Article

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A QUESTION FOR TOMORROW:
THE ROBUST DEMANDS OF THE GOOD

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Humphrey Lyttelton, the English jazz musician, was once asked where he thought jazz was going. He replied that if he knew where jazz was going, he would be there already. I feel the same about being asked about the questions of tomorrow in the moral and political philosophy. If I knew what they were, I would be there already. Which raises an interesting thought. Perhaps the best indication of what I think that the questions are is where I am already. And, following that thought, there is a clear path to follow, however narcissistic it may seem. This is to describe a question that I think important — indeed a question that is something of a personal hobby-horse — despite the fact that it is not currently much discussed. Induction from past evidence suggests that it is unlikely to become a question of tomorrow. But I live, as we all must do, in hope.

In thinking over a long period about the various ways in which freedom may be conceptualized, I came to see that it is, as I came to put it, a robustly or modally demanding value. Suppose you agree with Isaiah Berlin and the long tradition beginning with Jeremy Bentham that to be free in a choice between certain options, X, Y and Z, is just to escape the interference of others with any of those options. This ideal requires more than escaping interference with the option you happen to prefer: that is, escaping the frustration of your actual preference. It requires escaping interference and frustration with any of the options that define the choice. You must not be interfered with in your actual choice of, say, X. But equally it must be the case that had you preferred Y or Z, you would not have been interfered with in that event either. Freedom requires actual non-interference but also non-interference in the nearest possible worlds where you choose Y or Z instead. Indeed, plausibly, it requires that for a range of possible worlds where you choose X but in a somewhat different manner from that in which you actually choose it, and for a range of possible worlds in which you choose Y and Z instead, you should escape interference. In a phrase, freedom as Berlin understands it requires robust non-interference: that is, non-interference in a range of relevant possible worlds, including the actual one. It is a robustly or modally demanding value.

The range of worlds where you must escape interference for enjoying freedom in this sense may be capable of being identified only on a context-sensitive basis, with intuition playing an important role in determining the boundaries. But one

thing that is quite clear is that they may include worlds that are very improbable. You may be very unlikely to choose Y or Z as distinct from X but if you are to enjoy freedom in the exercise of the X-Y-Z choice then you must escape interference even in the unlikely event of choosing one of those options. Freedom, as Berlin puts it, requires each option to be an open door. It is not enough for the door you happen to push on to be open. And it is not enough for doors to be likely to be open in proportion to the probability of your choosing them. They must be open, period.

The republican conception of freedom as non-domination that I have defended in earlier work strengthens the modal requirements of freedom as non-interference, even when it is agreed that the non-interference should be present in possible as well as actual worlds. It requires not just that each door should be open in a free choice but that its remaining open should not be dependent on the goodwill of any powerful doorkeeper. Were X, Y and Z to be open doors for you but only so long as I remain favorably disposed, then you would be dependent on the state of my will as to whether you can access X or Y or Z. You would be subject to my will in the exercise of the choice, since my will would be in ultimate control. And by traditional connotations you would therefore enjoy something less than freedom. You might have latitude or leeway in the choice, given that I remain favorably disposed, but you would have that latitude in the manner of a subject or slave, not in the manner of someone who is his or her own person. You might have free rein, as a horse has free rein when the rider allows it to follow its nose. But I would still be in the saddle, determining the limits within which you can continue to enjoy free rein.

I do not wish to defend either the conception of freedom as non-interference or the stronger conception of freedom as non-domination. I mention them only as examples of modally demanding values. Freedom under either construal is a rich value that has a thinner counterpart, which we may describe as the non-frustration of an option. The rich value requires the thin counterpart to be present, not just in the actual world, but also in a range of possible worlds: in the case of freedom as non-interference in a narrower range, in the case of freedom as non-domination in a wider. Both exemplify a structure that is to be found in other values as well. And that is what currently interests me since the presence of the structure, as we shall see, has significant normative implications.

