

III. FREEDOM AND CONSTRAINT BY NORMS

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THE issue of human freedom classically arises in the context of appraisal of action according to norms, when we seek an account of praise and blame, approval and disapproval. The issue of freedom arises again in the political context of an account of the ways in which an individual is and ought to be constrained by norms imposed by his community. One of the most suggestive responses to the first set of concerns has been developed by the Kantian tradition: the doctrine that freedom consists precisely in being constrained by norms rather than merely by causes, answering to what ought to be as well as to what is. Hegel and his admirers, in their turn, have responded to the second sort of concern with an influential doctrine of freedom as consisting of the self-expression made possible by acquiescence in the norms generated by an evolving community (the social synthesis of objective spirit). The central feature determining the character of any vision of human freedom is the account offered of *positive* freedom (freedom to)—those respects in which our activity should be distinguished from the mere lack of external causal constraint (freedom from) exhibited by such processes as the radioactive decay of an atomic nucleus. In this paper I will examine one way of developing Kant's suggestion that one is free just insofar as he acts according to the dictates of norms or principles,¹ and of his distinction between the Realm of Nature, governed by causes, and the Realm of Freedom, governed by norms and principles. Kant's transcendental machinery—the distinction between Understanding and Reason, the free noumenal self expressed somehow as a causally constrained phenomenal self, and so on—can no longer secure this distinction for us. It is just too mysterious to serve as an *explanation* of freedom. Yet some distinction between the realm of facts and the realm of norms must be established if the notion of freedom as normative rather than causal constraint is to be redeemed. In this paper I will present a version of

this distinction which was not envisioned by Kant, and show how a novel response to the dispute between naturalists and non-naturalists concerning the relation of fact to norm can be developed out of that rendering. I will then argue that the account of human freedom which results from this story needs to be supplemented in just the ways in which Hegel claimed Kant's account needed to be supplemented, and will recommend an Hegelian self-expressive successor.

I

In order to clarify the difficult issues associated with accounts of human freedom which center on constraint by norms, we will focus our attention on the special case of norm-governed *linguistic* activity. I am not claiming that there are no significant differences between the way judgments of correctness and incorrectness function for linguistic performances and for actions in general, but I do not think we yet know which differences these are. There are certain respects in which we are surer of what we want to say about the norms that govern language-use than we are about other kinds of norms, so it is reasonable to exploit views about linguistic activity to illuminate the broader issues.

What makes a linguistic performance correct or incorrect, an utterance appropriate or inappropriate? Clearly in some sense the practice of the community which uses utterances of that type generates the standards of correctness by which individual tokenings are to be evaluated. The objective truth or falsehood of claim-making utterances need not concern us here, since appropriate utterances may not be true, and true ones may not be appropriate. I have argued elsewhere² that the notions of truth and meaning should be understood as theoretical auxiliaries introduced as part of a

¹ I am not concerned to *expound* Kant (or, later, Hegel), but to develop various consequences of quite general features of his views which can be discussed in abstraction from detailed consideration of particular texts.

² "Truth and Assertibility," *The Journal of Philosophy*, vol. 73 (1976), pp. 137-189.

certain kind of theory of the practices of using a language which generate norms of appropriateness. For our present purposes we need not invoke these notions, since we need not delve below the level of the practices which constitute the shared use of a language. That it is actual human social practices which determine the correctness as a linguistic performance of an utterance on some particular occasion is clear from the fact that the community whose language is in question could just as well use some other noise on the relevant occasions.

We can express this point in terms of the *conventionality* of the association of particular vocables with standards of usage, so long as we are not seduced by this form of words into thinking of conventions or rules of usage for linguistic expressions as formulated in some ur-language (even mentalese) by the users of the language, an ur-language which they must understand in order to conform to the regularities of usage which constitute the use of the language by that population. We should rather think of those regularities as codified only in the *practices* of competent language-users, including of course the practices of criticizing the utterances of others for perceived failures to conform to the practices governing their linguistic performances and the practices available for adjudicating such disputes as may arise about the appropriateness of some utterance. So long as we think in this way of the norms governing communal usage of linguistic expressions as implicit in the practice of the community, we avoid the pointlessly puzzling regress generated by any rendering of those norms in terms of (linguistically expressed) rules or conventions which must themselves be applied correctly.³ We can still give whatever causal account we like of the objective capacities in virtue of which individuals are able to engage in the complicated practices we attribute to them, for no regress is generated unless we seek to explain the ability to engage in those linguistic practices in some fashion which appeals to prior linguistic abilities, e.g., the following of a rule.⁴

