theoretically prominent, way of thinking about freedom, as a purely 'physical state', the account of freedom first proposed most trenchantly by Thomas Hobbes and later stylised as 'negative' freedom by Jeremy Bentham and, most famously, Isaiah Berlin. Today this has been reconceived by libertarians as 'pure negative' freedom, in which freedom is disconnected entirely from the form of an individual's political regime and has to do with whether or not the individual is impeded or constrained in their choices and actions.[7] However, the experience of acquiring political freedom in the relatively recent past and the fact that this in itself has yet meaningfully to free most South Africans points to the flaws in the second group of arguments, that liberty is reducible to 'regime type': even with formal civil and other freedoms (rights) safeguarded for all in a free state (within a constitutional bill of rights) most do not have the means – that is, the

ed. and trans. A. Jolin and J. O'Malley (Cambridge University Press, 1970 [1843]), and Nietzsche's critique of Christianity in his *Genealogy of Morality*, ed. K. Ansell-Pearson and trans. C. Diethe (Cambridge University Press, 2007 [1887]).

[6] The arguments of both camps, with full references, are elaborated upon at length in Chapters 1 and 2 below; and, as I also note with various references at the start of Chapter 1, I will follow Hobbes and most other writers on the topic by using 'liberty' and 'freedom' interchangeably.

[7] As Hobbes famously puts it: 'Whether a Common-wealth be Monarchicall, or Popular, the Freedome is still the same.' T. Hobbes, *Leviathan*, ed. R. Tuck (Cambridge University Press, 1996 [1651]), p. 149. For an example of a modern libertarian reformulation, see M. H. Kramer, 'Liberty and Domination', in C. Laborde and J. Maynor (eds.), *Republicanism and Political Theory* (London: Routledge, 2008), pp. 31–57.

power – to realise these freedoms let alone the means to feed themselves and their families.

The fact that South Africa's political freedom is a recent and precarious achievement coupled with the everyday effects its existing political and economic institutions and practices have on the lives of the majority of its citizens provide an excellent prism with which to assess freedom and power under modern conditions. Having the religious or psychological means to free oneself from one's material conditions – or, as Seneca put it, to have a 'mind that is placed beyond the reach of fear, beyond the reach of desire': that is, to be psychically invulnerable or indifferent to all 'earthly' concerns,[8] or being formally physically free as safeguarded by the law – may both be component parts of being free, but they surely come to very little if one is materially unable to act as one would otherwise like to, or one's representatives do not have the power to enable such action, or any such actions are not able to overcome a state of domination within which one lives. The most that can be said of these reductive arguments for freedom is that they express what may be component parts of freedom; but freedom is clearly not reducible to any version of them. So too with freedom as reduced to 'regime type': political freedom or the achievement of formal non-domination may be a component part of freedom, but freedom is not reducible to it. Formal, equal citizenship in a free state is only meaningful if, as a citizen, I have the power, the capacity, to enact my rights and freedoms as a citizen. So, in other words, although Hobbes may have gone too far in arguing that freedom could be acquired in any state, or at least in a monarchy or a popular republic, he was right to question the republican argument that all that mattered for freedom was the acquisition and maintenance of political freedom.[9] And, as we will see, like Machiavelli, Marx, Nietzsche, Lenin, Fanon, Foucault, Dunn, Geuss and other realistic political thinkers, he was right to think about freedom in terms of power. South Africa's recent historical change and the way in which the effects of political and economic power are still etched onto the lives and bodies of most South Africans would leave any realistic observer with little doubt about this relation.

Yet, it is partly because South Africa looms large in this introduction and as a contextual and imaginative context for me that I should state unequivocally early on that everything I say as regards freedom as power – and even as regards many of the conditions, causes and consequences

[8] Seneca the Younger, *De Vita Beata* [*On The Happy Life*], iv. 1–v. 2, quote at iv. 3, in Seneca, *Moral Essays II*, Book VII [*c.* 58 AD], pp. 108–113, quote at p. 108/109.

