

## Freedom of Choice and Freedom from Need

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**Abstract.** Those who attempt to make choice the basis for arguments about welfare tend to assume that choice involves nothing more than the availability of options and the opportunity to select among them. The opportunity to select is sometimes referred to as “freedom of choice,” which is assumed to follow from the absence of coercion. There is, however, an alternative way of thinking about the problem that links freedom not to the absence of external constraint on action we associate with choice, but to the capabilities and resources needed to make conduct the expression of an internal agency. This alternative understands freedom not as choice but as self-determination. This paper explores the idea of freedom as self-determination and its implications for the notion of choice not, however, by considering freedom as self-determination an alternative to choice, but rather as the condition without which choice has no meaning. The main theme of the paper is that self-determination is the capacity to negate needs originating in either the natural determination of the organism or in its immersion in a group of the kind that shapes and determines the identity of its members. Choice only becomes meaningful as an expression of the capacity to negate need, which capacity is referred to as freedom from need. The idea of freedom from need is then applied to the problem of the limits of the market and the role of the public authority in securing welfare. Consideration is given to the matters of health care and income subsidy.

**Key Words:** choice, ethics, freedom, groups, needs, self, welfare.

Those who attempt to make choice the basis for arguments about welfare tend to assume that choice involves nothing more than the availability of options and the opportunity to select among them.<sup>1</sup> The opportunity to select is sometimes referred to in the language of freedom as “freedom of choice,” a condition that exists when outcomes are not predetermined for individuals but determined by them. Freedom of choice is typically assumed to follow from the absence of coercion. There is, however, an alternative way of thinking about the problem that does not make this assumption. This alternative links freedom not simply to the absence of external constraint on action we associate with choice, but also to the capabilities and resources needed to make conduct the expression of an internal agency. Following this line of thought involves understanding freedom not as choice but as self-determination.<sup>2</sup> Freedom as self-determination differs from freedom

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1] Choice theory has its origins in the Utilitarian philosophy, which became the foundation for the neo-classical school in economics that emerged toward the end of the Nineteenth century. In the Twentieth century, and especially in the post WWII period, the link between markets, choice, and efficiency became the basis for arguments concerning the role of government and market in securing welfare. On the neo-classical approach to political economy, see Caporaso and Levine 1992, Chapter 4.

2] In the language used by Isaiah Berlin (1984), there is negative freedom (freedom from coercion by others) and positive freedom (existing as subject rather than object). The argument here is that freedom

as choice so far as agency is not assured simply by removing external constraints, but also demands the presence of a capacity internal to the individual.

In this paper, I explore the idea of freedom as self-determination and its implications for the notion of choice. To do so, I take the idea of self-determination in a specific direction, one I refer to as freedom from need. What I have in mind by this is that the presence of an internal agency as source of conduct and relating depends on the capacity to negate needs originating in the natural determination of the organism or in its immersion in a group of the kind that shapes and determines the identity of its members. I try to indicate how the notion of choice lacks meaning and coherence unless it is understood as an aspect of freedom from need. In the last part of the paper, I indicate how the idea of freedom from need can be applied to the problem of the limits of the market and the role of the public authority in securing welfare. There, I consider the role of state and market in the provision of health care and income subsidy.

### I. ETHICS AND CHOICE

Since its origins in the Eighteenth century, economics has treated the market as uniquely suited to providing the means for satisfying needs because the market is understood to adapt to particular circumstance and focus attention on what is particular in need and in the means capable of satisfying need. Thus, with regard to the employment of capital, Adam Smith tells us that “every individual, it is evident, can, in his local situation, judge much better than any statesman or lawgiver can do for him” (1976 [1776], 456; see also Hayek 1945). Corresponding to the identification of the market with knowledge of particular circumstance is the judgment that the public authority cannot know what is needed or how best to produce it and make it available. In other words, corresponding to a judgment about the competence of the market to provide individuals with the means to satisfy need is a judgment about the incompetence of the public authority to do so.

Smith places emphasis not on knowledge of what people need so much as on knowledge of the best lines of investment for society’s capital. In Smith’s case, this emphasis on investment follows from the way he thinks about need. Because he tended to conceive need in the language of subsistence, Smith did not consider it essentially a matter of individual choice, but of history and culture. So far as we follow this line of thinking, the public authority can know what is required to satisfy need even if it cannot know how best to produce it.<sup>3</sup> The judgment of public incompetence is further reinforced, however, when the subsistence idea is replaced by the ideas of utility and choice. Then, not only

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of choice, which is one aspect of freedom from coercion, only has meaning where conditions are met that assure self-determination. Because of this, the two kinds of freedom cannot be meaningfully separated.