What sort of a thing is the social practice which embodies a standard of correct and incorrect linguistic usage? Differently put, what makes a given act or utterance an instance of, or performance in accord with, some social practice? Consider a community whose members have a practice of greeting each other with gestures. In virtue of what

is some particular arm-motion produced on an occasion an appropriate greeting-gesture according to the practice of the community? Clearly, just in case the community takes it to be one, that is, treats it like one. The respect of similarity shared by correct gestures and distinguishing them from incorrect ones is just a *response* which the community whose practice the gesture is does or would make. To specify a social practice is just to specify what counts as the community responding to some candidate act or utterance as a correct performance of that practice. The criteria of identity for social practices appeal to the judgment of the community (where "judgement" here is not to be taken as entailing that the response is an explicit verbal evaluation). What the community says or does, goes, as far as the correctness of performances of their own practices are concerned. Classifying the behavior of a community in this way into social practices according to complexly criterioned responses is something that *we* do from the outside, as part of an attempt to understand them. The members of the community need not explicitly split up their activities in the ways we do, though they must do so implicitly, in the sense of responding as we have postulated.

Social practices thus constitute a thing-kind, individuated by communal responses, whose instances are whatever some community takes them to be. *Objective* kinds are those whose instances are what they are regardless of what any particular community takes them to be. *Galaxies more than a hundred light-years from the Earth* is such an objective thing-kind. Linguistic practices determining the appropriateness of utterances on various occasions are social practices rather than objective things according to this classification. It may be that for many of these linguistic practices we cannot specify anthropologically just what it is for the community to treat such an utterance as an appropriate performance (we will have more to say about this issue later, under the heading of translation). But whatever epistemic difficulties of *identification* we may have do not alter the criteria of *identity* of such practices, which consist solely of communal responses to utterances. The language-using community has the last word about the linguistic correctness of the performances of its members. As pointed out before, to say this is not to deny that in addition to appraisals of correctness according to the lin-

³ See Ludwig Wittgenstein's, *Investigations* I, Section 198 ff.

⁴ The distinction between these two sorts of explanation will be our topic in the next section.

guistic social practices one must conform to in order to be speaking the language of the community at all there can be appraisals (for instance of the truth or loudness of an utterance) which concern entirely *objective* features of that utterance—which are what they are independent of the responses of the community to those utterances. Our concern, however, is with those norms conformity to which is a criterion of membership in the linguistic community. The truth of utterances is obviously not one such, else languages would be unlearnable since they would presuppose infallibility. It is, on the other hand, probably a condition of having learned a language containing certain minimal formal devices (the conditional, a truth predicate, etc.) that the majority of one's utterances be *deemed* true by the community. *Taking* something as true is a social practice, not a matter of objective fact, however.

One consequence of the criterial dominion communities enjoy over the social practices they engage in is particularly important for our argument in the next section. Consider what one would have to be able to do in order to characterize a social practice objectively. The practice could be expressed by an objective description of past performances which had been accepted as in accord with the practice (were responded to appropriately), together with an account of the dispositions of the community to respond in the specified manner to future activities. These dispositions would be complex along a number of different dimensions. First, notice that it may well matter in what order different candidate performances come up for consideration. Social practices evolve the way case-law does—an issue may be resolved very differently depending upon where in a chain of precedents it comes up for adjudication. Thus the community may accept an act as in accord with a particular practice, and later refuse to accept acts objectively as similar as you like. In addition to the position of a performance in the tradition of precedent performances which comprise the social practice viewed temporally, we would in general have to take into account the location in the structure of the community at which a performance is initially considered. For the community need not be democratically organized with respect to its social practices. There may be experts with various kinds of special authority with respect to judgments

of the appropriateness of a performance, as is the case in English with the correct use of words like "molybdenum," or as could well be the case with the determination of the appropriateness of a bride-price in some tribe.⁵ The point is that the past decisions of a community as to what accords with a practice of theirs admits of codification in objective rules only with large areas of indetermination as to future possible performances. And even complete knowledge of the complex dispositions of the community will enable the filling-in of these indeterminate areas only insofar as we can also predict exactly when and where in the social structure each possible case will actually arise. This is a formidable undertaking. The trouble is that the community has total authority over their own practices, so that even if in the past they have exhibited a strong objective regularity in their responses, they may depart from that regularity with impunity at any time and for any or no reason.