[9] And, as will be discussed in Chapter 1 below, this is all despite being the progenitor of the current predominant, but inadequate, account of freedom as 'absence of constraint or impediment'.

of South Africans' current predicaments – is not specific to the South African case. Obviously some of the empirical material I bring out in Chapter 5 regarding South Africa's political economy is specific to South Africa, but the more general arguments I make on the basis of them regarding the relations between power, freedom and representation all apply beyond the South African case (as, of course, do the general arguments I make regarding power, freedom and representation in general). South Africa just happens at this historical juncture to be a good lens with which to view freedom, but it is far from being the unique case study in this book. Other countries, histories and conditions are utilised throughout, as is the history of political thought. Moreover, the institutional proposals identified in the conclusion are proposed as means of thinking about and applying (though not necessarily applying unaltered) radical changes in any context and at any time to the functioning and goals of representation and participation in politics. I see no reason why the aspiration to universality should remain the unique property of purely normative, context-independent political theory. The attempt in this book to enable understanding of one of the most important concepts for politics by means of reference to the real world of politics does not mean that what I have to say about that concept is only applicable to these contexts. Human societies, economies and polities all over the globe grapple with similar concepts, problems and conditions; and sometimes especially where contexts are very different from one another, conceptual and theoretical insights can be the most brilliant precisely due to this lack of familiarity. They enable perspectives on problems from unique, unfamiliar and previously absent angles, which is also why the study of ancient contexts is so enlightening for the present. It just so happens that at this particular historical moment South Africa's recent history and current conditions illuminate the concept of freedom quite well, or so I argue – nothing more, nothing less.[10]

In defending this account of freedom I will argue that 'freedom is power' in a sense analogous to that adopted by Stuart Hampshire in his *Justice is Conflict*.[11] For Hampshire, justice is conflict not in the sense that justice is equivalent to or identical with conflict, but rather that justice always involves and requires conflict. Likewise, I submit that freedom is not equivalent or identical to power, but rather that power is an essential component of freedom. Power is integral to freedom. Conservatives, pragmatists, Marxists, Jacobins, those involved in liberation struggles

[10] I am grateful to one of Cambridge University Press's anonymous readers for pushing me on this point.
[11] S. Hampshire, *Justice is Conflict* (Princeton University Press, 2000).

the world over, some republicans and even some liberals have correctly thought that it is ridiculous to discuss freedom except relative to power. Here I will draw from some of their insights and argue that to be free must finally mean 'to be able to *X*', and a person may fail to be able to *X* either because of obstacles that she does not have the power to overcome or because she simply lacks the power to carry out an action.[12] And 'obstacles' and 'lack of power' may be variables that depend upon either or both of the following: formal material or psychological constraints and abilities or disabilities of various forms; and equally material power relations that can leave one or one's group in a state of domination – that is, in a position of subordination or prey to power relations that favour the interests or concerns of other individuals or groups.

This is not the normal way of thinking about the relationship between freedom and power. When many people think of 'power' they tend to think of the power or powers that act against them, that make them act or live in a certain way – for example, they think of 'the power of government', 'the power of the courts' or the 'the powers that be' – and when they think of freedom they think of their own ability (or lack thereof) to do what they want in the face of the constraining power of individuals, states and institutions that 'lord it over' them. In other words, if anything, power is normally associated not with freedom but with unfreedom or constraints on freedom. Hence the commonly held flipside of this, the notion that if power and freedom are associated at all it is not in the way I am suggesting here but rather the converse: that power is freedom; that is, if I am all powerful I am free. But, as I argue, this simply reduces freedom to individual power, which fails to get us very far towards the goal of understanding the freedom of inescapably inter-dependent modern individuals within complex social, economic and political power relations and groups. There is, of course, something in this though, as it captures an important component of what modern individuals value in freedom: not being told what to do or being able to do what one likes in the face of the power of government or other groups or individuals. But, as I will argue, this is far from the whole story: power is a much more complex phenomenon than this assumption of a 'command–obedience/resistance' model allows, and the same is true of liberty and the relations between freedom and power. Liberal and republican political philosophers, theorists and policy-makers, however, think these common intuitions regarding freedom and power are, more or less, correct; in fact, they build complex theories and forms of political