3] We may notice an inconsistency in this argument since knowledge of what is the best line of investment depends on knowledge of demand, and therefore, at least indirectly, of need. If there is an inconsistency here, it may be in Smith’s adherence to the subsistence theory of need in the context of an argument for the use of markets in producing and distributing the things people need.

are the means for producing the goods needed a matter of local (in this case individual) knowledge, so also is need itself (so far as the term need continues to apply). This issue has a significant bearing on the matter of public services, since the public nature of such services is tied, implicitly if not explicitly, to the presumption either that what clients need can be determined for them or that non-market provision can take into account their unique circumstances.

The emphasis on utility and choice has taken Smith's original line of thought in a particular direction clearly expressed by Thomas Schelling (1984) when he argues against the use of ethics to guide policy and in favor of institutions designed to facilitate the pursuit of individual ends as expressed in choice. By applying what he refers to as "economic reasoning," Schelling argues that we can assure that preferences as expressed in choices drive outcomes rather than a prior, and presumably arbitrary, imposition of ethical judgment. This line of thought continues, though in a specific direction, the idea that a liberal society is one in which the good is an individual matter, and what is right is to assure that each individual is free to define and pursue the good as he or she imagines it (Rawls 1971, 446-52; Sandel 1984, 1-7; Manent 1995, 25-6).

## II. FREEDOM FROM NEED

For those who doubt the economist's view of the world, it has been tempting to emphasize how institutions and circumstances limit choices in ways that make coercive what might formally be depicted as choice. Thus, formal ownership of laboring capacity does not assure that its sale is a transaction freely (or voluntarily) entered into and therefore a matter of choice. Yet, considerations of this kind, as important as they are, do not get at what is, I think, most problematic about choice, which has to do not with the presence of external restrictions on alternatives, but with the assumption that choice is a meaningful way to describe conduct so long as options exist and actions are not coerced. To be sure, in the absence of viable options or in the presence of coercion, choosing is not a meaningful characterization of action. It does not, however, follow that the presence of options and absence of coercion assure that choosing will or can take place. This is because the possibility of choice expresses not simply attributes of the external world, but also a special way of conceiving the self in that world.

The way in which this aspect of choice is sometimes formulated is in the language of awareness (Elster 1986, 4). Objectively existing options only represent choices to the extent that the agent is aware of them. Because of this, choice cannot be treated simply as an objective condition. Awareness is here taken to mean knowledge of, which tends to subsume it into the matter of what sort of information is available about the world on the basis of which options can be identified. What I have in mind is not, however, the matter of whether the individual is aware of options in this sense. To be aware of options requires not only knowledge of the external world, but a special orientation toward it. This special orientation involves the capacity to imagine different futures with different

experiences of self and object in them. This means that to experience the world as offering alternatives is to see ourselves as the locus of a potential rather than as something already fully determined. The idea of the self as potential is, I think, essential in understanding the matter of choice (Levine 2011, Chapter 1). What is important, then, is not that those observing behavior see a range of options among which one is realized in action, or that the individual have meaningful options available and adequate knowledge of them, but that the individual have the unique capacity to choose, which includes the capacity to see the self in the world in a way consistent with choice.

The development of the capacity to which I have just referred cannot be separated from the development of ends; and, indeed, choice as a description of conduct only makes sense where ends are of the kind appropriate to it. When we choose, we select from among options the one we judge most likely to accomplish our end. Consistent with the point just made, we could say that only when our end incorporates the idea of realizing a potential to become something not yet fully determined can we speak about choice. Thus, we might speak of our end in the language of satisfaction, but only in seeking certain kinds of satisfaction can we characterize what we do in the language of choice. If, for example, the satisfaction we seek is of a purely natural or physical need, then freedom from external determination of conduct does not exist and choice does not describe what we do. Only when we are free from the dictates of such needs can our satisfaction take on that special meaning that links it to freedom from external determination. This condition, in which we are free of determination in conduct by need, defines choice as I use the term here, since, in its absence, what might seem a choice is really an outcome determined independently of the agent who chooses.

While absence of external determination of action requires the absence of coercion and the presence of, and awareness of, alternatives, neither condition is sufficient. Because of this, choice, narrowly conceived, can be a poor basis for judging institutions where freedom is to play a prominent role in defining our standards for judgment. We can, however, capture what is important in the idea of choice if we consider not the availability of options or the legal freedom from external constraint, but the capacity to imagine alternative selves and act on the basis of the imagined self. Doing so makes freedom from external determination real and choice meaningful. This is the condition I refer to as freedom from need.