There is another source of difficulty in capturing social practices in objective terms, namely the possibility of *nested* social practices. We have been talking so far as if the response which a community must make or be disposed to make to a putative performance in order for it to be in accord with a social practice were always some objectively characterizable response. The objective expression of a social practice is then a matter simply of being able to predict when that response will be elicited from the community, a difficult but not mysterious enterprise. But what if the response which for us identifies some social practice is not an objective response, but rather some performance which must be in accord with *another* social practice? There is clearly no problem envisaging such a situation as long as the second, criterial, social practice is itself definitionally generated by some objective response. This being granted, there is no obstacle to even longer chains, just so they terminate eventually in a practice generated by an objectively characterizable response. The objective description of a social practice of a community for which such chains of social responses were the rule rather than the exception (e.g. linguistic practices) might thus require the prediction of everything anyone in the community would ever do. Although it is not obvious at this point, it will be shown in the next section that we can envisage a situation in which

⁵ On such linguistic division of labor, and in particular the importance of the possibility of adjudication of some disputes by expert elites to be socially constituted only in the *future*, see Putnam's "Meaning of Meaning" in pp. 215-272 of his *Mind, Language and Reality*, *Philosophical Papers*, vol. II (Cambridge, 1976).

every social practice of the community has as its generating response a performance which must be in accord with another social practice. This possibility has profound consequences for our account of the relation of the realm of objective things to the realm of social things.⁶

II

Simple as this social practice idiom is, it allows us to describe the relation between norm and fact in a new way. To see this, consider the naturalism/non-naturalism dispute about what sort of distinction we are to envision between norms and facts. According to the naturalist, norms are facts, as objective as any other facts (although, of course, naturalists have various views about what sort of facts are important). Accounts of what ought to be may legitimately be inferred from accounts of what is. According to the non-naturalist, on the other hand, norms and facts are different kinds of things, and this ontological difference reflects or is reflected by the impermissibility of inferences of whatever complexity from "is" to "ought." It is clear that social practices, paradigmatically, *linguistic* ones, generate or express norms insofar as those practices are constituted by traditions of judgments of correctness and incorrectness. At least for the case of these norms which are inherent in social practices,⁷ the distinction between norm and fact coincides with the distinction between social practices and any matter of objective fact. The naturalist/non-naturalist dispute here translates into a disagreement about the relation of social practices (with their inherent norms) to objective fact. The naturalist sees no distinction of kind operating, and is committed to viewing social practices as complex objective facts concerning the functioning of various communities. The non-naturalist sees a new category of norm or value emerging in these situations.

When the issue is put in these terms, a *via media* accommodating the motivating insights of both view becomes possible. For we need not choose between the claim that there is an objective difference between the social and the objectively factual and

the claim that there is no difference at all between them. We may think instead of the difference as genuine, but *social* rather than objective, according to our criterial classification. On this view, whether a certain body of behavior constitutes a set of social practices (and hence expresses a normative constraint on performance) or merely exhibits complex but objective regularities is not a matter of objective fact. It is not, in other words, independent of how any community treats or responds to that body of behavior. The criterial classification of things into objective and social is itself a social, rather than objective or ontological, categorization of things according to whether we treat them as subject to the authority of a community or not. What, then, is the difference between treating some system as a set of social practices and treating it as consisting of objective processes?

For the possibly special case of *linguistic* practices, a straightforward answer is available. We treat some bit of behavior as the expression of a linguistic social practice rather than an objective process when we *translate* it, rather than offering a causal explanation of it. Let us agree to extend the application of the term "translation" to include any transformation of the capacity to engage in one set of social practices into the capacity to engage in some other set of social practices. Transformation of the ability to engage in those practices which constitute the use of German into those which constitute the use of English will then be a special case of general translation. We are considering two ways of coping with some complex behavior. Objectively, any spatio-temporally locatable performance can be described objectively and explained as part of a causal web consisting of other similarly described events. In practice, this sort of explanation of, say, the reliability of some signal as an indicator of red objects, may involve the causal understanding of quite complex facts about the physiology and training of the signal-producer. Instead of attempting such an objective account, we may instead use our own set of social practices as an unexplained explainer, and be responsible for an account of how the system in question *differs* from what we