In order to see that the structure is present elsewhere, think about the value of love or friendship. Think in particular about Oscar Wilde's play, *The Importance of Being Earnest.* In this wonderful comedy, the protagonists, Jack and Algernon, each face the problem that their fiancées believe them to be called Ernest and protest moreover that they couldn't love a man that wasn't called by that name. Thus Jack is dismayed to find that Gwendolen, and Algernon is dismayed to find that Cecily, thinks that were he called by what happens to be his actual name, she really couldn't love him; each finds the name, Ernest, uniquely reassuring. The assumption is clear. Jack and Algernon each feel that love is a rich value that

requires the lover to bestow affection on her beloved, not just in the actual world — the world where he is apparently called Ernest — but also in a range of possible worlds, and particularly in worlds where he is called Jack or Algernon. Those worlds may not be particularly probable, at least within the assumptions of the play: after all, it may be extremely unlikely that you should be called, or even should have been called, by a particular other name. But nonetheless it is clear to Jack and Algernon that if he is only given affection in the actual world — the world where he is called Ernest, as Gwendolen and Cecily both appear to think — then he is not truly loved at all. And of course the comedy lies in the fact that that is equally clear to the audience though not, it seems, to the heroines of the piece.

Shakespeare gives nice expression to the rich requirements of love when he says in one of his sonnets that "Love is not love, Which alters when it alteration finds". Love is not love where affection is dependent on the beloved not changing name, or not changing in a range of other respects: not changing in looks or age or health or whatever. Nor is love love that is dependent on the lover continuing to find affection natural or easy or consistent with rival interests. As freedom is a function of robust non-frustration, so love is a function of robust affection. It requires actual affection, of course, but it also requires affection to survive a certain array of possible changes, some of them quite unlikely, in the circumstances of the parties.

Once we see the modal structure that is exemplified in the value of freedom and in the value of love — in those goods that we enjoy at the hands of others — we position ourselves to find a similar structure across a wide spectrum of goods. I enjoy your honesty insofar as I enjoy your truth-telling, not just in the actual world where it is more or less convenient for you to tell the truth, but also in various possible worlds where it becomes inconvenient. I enjoy justice at your hands insofar as I enjoy your recognition of my claims on you, not just in the actual world where recognizing my claims happens to fit with your own interests, but also in the various possible worlds where it is more costly for you to countenance those claims. Justice, as the Digest of Roman law puts it, requires *constans et perpetua voluntas jus suum cuique tribuendi*: a constant and perpetual willingness to give each their right. And the pattern continues across a range of values. Thus, to invoke a familiar Kantian theme, you do not give me respect if you confer it just as a gift: strictly, if you abjure force or threat or deception in dealing with me but do so as a matter of discretionary indulgence or favor. You give me respect only if you swear off — and, ideally, are constrained to swear off — force or threat or deception not just in the actual world, where you are moved to favor me, but also in a range of possible worlds where I prove less charming or you find yourself less well disposed.

A question that I am pursuing in current work — a question that I would like to think is a question for tomorrow — bears on how far this structure of modally robust demands is found across the range of intuitively compelling goods or val-

ues. But why do I think the question interesting? Is it appealing just in the manner of a novel taxonomic or analytic observation? Or is it interesting because of its implications for normative thought? Unsurprisingly, perhaps, I think that its appeal is of the second kind, not just the first. I mention three normative implications that promise to be of significance.

Suppose we are capable of providing goods for others, not just by acting well in a certain manner, but also by being disposed or perhaps constrained to act in that manner: disposed or constrained in a way that ensures the robustness across certain possibilities of our acting in that fashion towards them. One thing that immediately follows is that the virtues that dispose us in such a direction, or the constraints of law or norm that force us there, may serve important purposes that are not registered in current theories. Virtues will be relevant in ensuring the presence of the goods of love or friendship for those we especially care about or the presence of the goods of honesty or justice for anyone with whom we have dealings. Laws or norms will be relevant in ensuring the good of freedom for those with whom we deal; at least on the republican conception of freedom, it is only such constraints that can serve equally in protecting each of a number of people against others. And both virtue and law are likely to be important in ensuring the good of respect that people are capable of enjoying amongst their fellows.