When I refer to freedom from need, I do not have in mind a state of the organism in which needs are fully satisfied. Rather, what I have in mind is a state in which conduct is not driven by need, but by ends other than those rooted in natural imperatives of the kind the classical economists associate with the notion of subsistence, and that have more recently been associated with the idea of “basic need” (Braybrooke, Ch. 2). In speaking of freedom from need, I do not, however, mean to suggest that the organism no longer exists within a natural system. Rather, I have it in mind to consider the existence of the organism in a specially constructed world of conduct and relating where natural imperatives do not govern. We can, then, define welfare (the state of doing well or thriving) as a state of being

marked by the exercise of the capacity and exploitation of the opportunity to live in a way that is not defined by need.<sup>4</sup>

While we may be tempted to imagine that existence in this specially constructed world depends on the individual first satisfying the needs associated with existence as a natural organism and only then turning toward a life where freedom from need is the rule, I do not think that approaching the problem this way will in the end prove helpful. What I think will prove more helpful, if perhaps less intuitive, is to consider how the evolution toward freedom from need creates a world and a way of life in it where the satisfaction of natural need becomes essentially a byproduct of the pursuit of self-determination in want. And, as this evolution progresses, it becomes more and more difficult to identify what is a natural need and when it is being satisfied because in a meaningful sense it has ceased to exist as the governing factor in living. Then, something like natural need reemerges only where the world of freedom from need breaks down and living becomes nothing more than survival in the most elemental sense. Or, it reemerges when the natural processes of the organism cease to function or threaten to do so and in so doing reassert their dominance.

Freedom from need does not involve treating the individual as a locus or set of wants, as is assumed in subsistence, basic need, and choice-based constructions. Rather, the individual is here treated as a locus of the capacity to conceive the world as a place in which want cannot be taken as already determined by natural imperatives.<sup>5</sup> When the individual exists in this way, he or she can be said to choose, and choosing can be said to be an important part of what makes life meaningful. What I would propose to do is to focus our attention, then, not on the act of choosing, but on the presence of the capacity that makes choice meaningful, and indeed leads to the creation of a world in which choosing is possible. To do so, it will be useful to say something more about the nature of the capacity to conceive a world of alternatives and opportunities.

One way to understand the capacity to conceive the world in this way is in the language of imaginative construction. What frees action from natural imperatives is that before we act we imagine ourselves doing so. Choosing as an expression of the imaginative capacity is an act of selecting not simply among alternative satisfying objects, but among alternative selves, one of which will be realized in part through choices made. Once, however, we begin to imagine who we might be, we are not limited to options already available; there is also the possibility of options not yet in existence, and by extension of a self not already available in models given to us from outside. In other words, not only can we choose among options, we can also explore “opportunities as yet undetermined”

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4] For a fuller discussion of this notion of welfare, see Levine 2008, 13-20.

5] In other words, the starting point for thinking about welfare is the capacity to exist in a state “in which every concrete restriction and value is negated and without validity” (Hegel 1952 [1822], 37). This idea bears a connection to Rawls’s notion that individuals can reorient themselves in relation to the external world through the imaginative act that deprives them of any knowledge of what they want or what resources they have to satisfy their wants.

(Erikson 1964, 161-62). This latter is essential if there is to be freedom from natural imperatives. Not only, then, is there the matter of choice to consider, there is also, and more importantly, the matter of the creation of a world and of the self in it.

Once, however, we consider the imaginative act as the starting point for choice, freedom from need is no longer limited to freedom from natural imperative. Imagination attacks not only our natural limitations, but all constraint associated with external reality, whether that is the reality of the organism existing as part of a natural system, or the reality of the social organism existing within a cultural milieu. Here, I will consider freedom from cultural imperative in a special sense, the one linked to culture understood as a group phenomenon, and need understood as rooted in adhesion to the group through entering into a group identity. The idea of subsistence as that was used by the classical economists included not only those needs derived from natural imperative, but this connection to history and culture and to needs derived from adopting a way of life embedded in the culture of a group. These needs are as much defined for the member as are the natural imperatives of the species.

While it might appear that determination in natural imperative and in group identity stand sharply opposed, this is not, in fact, the case. Rather, it is in the nature of the group to imagine that its contingent rituals and regulations of everyday life are part of the natural order of things, an order from which it is not possible to deviate without losing all meaning in life and all connection with others. What is in the nature of a human life is also, in that sense, a kind of natural imperative of living. The loss of this connection to what is natural, and therefore inevitable, implied in the coexistence of many groups and many group-based cultures undermines the determination of conduct not only in culture, but in nature as well.