⁶ Among contemporary philosophers, Wilfrid Sellars has made the most of this basic sort of distinction between the objective and the social. He has argued throughout his works for the importance of such a distinction between a causal or descriptive order and a normative order of justification and reason giving (a dualism indebted to Kant, Schopenhauer, and the early Wittgenstein, rather than Descartes). This point is one of the keys to the classic "Empiricism and the Philosophy of Mind" in Sellars' *Science, Perception, and Reality* (London, 1963). See also chapter 7 of *Science and Metaphysics* (London, 1968). Richard Rorty elaborates this perspective in his forthcoming *Philosophy and the Mirror of Nature*, to which I am indebted.

⁷ Although I cannot argue the matter here, I believe that the social practice idiom offers a quite general account of the nature of normative constraint. To show this, however, would entail discussing such issues as the relation of moral norms to other sorts of social norms, a project I don't want to enter here.

would do in that situation. Insofar as we adopt this second strategy, we expect the system in question to conform to the same sorts of norms of appropriateness and justification of its performances as govern ours. Translating, rather than causally explaining a performance, consists in assimilating it to our own practices, treating it as a dialect of our own practical idiom.⁸

There are two consequences of this distinction which we should notice. First, causal explanations can proceed atomistically, building up the behavior of a complex system out of independently describable behavioral elements. Translations, however, even in our extended sense, must proceed holistically. One assimilates a complex of behavior to a whole set of our own social practices, providing a commentary to control disanalogies and specify the variety and goodness of fit intended. For our own social practices cannot in general be specified in isolation from one another. A performance is in accord with a particular practice of ours just in case it is or would be responded to in a particular way by our community. But that response typically is itself a performance which must be in accord with a social practice, i.e., one which does or would elicit another response in accord with another practice, and so on. From the point of view of an external objective account of our practices, the invocation of a chain of critical-constitutive practices of this sort which didn't end in an objective criterion of correctness would involve us in a vicious explanatory regress or circle. But for us to engage in a web of social practices no such requirement applies. All that is required is sufficient agreement within the community about what counts as an appropriate performance of each of the practices comprising the web; then holistic objective regularities of performance can take the place of appeal to objective criteria of correctness in any particular case. I am not claiming that this situation always arises—we can specify a social practice generated by an objectively characterized response. The point is that it is not a necessary condition of the possibility of our community

engaging in a set of social practices that we or anyone else be able to dissect that set into inferential or critical chains of practices, each ultimately governed by some objective response.

Next, notice that on this account, the measure of social practice is *our* social practice. When we treat a performance in this way we treat the performer as a member of *our* community, subject to *our* norms of appropriateness and justification. By translating, rather than causally explaining some performance, we extend our community (the one which engages in the social practices into which we translate the stranger's behavior) so as to include the stranger, and treat his performances as variants of our own. What we should remark about this is that who is or isn't a member of a particular community is a paradigm case of a matter which is social rather than objective according to our criterial classification. The community has final say over who its own members are. That is just the sort of issue that the community could not coherently be claimed to be wrong about. It might be inconvenient, or arbitrary for them to draw the boundaries around "us" in a certain way, but it is clearly not the sort of issue there is an objective fact to be right or wrong about, independent of what the community takes its own membership to be (of course they can *say* false things about who is in their community—what is decisive according to our criteria is how they behave or respond to the various candidates). So insofar as the distinction between the social and the objective is to be drawn as we have suggested, depending upon whether one copes with the behavior in question by causal explanation and manipulation or by translation, that distinction, while genuine, is social rather than objective, a matter of how the behavior is treated by some community rather than how it is in itself.⁹ We will have some more to say about the crucial distinction between translation and explanation in the next section. For now, let us notice the consequences which this way of approaching things has for the larger issues we are concerned with.

⁸ Jurgen Habermas, in *Knowledge and Human Interests* (Boston, 1971) distinguished the sort of explanation one gives of causal phenomena "logically"—claiming that causal explanation employs a "monologic" of impersonal inference, while interpretation is always "dialogic" in character. While I am not sure what this logical rendering comes to, the account developed here of the difference between the social and objective coincides in many particulars with Habermas' story about the differences between control and conversation.