Standard views of virtues and laws suggest that they may serve to promote the good either practically or epistemologically. Virtues may make people more likely to do good and they may enable people to recognize the good that they may do. Laws may constrain potential offenders to comply and they may assure people generally that otherwise potential offenders are likely to comply. But on the line emerging here, virtues and laws may each serve a distinct function, which is ontological rather than practical or epistemological. They may enable the creation of goods — robustly demanding goods — that are otherwise unavailable. It is only in the presence of virtue that you can enjoy the friendship or honesty or justice of others. It is only in the presence of suitable law that you, in common with your fellows, can enjoy freedom as non-domination in relation to others. And it is only in the presence of both virtue and law that you can enjoy, in common with others, a respected status.

A second normative implication of the modally robust nature of many values is that it provides powerful support for an indirect form of consequentialism. If the good that I can bring about in the world is solely a function of how I act in this or that or another manner, then it is all too likely that I will be a cipher whose actions are hostage to the sorts of circumstances in which I find myself. I will be forced to make the best of every bad situation, however unseemly the acts that this policy may push me into performing. In Bernard Williams's phrase, I will lose integrity or wholeness as an agent, becoming a mere function whose actions are dictated by the vicissitudes of circumstance and fail to allow a constant character to form or to manifest itself. But this integrity-based challenge is going

to be enormously weakened if it turns out that adopting the policy described would mean that I could not ever form the virtues, or display the fidelity to the laws, that would make me into a source of more robustly demanding goods. Let demands of the good be often robust in the way that I have described, then this challenge to consequentialism — and, I would argue, other challenges too — is going to lose much of its force. Being good can be the best way of conferring certain benefits on others and being good may be inconsistent with a policy of relentlessly making the best of bad situations. For deep and not just pragmatic reasons, the best in a situational sense may be the enemy of the good, when the robust demands of the good are taken into account.

Finally, let me mention a third implication of the robust structure of the good, which is that it may often justify common intuition in a range of problematic cases. Is omitting to do good — in particular, intentionally omitting to do good — as bad as intentionally causing harm? Common intuition suggests that is its not, though that can claim seem utterly without foundation from a detached, often consequentialist viewpoint. What I wish to notice is that the claim — like other similar claims — becomes potentially persuasive in light of recognizing that as we bring about goods for others not just by how we act but also by how we are, so the same is true of bringing about bads. The observation helps make sense of common intuition and may also help to explain away certain Knobe effects, as they are often called, though I shall not pursue that matter here.

When I intentionally omit to do you good, that certainly leaves you worse off than you might have been had I not failed in that manner. But does it leave you as badly off as you would be left in the event of my intentionally imposing a commensurate harm on you: a harm that involves more or less the same loss as my omission engenders? Not if how I behave or fail to behave is not the only source of harm that I can inflict: not if how I am or fail to be can do you harm as well. When they are intentional, both an omission to do good and an act that inflicts harm will reflect something about how the agent is. The omission will display the absence of benevolence, the act the presence of malevolence. But the absence of benevolence constitutes the loss of a robust good that is intuitively less damaging than the presence of a robust bad, even when the actual loss involved is more or less the same on the two sides. Hence a belief in the normative significance of the act-omission distinction is more reasonable than it might at first have seemed.

If I were to go further, then I would run into trouble with my word limit. And if I were to go further, then I might end up going beyond where my current convictions have taken me. I hope my brief comments suggest that there are legs to the idea I have mooted about the importance of recognizing the robust — as well as the actual and expectational — demands of the good. I do not know whether there are legs enough to give the idea currency amongst tomorrow's questions. But, of course, I have my hopes.

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