Can we be free of natural-cultural imperative, which is to say of group identity? Here, again, I think it is worth emphasizing that freedom from need does not mean that we have no group identity and no forces shaping how we live according to the group or groups to which we belong. It only means that we have the possibility of also living a life not determined by our group affiliations, and that those affiliations do not shape and control the whole of our being and all those ways we gain satisfaction in living by expressing who we are in what we do.

In the exercise of imagination and the effort to realize what we imagine in living, we can move outside the imperatives of nature and group life and still exist. Existence in this sense is what Donald Winnicott refers to as the "being expressed in doing" (1986, 39). Winnicott links this to the idea of creativity in living, which he distinguishes from a way of living organized around compliance. Compliance is another way of speaking about the external determination to which I refer above, so creativity in living in Winnicott's sense means that what we do originates internally, which is the being expressed in doing.

Winnicott also links creativity, or the ability to express being in doing, to what he refers to as "formlessness." Being able to enter into a state of formlessness places us into the "area of freedom" (Eigen 1996, Chapter 7). This formlessness, or indeterminacy, is

the result of the act by which we negate external determination. It is the starting point for shaping a life based on the internal factor we refer to by the term self. This closely parallels the notion of welfare as freedom from predetermined ways of living, which is the starting point for self-determination. When we understand welfare in this way, we look first not to satisfaction, but rather to our ability to exist without prior determination and to imagine what we might become through our own efforts to realize possibilities yet to be determined.<sup>6</sup>

### III. LIVING OUTSIDE THE GROUP

Freedom from need does not mean that we have no needs; rather, it means that we have access to a world in which need is not the governing factor. Here, I will emphasize the involvement of group life in making need a governing factor in living, which makes the possibility of living outside the group an essential element in self-determination. Because the idea that self-determination involves the capacity and opportunity to live outside the group plays an important role in the conception of welfare outlined here, it will be useful to offer a fuller discussion.

We can take a broad view and define the group as a collection of individuals who share some characteristic: ethnicity, location, interest, gender, values and so on. Yet, while this is not an unreasonable use of the term group, it leaves out something important in the idea of the group as I will use that term, which is that there must not only be a common characteristic, but also an emotional investment in it. When there is an emotional investment in a common characteristic, we can speak of identification among group members. This is how Freud speaks of groups, which he thinks of as systems of relatedness bound together by identification (Freud 1959 [1922]). The more important the shared characteristic, the more it serves to organize and animate what is meaningful in life for the members, the less those members are also individuals who share a trait, the more they are members of a group, and exclusively so. In other words, the greater the importance of the shared trait in the individual's life, the less he or she acts and relates as an individual, the more he or she exists exclusively as a group member. Indeed, we can understand many groups as existing for the sole purpose of fostering this emotional investment in the shared characteristic of their members.

In his essay on group psychology, Freud explores the powerful tendency toward regression fostered by groups. Groups, he tells us, promote the "intensification of affects and the inhibition of the intellect" (1959 [1922], 20). In groups, individuals transfer their

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6] The world that has its origin in freedom from need is produced by a creative act; and what makes an act creative is that it begins in the mind as an image or idea. Thus, according to Marx, what gives work (or labor as he terms it) its exclusively human form is that, at its end, "we get a result that already existed in the imagination of the labourer at its commencement" (1967 [1867], 178). The activity, or work, undertaken to create this world expresses what Arendt refers to as "the unnaturalness of human existence." Through work, she tells us, man creates a world "distinctly different from all natural surroundings" (1958, 7).

capacities for judgment outside themselves, onto the group and its leader. To encourage this result, the group calls on the individual's capacity for identification and the associated sacrifice of any firm distinction between self and other. The group to which Freud refers is all about merger and not at all about respect for self-boundaries and the integrity others. Following this line of thinking, Wilfred Bion, in his essay on group experience, notes how, in joining what he refers to as the "basic" group, all the individual needs to be able to do is to "sink his identity in the herd" (1984 [1969], 89). Being in a basic group, then, requires neither a specific emotional development nor a learning process, but only the mobilization of primitive emotional capacities associated with identification; and, so far as we have developed emotionally beyond the mode of relatedness that forms the group, being in a group requires regression.

Freud goes on to suggest that there is another possibility in group life, groups that operate in exactly the opposite way "and from which a much higher opinion of the group must follow" (1959 [1922], 14). This opposite opinion owes its origin "to the consideration of those stable groups or associations in which mankind pass their lives, and which are embodied in the institutions of society" (15). Freud characterizes those groups of which a higher opinion might be formed not only as more stable, but also as "organized" and "artificial" (49). Since these organized or artificial groups only operate where the regression typical in groups has been somehow limited if not prevented, their existence expresses the emotional development of their members and the special emotional capabilities made available by that development.