[12] R. Geuss, *History and Illusion in Politics* (Cambridge University Press, 2001), p. 97.

practice upon them.[13] Liberals think of freedom in negative terms, as absence of constraint. To be free, they argue, is to act in the absence of impediments or obstacles, in particular those that result from conscious deliberate human action. To see this, they maintain, one first has to distinguish as sharply as possible between what belongs to the content of the concept of freedom itself and what belongs only to the conditions under which freedom can be effectively exercised, and then, second, one must remember that politics ought to have to do only with maximisation of freedom and not the implementation of the conditions under which freedom can be utilised.[14]

I take issue with both parts of this claim. I argue that the sharp distinction between the 'content of the concept' of and the 'conditions' for freedom distorts rather than clarifies our understanding of freedom. It does so because it results in a conception of freedom that focuses exclusively on external impediments or obstacles to action to the exclusion of the power one has either to carry out the action in the absence of obstacles or the power one has or does not have to overcome any existing obstacles, as well as an assessment of the conditions for that power. Liberals are concerned with external obstacles because they think it is better to have *more* possible courses of action rather than fewer. That is obviously true of some situations, but it is not clear that it is true of all; but whether or not it is always a good thing to have more rather than fewer options open, the number of options open depends not merely on the presence or absence of obstacles, but the conjunction of one's power and the internal or external obstacles that stand in one's way. Moreover, whether or not a person, act or institution constitutes an obstacle will itself often depend on my relative power and my position within existing power relations and groups, and the power of my and my groups' representatives.

[13] The idea that the appropriate point of departure for understanding ethics and politics is *our* intuitions (about what is just, fair or right, for example) is a very common, if flawed, assumption within contemporary philosophy. Why place so much weight on our intuitions? What if our intuitions have their source in skewed power relations or states of domination, or are sustained by ideology? Or what if they themselves are ideological? Surely, if one wants to start with intuitions, one should at least think about where these intuitions come from, how they are maintained, what interests they serve, and so on. Geuss, *Philosophy and Real Politics* (Princeton University Press, 2008), pp. 7–8, 59–60, 90.

[14] See, for example, I. Berlin, *Four Essays on Liberty* (Oxford University Press, 1996 [1969]), p. xlii: 'Freedom is an opportunity for action' not a power to act or 'action itself'; or, in other words, freedom is understood as an 'opportunity concept' rather than an 'exercise concept'. See also C. Taylor, 'What's Wrong with Negative Liberty', in A. Ryan (ed.), *The Idea of Freedom* (Oxford University Press, 1979), pp. 175–193; R. Geuss, 'Freedom as an Ideal', *Proceedings of the Aristotelian Society*, supplementary volume, 69 (1995), pp. 86–100; A. Sen, *Rationality and Freedom* (Cambridge, MA: Harvard University Press, 2002).

Thus I begin the book, in Chapter 1, 'Freedom From Politics', with a reformulation and critique of the predominant notion of 'negative' freedom, or freedom as absence of impediment. I argue that it is better described as freedom within a putative 'private' sphere, where the freedom of individuals is allegedly protected from coercion in general and political interference by the actions of others in particular. As such, I argue, it is characterised by four problems as an account of individual freedom under modern conditions. I end the chapter by considering Marx's diagnosis of the predominant conception of modern freedom that he suggests builds upon the similar one provided a century earlier by Rousseau. I counter Marx's claim with regard to this and assess both of their criticisms of the predominant modern conception of freedom, showing how Marx's misreading of Rousseau has deleteriously affected the work of many modern anarchists and deliberative democrats.