⁹ The point here is reminiscent of D. C. Dennett's views about the justification of the adoption of the "intentional stance" (in *Intentional Systems* "The Journal of Philosophy," vol. 68 [1971], pp. 87-106). A difference is that social practices need not exhibit any "intentional" character. I have discussed elsewhere (see note 2) some of what is required of a social practice in order for it appropriately to be taken as making a claim that something is the case. I would thus seek to account for intentionality in terms of social practices. J. F. Rosenberg has argued forcefully against the cogency of the reverse order of explanation in the opening chapters of his *Linguistic Representation* (Dordrecht, 1975).

If we can make the distinction between translation and causal explanation stick as two distinguishable ways of responding to the same behavior, then we can bypass the naturalism/non-naturalism dispute about the relation of norm to fact. For both parties to that dispute assumed that if there were any distinction between norms and facts it was an *objective* (factual, descriptive) difference. On our account, however, the difference between the normative order expressed in social practices and the factual order expressed in objective events and processes is a social difference in two ways of treating something. The social/objective distinction is social rather than objective.¹⁰ If we now transfer this account of the distinction between the Realm of Nature (fact, description, cause) and the Realm of Freedom (norm, evaluation, practice) back to Kant's original suggestion that freedom consists in constraint by norms rather than simply by causes, the difference between being free and not being free becomes a social rather than an objective difference. The difference between these two "realms" is not an ontological one. The real distinction in the vicinity is between two ways of treating someone's behavior. According to this line of thought, we treat someone as free insofar as we consider him subject to the norms inherent in the social practices conformity to which is the criterion of membership in our community. He is free insofar as he is one of us. Insofar as we cope with him in terms of the causes which objectively constrain him, rather than the norms which constrain him via our practices, we treat him as an object, and unfree. There is no objective fact of the matter concerning his freedom to which we can appeal beyond the judgment of our own community. Of course the community can appeal to what it takes to be objective facts about a candidate for the extended membership granted by translation, but it is how they finally behave toward the candidate that matters. On this view, then, man is not objectively free.¹¹ Our talk about human freedom is rather a misleading way of talking about the difference between the way in which we treat members of our own community, those who engage in social practices with us, and the

attitude we adopt toward those things we manipulate causally. Being constrained by or subject to norms is a matter of belonging to a community, and that is a matter of being *taken* to be a member by the rest of the community.

III

Reason for doubting that this notion of freedom is a finally satisfactory account emerges when we remember that anything at all can be treated as objective, and can also be treated as social. The two stances do not exclude each other. That any set of spatio-temporally locatable events is in principle capable of an objective causal explanation needs little arguing. It is a regulative ideal of natural science. When we translate another's utterance we need not presume that that utterance cannot also be explained as a part of the objective causal order, that it was not predictable (at least statistically) given sufficient information about the physiology, training, and recent environment of the speaker. Of course in situations where we are not now actually capable of such an explanation in terms of causes, there will be a certain amount of strain involved in treating an utterance as merely caused. But there is no difficulty of principle. Less obviously, anything can be treated as subject to the norms inherent in social practices, with a greater or lesser degree of strain. Thus a tree or a rock can become subject to norms insofar as we consider it as engaging in social practices. We can do this either by giving it a social role, for instance that of an oracle, or simply by translating its performances as utterances. Thus we can take the groaning of a branch to be the expression of exhaustion, or take the record-changer to be telling us that the record is over. Of course in such cases we must allow that the item in question is only a member of our community in a derivative and second-class fashion, for it is not capable of engaging in very many of our practices, or even of engaging in those very well. This is the strain involved in translating ordinary occurrences rather than simply explaining them, and no doubt this strain is the reason we usually don't do this. But

¹⁰ It is a measure of the superiority of this idiom over more traditional ones that the possibility of this sort of view would not come readily to mind so long as the issue is formulated as a norm/fact, or evaluation/description distinction. For what does it mean to say that these distinctions are not factual or descriptive, but normative and evaluative? And yet this is what we are claiming, in the specific sense captured by the social/objective rendering.

¹¹ Though of course on this account that freedom is not merely subjective and imaginary either. It is rather a social matter, and the criterial classification distinguishes the social from both the subjective (which is whatever some individual takes it to be) and the objective (which is what it is regardless of how anyone takes it to be). I have argued that this criterial classification is itself social rather than objective.