What enables the organized or artificial groups to escape the regressive forces that normally dominate in groups? Freud answers this question by referring us to the matter of the individual. As he puts it: "The problem consists in how to procure for the group precisely those features which were characteristic of the individual and which are extinguished in him by the formation of the group." Freud goes on to suggest that our aim should be to "equip the group with the attributes of the individual" (18-19). If we do so, however, the group loses much of what makes it a group, which is that it calls on forms of relatedness that suppress the division of its members into separate individuals, especially that form of relatedness forged by identification. In the groups about which a higher opinion can be maintained, the members retain their ability to function as individuals, which means that self-boundaries remain intact at least to a significant degree. It is safe to assume, I think, that when we move the group in the direction Freud suggests, we tend to replace it with something closer to what we think of as an organization. A question remains, however, which is what enables the group to move in this direction.

Bion has something important to offer on this question. His account of how regression can be limited in groups has to do with the availability of ends associated with work rather than with simply being in the group. Bion distinguishes between groups that work, which he refers to as "sophisticated work groups" and the basic groups that do

not.<sup>7</sup> Work, then, is the essential factor that limits the regressive forces inherent in group phenomena, and the capacity to work is one result of emotional development that must be suspended if not given up when we participate in the basic group.

Yet, historically, much work has taken place in groups that are not sophisticated and do not call on the emotional development to which I have just referred; so we may wonder if it is not work per se that poses the problem for the group, but work of a special kind. This is the kind of work that calls on higher mental functions and therefore on the results of emotional and cognitive development. Because this work calls on the results of development, it requires that measures be put in place to limit regression. The movement away from the regressive forces in groups can be understood, then, to derive not from the connection of the group to work per se, but from the necessity to do work of a particular kind, work for which the group is ill suited precisely because of the characteristics alluded to by Freud and Bion.

While Bion formulates the problem of work within the language of groups, the growing importance of the sophisticated work group can also be understood to mark a movement away from the group. The result of this movement is the modern organization, a stable and structured setting for work of a particular kind. While it is possible to use the language of groups to speak about organizations, I think doing so tends to obscure important differences by broadening the use of the term so that what is distinctive about group phenomena tends to get lost. For this reason, when I speak of groups here, I limit the term to systems of interrelatedness that foster the regression to which Freud refers.

In the world of work we associate with organizational life, the individual also exists outside the group and, because of this, is able to maintain at least a degree of autonomy, an autonomy expressed for example in the possibility of moving from one job to another. This latter is a vital element of civil society. It has developed gradually and through significant conflict. It depends on the presence of marketable skills that enable individuals to command employment in different settings, and on the system of worker protections that assure the individual does not become overly dependent on any individual employer. Thus the dependence associated with work, though real, remains limited and partial.

#### IV. STATE AND MARKET

The modern institutions of state and market play a special role in securing freedom from need. Both make living outside the group, and outside of the subsistence defined by the group, possible, though in different ways. We can, then, think about the normative standing of the market as deriving not from the choices it provides, though those are important, but from the freedom from dependence on the group that it supports. And, similarly, we can think of the state not as an alternative source of subsistence, but as a potential source of livelihood that does not impose dependence on the group. Thought

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7] On the sophisticated work group, see Turquet 1985.

about in this way, what is important about the market is not choice, but private property. Private property is important because it affords the possibility that we might live apart and therefore have a life of our own. This means that we can imagine ourselves in ways not already fully formed and predetermined for us.

The use of the term group briefly outlined in the last section makes the group a setting in which a genuinely individual life cannot exist. What exists instead is a shared way of being in which self-boundaries are not respected. Where self-boundaries are not respected, nothing pertains specifically to this particular member, which is really the point of the group. Private property refers to what pertains to this particular individual, is attached to his or her person and not shared with others or subject to their will. Existence in groups has a kind of public quality to it, although in the absence of a private world it may be misleading to apply the notion of a public sphere. Life outside of the group is, by contrast, essentially private. This does not, however, mean that all public experience is group experience. There can also be a public space that is not the space of the group organized around conformity to a shared identity. Indeed, so far as creativity in living is an important norm, it becomes important to conceive a public space that is not the space of (basic) groups. Where the norm of creativity in living is important, however, there must also be a refuge from the group and the loss of separate and different self it demands. For creativity, there must be “detachment from the forms as they exist” (Bruner 1962, 23), which is, among other things, detachment from the group.

Normatively, exchange and the market systems that arise out of it are no more than byproducts of the instantiation of a norm of living apart in private. This does not mean that matters of efficiency are unimportant, but only that the normative standing of the market depends not on whether it is efficient, but on the way it makes living apart a possibility.