Then, in Chapter 2, 'Freedom Through Politics', I consider five responses to this 'privatised' account of freedom, all of which come out of the history of republicanism in one interpretation or another, and all of which share the idea that freedom is found through politics or political action. I argue that these too are inappropriate for understanding freedom under modern conditions: by never fully escaping the ancient and early modern conceptions and institutional arrangements that inspire them they over-emphasise the significance of political agency for freedom. Nevertheless, one of them, the approach to freedom proposed by Niccolò Machiavelli, is instructive because he reminds us that class conflict constitutes a necessary component of and safeguard for freedom, especially if institutionalised in a manner that properly empowers the representatives of opposing classes. There are now two main interpretations of freedom in his *oeuvre*, one that emphasises non-domination, the 'common good', *virtù* and depoliticised legal institutions (as in the writings of Quentin Skinner, Philip Pettit and Maurizio Viroli) and the other that emphasises class conflict, partisan interests and partisan political institutions (for example, in Claude Lefort's and John P. McCormick's works). In the second half of the chapter I analyse and criticise these two schools of interpretation, although ultimately I side with the latter. I then show, however, that both interpretations inadvertently highlight problems with adopting 'neo-roman' or 'republican' freedom for modern purposes.

Yet it is Machiavelli's more realistic focus on class conflict, power, control, representation and partisan political institutions as constitutive of freedom, bolstered by a few other thinkers, that leads to the first step in the main argument of the book: a proposal and defence of what I call 'real modern freedom', an alternative conception to both 'freedom from

politics' and 'freedom through politics', based on a substantive account of freedom as power. Modern conditions – characterised as they are by high levels of specialisation, interdependence, class and group differentiations, large complex states, multifaceted inter-relations between polity and economy, and numerous kinds of associated representation – require an alternative account of freedom that does not look to the purely private or exclusively political (or some mix of both), but rather the manifold conditions for *freedom of action*, which involves power and control over various social, economic and political domains, more often than not mediated by representatives. This account of freedom is therefore quite distinct from both the liberal and republican mainstream in the sense that it does not *reduce* freedom to one defining feature, be that mere absence of (external) impediments, the ability to decide for oneself what to do (self-determination) or active citizenship within a free state.[15] I submit here a realistic rather than a minimalist conception of freedom that identifies freedom with real and effective power and control across four domains. My freedom of action is relative to my power to: (a) get what I want, to act or be as I would choose in the absence of either internal or external obstacles or both; (b) determine the government of my political association or community; (c) develop and exercise my powers and capacities self-reflectively within and against existing norms, expectations and power relations; and (d) determine my social and economic environment via meaningful control over my and my groups' economic and political representatives. Freedom is therefore power in the sense that it depends upon my power, control and self-control across these four dimensions. So real modern freedom here is identified *with* and *as* power in that it conceives of freedom as a *combination of my ability to determine what I will do and my power to do it – that is, bring it about*. This is the main argument of Chapter 4, 'Real Modern Freedom'. Towards the end of the chapter this alternative conception of freedom is contrasted with Pettit's 'updated' republican account of freedom, which, against the

[15] These are Isaiah Berlin's 'negative' and 'positive' conceptions of freedom and the rival republican account respectively. Berlin, 'Two Concepts of Liberty', in *Four Essays on Liberty*, pp. 118–172; Q. Skinner, 'The Idea of Negative Liberty: Machiavellian and Modern Perspectives', in *Vision of Politics*, Vol. II: *Renaissance Virtues* (Cambridge University Press, 2002), pp. 160–185; Skinner, 'Machiavelli's *Discorsi* and the Pre-Humanist Origins of Republican Ideas', in G. Bock, Q. Skinner and M. Viroli (eds.), *Machiavelli and Republicanism* (Cambridge University Press, 1993), pp. 121–141; Skinner, *Liberty Before Liberalism* (Cambridge University Press, 1997); Skinner, *Hobbes and Republican Liberty* (Cambridge University Press, 2008); P. Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford University Press, 1997); and Taylor, 'What's Wrong with Negative Liberty'. However, an important corollary of my argument here is that these distinctions are a lot less helpful than is often assumed.