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there are border line cases, as with infants, cats, and temperamental automobiles. The force of the claim that the difference between the social and the objective is a difference in how they are treated by some community (by *us*) rather than an objective matter about which we could be right or wrong is that differences in convenience of one kind or another are the only differences to be accommodated here. If we want to treat the tree like one of us, the wind in its branches translated as utterances suggesting various courses of action, debating and justifying these, then the difficulty of finding a scheme which will make the tree sound sensible is the only obstacle.

It does not seem implausible to treat the difference between the social and the objective, and therefore the difference between the normative and the factual, as itself a social difference in this way. There are clear differences between translation and causal explanation of environing occurrences, and it is equally clear how those differences can generate criterial differences in objects treated one way or the other, once we have seen that such criterial classifications are not objective, ontological ones. But the account of freedom which results from conjoining this explanation of the norm/fact distinction to Kant's doctrine that freedom is constraint by norms is unattractive. Hegel objected to Kant's restriction of Reason and the norms and principles involved in it to the purely *formal* features of conduct. He regarded any account of freedom in terms of constraint by norms to be doomed to empty abstractness insofar as it ignores the *content* of the norms involved, linking freedom to the purely formal fact of constraint by some norm or other. The sort of cultural-historical particularity of the content of norms which Hegel sought in vain in Kant is secured by the token-reflexive reference in the formula—to be a Kantian rational-moral agent is to be one of *us*. This establishes only one side of the dialectic of social and individual development which Hegel urges, however. Communal autonomy is a necessary presupposition of the development of individual freedom. This latter, the freedom of the artist and the genius, is not to be identified with the former, the freedom of the peasant and the worthy Pietist. Hegel envisaged a higher form of positive freedom as self-expression and *Bildung*, enabled by but not reducible to constraint by communal norms. In the rest of this paper we consider such a notion,

elaborated from Hegel's hints, but not intended as an exposition of the account presented by Hegel in his own original and ferocious idiom.

As above, we will take our lead from the consideration of the norms which govern linguistic activity. Our concern before was with the social dimension of these norms, with what constitutes membership in the community which has those norms, and consequently with what it is to be constrained by them. Our present concern is not with the nature of such social constraint, but with its issue. In particular, we want to examine the possibility that for some sets of norms, at any rate, constraint can be balanced by the creation of a new sort of "expressive freedom" of the individual. It is a striking fact that learning to engage in the social practices which are the use of a shared language does not simply enable us to use stock expressions ("Pass the salt," "Good morning," and so on) so as to navigate the common social situations which elicit them (communal feeding, working, and so on). In fact most of the sentences that make up our ordinary conversation are sentences that have never been uttered before in the history of the language, as Noam Chomsky has forcefully pointed out.¹² To acknowledge this fact is not to retreat from the characterization of language as a set of social practices in our sense, since it is still the linguistic community which decides whether some novel sentence is appropriately used or not. But we must not think of the social practices governing such communal judgments of appropriateness for novel utterances the way we think of those governing common sentences like "This is red", as the product of selective reinforcement of many different utterances of that very expression on various occasions.¹³ Learning the language is not just learning to use a set of stock sentences which everybody else uses too. One has not learned the language, has not acquired the capacity to engage in the social practices which are the use of the language, until one can produce *novel* sentences which the community will deem appropriate, and understand the appropriate novel utterances of other members of the community (where the criterion for this capacity is the ability to make inferences deemed appropriate by the community). This emergent expressive capacity is the essence of natural languages.

We ought to understand this creative aspect of

¹² *Aspects of the Theory of Syntax* (Cambridge, Mass., 1965), Chapter One.

¹³ W. V. Quine's elephant topiary example in the first chapter of *Word and Object* (Cambridge, 1960), suggests that he has in mind the latter type of sentences exclusively, for it is difficult to see how his story is appropriate to the former.