For those whose capabilities and resources leave them with limited access to the market in securing their livelihood, the absence of a welfare state means they have little choice but to become dependent on groups, which means that securing livelihood stands opposed to self-determination. The development of a robust welfare state can protect the individual from forms of dependence destructive of autonomy. This is the idea Emile Durkheim expresses in the language of protecting the individual from those groups that would seek to “absorb the personality of their members.” According to Durkheim, the state must “remind these partial societies that they are not alone and that there is a right that stands above their rights” (1958, 65). It is, then, as Durkheim goes on to emphasize, the weakness rather than the strength of the state that poses a threat to the individual. State failure fosters regression to the group and to ways of living marked not by freedom from need, but by group identity and a life dominated by need. Thus, while the argument that unregulated markets foster coercive authority structures and the exploitation of labor takes on importance as an argument for state intervention, so also does the argument that, in the absence of public welfare institutions, individuals become dependent on groups and associations in civil society, and are driven to regress to ways of living that express shared group identities.

The dependence to which I have just referred involves domination by need; so we can also say that, in the absence of public welfare institutions, the individual regresses to living on the basis of need, which is to say on the basis of the imperatives of nature and group culture. Conversely, public welfare institutions can provide a measure of protection from the domination by those imperatives. Yet, they can only do so if they are not themselves dominated by notions of the organism and group member determined by the needs defined by nature and group life, which is to say notions of subsistence and basic need.<sup>8</sup>

#### V. WELFARE

I will now suggest some ways in which the ideas briefly outlined above can be applied to the problem of welfare provision. I begin with health care.

The matter of the provision of health care plays an especially significant role in the complex effort to negotiate the boundary between public and private. If we consider the matter within the framework outlined above, then the salient feature of health care is its complex relationship to freedom from need. This complexity arises because natural imperative plays such a prominent role where care of the body is concerned. This is not to say that health is a purely physical matter. Clearly it is not. Nor is it to suggest that choice has no part to play where decisions regarding the meaning of health and the way health care is sought are concerned. Clearly it does. Yet, however we emphasize variation in concepts of health and choice in the manner in which health care is sought, physical imperative is still a, and often the, primary concern. And, so far as this is the case, we cannot assume that health operates within the sphere of freedom from need. And, where freedom from need is not primary, neither can we subsume issues of how care is provided and what kinds of care are provided under the heading of choice. Yet, health care bears essentially on the possibility that we might experience ourselves as free from need in that ill health can foster regression to a state in which self-determination is impaired or lost. This means that a concern for freedom from need is relevant to thinking about health care.

Provision of health care constitutes a challenge for public policy aimed at securing self-determination so far as health care is an area where the individual's capacity for self-determination may be impaired. Impairment in self-determination means that policy cannot simply delegate the matter of provision of health care to the market, thereby assuming that those in need can fend for themselves. Nor can it assume that subsidizing market provision for individuals unable to afford market-provided care will resolve the matter. At the same time, public policy cannot resolve the problem of impaired agency by replacing individual agency with public decisions about need and the way it will be satisfied. To do so would be to assume that those in need should be encouraged to, or made to, regress to a way of living in which their agency plays no role and both need and the means for satisfying it can be prescribed for them.

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8] For a fuller discussion, see Levine 2008.

An important implication of the idea of freedom from need is that, because it understands freedom as a capability, it requires us to take impairment seriously. Indeed, it provides us with a way to understand the meaning of impairment and therefore to understand better how the ideal of freedom in living, and even choice, can lead us toward a robust role for public institutions in securing welfare. By contrast, when we take choice for granted, as choice-theoretic approaches to determining the roles of market and government tend to do, we are forced to ignore matters of impairment and assume that choosing is relevant where the capacity to choose is not fully present and real choices cannot be made.

A second important area of public provision where the matter of freedom from need can play a part is that of income subsidies. For some, it has been tempting to think about income subsidies in the language of basic need. Where basic needs dominate living, freedom cannot be assumed, and choice is irrelevant. There is a problem, however, in attempting to think about income subsidy in the language of basic need, a problem already implied in that language, since what is proposed is income and not a basket of necessities defined by the physical functioning of the organism. Income has, therefore, at best an indirect connection to basic need. This indirect connection is weakened when we take into account that the means to satisfy need defined in a purely physical space are unavailable in the market and therefore cannot be acquired through the use of income. While the market may offer us goods that also exist in physical space (food, clothing, shelter), the purely physical need does not define their purpose or account for the shape they have. Rather, as I suggest above, where freedom and choice are relevant, so far as physical need gets satisfied it is as a by-product of the use of goods to exist in a world where such need does not govern.

Related problems exist for any attempt to apply the notion of subsistence to the problem of assuring adequate levels of income. This is because it cannot be assumed that something like a subsistence is well defined in the absence of rigid constraints on the use of income that turn it into nothing more than a means for acquiring a prescribed basket of goods. For us to make sense of this construction, we would need to know what is in that basket, and we would need to know this without the benefit of a well-defined group identity to guide us. We do not have the benefit of group identity to guide us so far as we live in a setting of multiple groups, multiple group identities, and the idea that the individual has the right to live outside the group.

As we begin to take into account these considerations, we cannot avoid undermining our argument for the necessity, which is to say predetermination, of the ends for which income will be used. The result is that the magnitude of income support becomes to a significant degree contingent. This quality of the concept of subsistence is expressed by T.H. Marshall when he ties the determination of income subsidies to “the current level of civilization in the country concerned,” which is, in turn, “represented by the average” of existing levels of income (1981, 43).

Thinking about the problem on the basis of the idea of freedom from need, the question about income is not whether it is adequate to satisfy need but whether it is adequate to make freedom from need possible. For the latter, it is not enough for the individual to have the capacity to make choices and live in a world outside the group, it is also necessary that he or she have the resources needed to do so. While we cannot determine the amount needed for this, which must inevitably vary from person to person, we can see how a movement away from need is implied in the provision of income rather than a prescribed basket of goods, whatever the amount of that income may be. So, the provision of income does secure at least a measure of freedom from bodily need, and, so far as income is provided by the public authority, it also secures a measure of freedom from dependence on the group. By providing health care and income, the state can assure a degree of freedom from the imperatives of group identity. It does so by providing what assurance it can that the individual life will not be dominated by natural imperative. Where the state fails to provide this assurance, the individual must fall back on relations of dependence in living, especially those associated with group life.

But, there is also something important in income subsidy that takes us beyond these considerations. By providing income, the state asserts the value of living outside the group, and thus plays an essential role in supporting an ideal of living consistent with freedom from domination by the group. In other words, the state establishes the normative standing of creativity in living. If we consider doing so the primary function of the state, then we can begin to understand how arguments about the state as simply guarantor of rights, especially property rights, take us only so far in understanding the state's role. What they leave out of account is that it is not simply the matter of protecting rights but also the matter of establishing the ethical standing of the idea of creative living, which is living outside the group and in the sphere created where there is the possibility to free ourselves from need.

## VI. ETHICS AND POLICY

The economist's view of policy attempts to link policy not to ethical judgment, but to the choices made by individuals. While these choices may be based on ethical considerations those individuals find compelling, they may not; and, in any case, ethical considerations are not what justify policy; choice does. What I think this leaves out, and what I have attempted to highlight in my discussion is that choice has ethical significance not in itself as a means to avoid the imposition of ends and thus coercion, but in the ethical standing of the idea of the agent who chooses and the capacity to make choices that is the distinguishing characteristic of that agent. What is also left out in the economist's argument is that the ethical standing of the agent who chooses is the ethical standing of a way of relating to others. This expresses the idea that ethical conduct is essentially a form of connection with others in which a special investment has been made.

It might help clarify this idea if I formulate it in the language of Durkheim's study of solidarity (1984 [1892]). In his study, Durkheim distinguishes between two bonds that hold social systems together. The first is the bond of identification, which he refers to as mechanical solidarity. The second is the bond of the division of labor operating without identification, which he refers to as organic solidarity. Systems organized around organic solidarity offer the possibility that those in them can live outside the group and therefore establish their autonomy. This would seem to suggest that if we replace mechanical with organic solidarity, we will move from immersion in the group to self-determination. But, we cannot simply replace mechanical with organic solidarity because, while organic solidarity may provide a basis for interdependence that does not demand submersion of identity into the group, it does not establish the connection that holds such a system of interdependence together.

What is distinctive about the primitive form of identification implicated in mechanical solidarity is that its object is particular and concrete: the shared way of life and culture of the group. For organic solidarity, neither ways of life nor group culture need be shared. Indeed, there need be no group connection. Rather, what connection there is remains implicit. This connection is an external dependence that would seem, on the surface at least, to have nothing to do with identity and sense of self. Yet, organic solidarity does involve a kind of identification and does engage an important aspect of identity. This is the aspect of identity bound up with participation in the exchange contract that holds the system of organic solidarity together. In other words, this is a connection embedded in the idea of living in a private world made possible by recognition of private property, a connection having to do with the shared status implied by recognition of the right to do so and of the opportunity afforded those who have that right, which is the opportunity I refer to above as freedom from need (Hegel 1952 [1821]).