language use as the paradigm of a new kind of freedom, *expressive* freedom. When one has mastered the social practices comprising the use of a language sufficiently, one becomes able to do something one could not do before, to produce and comprehend novel utterances. One becomes capable not only of framing new descriptions of situations and making an indefinite number of novel claims about the world, but also becomes capable of forming new intentions, and hence of performing an indefinite number of novel *actions*, directed at ends one could not have without the expressive capacity of the language. This is a kind of positive freedom, freedom *to* do something rather than freedom *from* some constraint. For it is not as if the beliefs, desires, and intentions one comes to be able to express when one acquires a suitable language have been there all the time, hidden somehow "inside" the individual and kept from overt expression by some sort of constraint. Without a suitable language there are some beliefs, desires, and intentions that one simply cannot have. Thus we cannot attribute to a dog or a prelinguistic child the desire to prove a certain conjectured theorem, the belief that our international monetary system needs reform, or the intention to surpass Blake as a poet of the imagination. One comes to be able to do such things only by becoming able to engage in a wide variety of social practices, making discriminations and inferences and offering justifications concerning the subject matter in question to the satisfaction of the relevant community. And this is to say that it is only by virtue of being constrained by the norms inherent in social practices that one can acquire the freedom of expression which the capacity to produce and understand novel utterances exhibits.

As a form of positive freedom, this expressive capacity does not consist simply in a looseness of fit in the constraining norms. One is able to express novel contents not simply because an utterance can be linguistically appropriate on many different occasions, nor again because the boundaries between appropriate and inappropriate utterances are vague (as is always the case with social practices, whose "boundaries"—the division between what is and what is not in accord with them—are not objective but social, a matter of how the community does or would respond). No novelty is generated by the fact that the constraint constitutive of social practice has such an open texture that lots of antecedently possible performances are acceptable. Expressive freedom consists in the generation of new possibilities of performance which did not and could not exist

outside the framework of norms inherent in the social practices which make up the language. One acquires the freedom to believe, desire, and intend the existence of novel states of affairs only insofar as one speaks some language or other, is constrained by some complex of social norms. Expressive freedom is made possible only by constraint by norms, and is not some way of evading or minimizing that constraint.

It is clear that not all sets of social practices, in the sense we have given to that term, will generate the sort of expressive freedom which we can discern as enabled by natural languages. So an account of positive freedom modelled on the creative use of language—the possibility of novel performances—will not take that freedom to be constituted by the abstract and purely formal fact that one is constrained by norms (that one engages in the social practices of some community, i.e. is accepted as doing so by some community). Not just constraint by norms but constraint by a particular kind of norms makes possible individual expressive freedom, as Hegel envisaged. Nor should we think of that freedom merely as a fact or a state to be achieved and enjoyed. Expressive freedom, as the capacity to produce an indefinite number of novel appropriate performances in accord with a set of social practices one has mastered, is an ability which must be exercised to be maintained. Following Hegel's hint a little further, we can see the exercise of positive, expressive freedom as part of a process of cultivation [*Bildung*] of the self and of the community. For the capacity of individuals to produce novel performances in accord with a set of social practices makes possible novel social practices as well. For as the community becomes capable of novel responses (themselves subject to judgments of appropriateness), new social practices are generated. A social practice is defined as a respect of similarity evinced by performances which do or would (under circumstances which must be specified whenever we specify a particular practice) elicit some response from the community. Some sets of social practices, paradigmatically natural languages, make possible novel performances on the part of those who participate in them, and these in turn make possible further social practices. Particular novel performances and the social practices which make them possible and are made possible by them, on the one hand, and individuals and the community they comprise on the other, thus develop together in a fashion Hegel marked with the term "dialectical." Thus a child's relative mastery of a natural language

first makes possible the production and comprehension of appropriate novel utterances. This capacity in turn enables the child to submit to stricter social linguistic disciplines, such as govern the criticism or production of literary works or legal briefs. At the level of the community, new disciplines are founded by the novel productions of individuals—the social practices which comprise a scientific or academic discipline are produced in this way, and make possible further novel performances and their appreciation. The self-cultivation of an individual consists in the exercise and expansion of expressive freedom by subjecting oneself to the novel discipline of a set of social practices one could not previously engage in, in order to acquire the capacity to perform in novel ways, express beliefs, desires, and intentions one could not previously even have, whether in arts or sports. The cultivation of the community consists in the development of new sets of social practices, at once the result of individual self-cultivation (producing novel performances which, institutionalized as responses to other performances make possible new social practices) and the condition of it. It is in this sense that we speak of the “culture” of a group as the set of social practices they engage in.¹⁴

It is clearly not possible to specify in advance the expressive capacities of different sets of social practices, for instance in an attempt to compare two languages along this dimension. For the peculiar dialectical pattern of development of expressive capacities itself continually creates novel expressive dimensions by making possible desires and intentions which could not operate at earlier stages in the cultivation of a particular community or individual. Self-cultivating individuals and communities, developing their expressive capacities according to this dialectic of shared practice and novel performance will accordingly be a *great* deal more difficult to account for in terms of objective causal processes than will social practices which don't make possible

indefinite numbers of novel performance-types. Here the quantitative difference in convenience between coping with behavior by treating it as objective and seeking a causal explanation and treating it as social and seeking a translation of it into our own practices assumes such proportions that it is plausible to treat it as a qualitative difference¹⁵ (this does not, of course, entail that we take it as an objective difference rather than as a social difference of how things are treated which is based on the objective difficulty of discovering adequate causal accounts. We are, after all, familiar with objective processes which generate new types of behavior.) Expressive freedom is thus a species of the Kantian genus of freedom as constraint by norms, a specification and supplementation of that general notion.

The final suggestion I want to make by way of recommending this way of talking about human freedom, both individual and social, is to note the sort of legitimation of political and social constraint which it makes possible. Hegel and some of his admirers (notably Marx and T. H. Green) rejected the liberal enlightenment account of justification of constraint of the individual by social and political institutions which had found that justification in the extent to which social organization made possible the greater satisfaction of individual wants, considered as fixed and specifiable in abstraction from the sort of community the individual participates in. The Hegelian tradition was acutely aware of the debt which an individual's desires owe to his community, but did not wish to succumb entirely to the antidemocratic and anti-individualist implications of an account which made the community paramount. The general form of their resolution of this dilemma, which can be reproduced in less metaphysical terms in the idiom of social practices, is this. Constraint of the individual by the social and political norms inherent in communal practices may be legitimate insofar as that constraint makes

¹⁴ Defining culture in this way, we may distinguish three sorts of sub-structure: individual repertoires, traditions, and institutions. Each individual member of the community has a repertoire of social practices comprising all those he is capable of engaging in (producing performances appropriate according to) at a particular time. Such a repertoire has a history, insofar as it is different at one time than at another. Those practices have in common a particular human being who engages in them. The practices which make up a *tradition* share a common ancestry. A tradition is a tree structure whose nodes are sets of social practices engaged in by individuals (one individual per node, perhaps not his entire repertoire) and whose branches are the transmission or training to engage in the social practices are transformed. A social institution is then composed at any time of individuals and sub-sets of their current repertoires which are their *institutional roles*. The development of the institution is the evolution of those roles in their mutual relation.

¹⁵ Although we cannot pursue the matter here, it is plausible to identify the difference between objective causal explanation and translation of social practices (where the criterion for adopting one or the other stance is the appearance of dialectical development by the cultivation of expressive freedom as described above) with the difference which neo-Kantians of the last century perceived between the methods of *Erklärung* and *Verstehen*, which were the distinguishing features of the natural and cultural sciences respectively (and which we might think of as codifying the difference between things which have *natures* and things which have *histories*).

possible for the individual an expressive freedom which is otherwise impossible for him. Creative self-cultivation is possible only by means of the discipline of the social practices which constrain one, just as the production of a poem requires not only submission to the exigencies of a shared language, but the stricter discipline of the poetic tradition as well. One must speak some language to say anything at all, and the production and comprehension of novel performances requires a background of shared constraint. Political constraint is illegitimate insofar as it is not in the service of the cultivation of the expressive freedom of those who are constrained by it.

To say this is not so much to present a theory as to present the form of a theory, a way of talking about political legitimation and human freedom, an idiom. It does not, for instance, even begin to settle questions about trade-offs between different varieties

of negative and positive freedom. For one cannot project a Utopia from these considerations, nor can one abstractly evaluate political institutions according to the kinds and quality of expressive freedom and self-cultivation they enable and encourage. For it is precisely the production of *novel* expressive possibilities which is admired in this account, and that novelty in principle escapes classification and prediction by a priori theorizing. The idiom of expressive freedom is useful, insofar as it is useful, for those caught up in the dialectic of individual and communal cultivation, of shared practice and novel performance, to reflectively control possible changes in practice within a concrete situation. The value of this idiom, as of any other, consists in the possibilities for novel expression which it engenders, by way of comprehending and directing this dialectical process.¹⁶

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