This means that the form of identification implied in organic solidarity has to do not with shared group identity, but with its absence. This is identification, therefore, not with what is concrete in living, but with what is abstract and universal, identification with the other not conceived as a locus of particular needs, capacities, life projects and group affiliations but as a locus of the potential to take on concrete qualities yet to be determined. Organic solidarity, understood as a form of identification, depends on the capacity to negate all those restrictions associated with external determination in culture, history, group identification and natural imperative. Where this capacity is present, organic solidarity represents not the absence of connection, but connection established on a more universal basis.

When we identify not with the concrete attributes, interests and values of others, but with their existence as the potential to become or take on those attributes, interests and values, we raise identification to a higher level, one consistent with differences and with the freedom from need that invests those differences with what normative standing they have. In other words, normative standing is not something a particular way of life has in and of itself, or because it is shared; rather, it is something that expresses the presence in

a particular way of living of a shared capacity to make the self the mainspring of conduct and relating, the capacity to make doing express being.

The presence of the potential self in others means that they share what we most value in ourselves. Our ability to value the potential self (in self and others) is the underpinning for ethical conduct understood as conduct that respects the integrity of others, where integrity refers to the presence of the self as the integrating factor in conduct and relating. Ethics, then, contrary to Schelling's assertion, remains important even where we accept the idea that authority over and knowledge of what is valued in living resides at the local level, especially within the individual. What is missing in Schelling's account is the significance of connection, even identification. It is the importance of this element that demands we attend to ethical considerations and ethical argument. While it may be correct to insist that the ends of policy making be to assure that there is no external imposition of ends on individuals, this does not exclude ethics if we understand by that term an ideal that informs conduct and relating. This is because for an ideal to inform conduct there must be the capacity to act in a particular way and, more importantly, to form connections with others that realize an ideal.

The economist's way of thinking about the problem tends to assume that the only step needed to assure freedom is to eliminate constraints on choice, especially those associated with the imposition of ends. But, this is only true where freedom from any externally determined imperative is possible. This means that the relevance of the economist's argument depends on the possibility of action undertaken without external determination, which is possible only where specific conditions exist, specifically those conditions associated with the instantiation of the norm of freedom from need in institutions. In this sense, the economist's argument expresses a prior ethical judgment, though not of the kind that involves imposing an external constraint on conduct in the form, for example, of community values or arbitrary cultural norms. It is not the ethical judgment that establishes shared ends and the value of a shared way of living. Rather, it is the ethical judgment that establishes the normative standing of a connection of a special kind. This is the connection that expresses the presence in self and other of the potential self and of the capacity to invest value in the potential self and in the connections that express its presence.

When we accept the normative standing of this connection, we also give up the normative standing that supported the older order of things, that order Durkheim refers to in the language of mechanical solidarity. We do not, however, accept loss of the older order of things easily. In particular, we do not accept this loss because we are offered a convincing argument that it is right to do so.<sup>9</sup> At the same time, we cannot accept loss if doing so undermines any hope that our lives will have ethical standing, which it does so long as we equate ethical standing with the older notion of adherence to shared community values and ways of life. What makes acceptance of loss difficult is the

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9] For a fuller discussion, see Levine 2011, Chapter 4.

continuing investment of moral significance in the way of life no longer available to us, and exclusively in that way of life. This means that, before we can employ the newer ethical standard, we must first overcome the resistance to it resulting from the loss of meaning it is experienced to impose. It is not, then, simply or primarily a matter of testing policy against ethical ideals, but of the struggle between two opposed ideals neither of which can be adequately formulated in the language of choice and economic reasoning.

## VII. PUBLIC SERVICES AND THE MARKET

One implication of linking choice to freedom from need is that it leads to the conclusion that the form of economic reasoning whose main idea is efficient allocation defined in terms of utility and choice fails to provide an adequate basis for shaping institutions and policy. It fails not because it is inconsistent with opposing foundations for policy making such as community values or democratic process; rather, it fails on its own terms because its central concept—choice—is not irreducible, but a limited expression of the idea of the agent who has the capacity to choose. In other words, the argument that institutions and policy should facilitate choice should be understood as an argument that institutions and policies should facilitate the exercise of the imaginative capacity.

If they do not do so, then all the familiar talk about freedom and its association with markets will remain disconnected from any reality of the experience of freedom in living. This disconnection is evident in the movement against public institutions, which tends to reinforce rather than weaken dependence thereby securing domination by need rather than freedom from it. For all the rhetoric of freedom implicit and explicit in the movement against government, the reality is that of a movement to deprive people of freedom rather than secure freedom for them. By depriving people of freedom, the movement tends to reinforce regression toward a life governed by need and therefore toward dependence on the kinds of groups membership in which conflicts with self-determination.

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