Dissertation Abstract – Joshua Kissel

Title: Realizing Robust and Non-Moralized Freedom: Exit, Democracy, and an Egalitarian Ethos

An imprisoned, an enslaved, and a starving person in a world with excess food all have something important in common: each is constrained. The prisoner is constrained from leaving their cell, the slave from escaping servitude or directing their own activities, and the hungry from accessing the food they need. However, this is not all they have in common. Unlike—say—the inability of a child to fly like a bird, these constraints stand in need of moral justification. It is not enough to merely *explain* the way in which the laws governing imprisonment, servitude, or property generate these constraints. The demand is to *justify* our social institutions or norms, The term 'freedom' can be used to distinguish these constraints that require moral justification from the wider class of mere inabilities. The problem is that the two most popular conceptions of freedom, liberal and republican, struggle to understand at least one of the paradigmatic cases of unfreedom—imprisonment or slavery—as an unfreedom at all. I argue for a conception of freedom as independence that overcomes these shortcomings that I call 'freedom as the (robust) absence of (socially remediable) constraints' or 'FASC'.

Republican accounts fail to regard someone justly imprisoned as unfree. These accounts adopt a moralized conception of freedom such that an individual counts as unfree only if they are constrained unjustifiably. The problem is not just that a prisoner is clearly unfree according to ordinary language. Instead, it is that in normative philosophy 'freedom' is a term that serves a 'justificatory role' by identifying that set of constraints that demand moral justification. By moralizing the concept of freedom republicans obscure the harm of unfreedom even when such unfreedom is ultimately justifiable.

On the other hand, many liberal theorists struggle to recognize an enslaved person with an absentee or 'benevolent' master as unfree. Unfreedom on liberal conceptions consists only in present interference or constraint leaving them unable to register the fact that making decisions in light of the powers others have over us is itself the sort of constraint that calls for moral justification.

FASC recognizes that calls for justification are sensible only where we are constrained in ways that could in principle be alleviated by the acts or inactions of other agents. It is 'social' in this sense. Unlike liberal accounts it recognizes that the very contingency of a persons' situation can itself be understood as a constraint. As when a worker does what their boss would order without the order ever actually being issued. Unlike republican accounts, FASC does this without obfuscating moralization.

On a robust and non-moralized conception of freedom like FASC there is no single ideally or perfectly free society. Nevertheless, in identifying those constraints that call for justification, FASC offers guidance in determining social ideals that would facilitate the widespread realization of freedom without depending on any perfectionist answer to these justificatory demands. I use FASC to defend three such ideals: exit, democratic voice, and an egalitarian ethos. My argument produces two insights for contemporary political theory. First, *contra* many right-libertarians and liberals, the value of freedom is enough to legitimate a robustly egalitarian political program. Secondly, *contra* republicans and other institutionalists, informal norms can effectively realize freedom.

Exit and policies like open borders or universal basic income secure our freedom by ensuring we can leave those situations we reject. Democracy—whether in the form of a vote in one's polity or union representation in one's place of work—limits the constraints we are under when taking part in the institutions that are central to the functioning of our collective world. This project departs most from existing political theory in its support of informal norms as a means of realizing freedom. The tension is that while exit and democracy are readily institutionalizable through different sets of laws, contracts, and other structural arrangements, an egalitarian ethos only functionally mirrors formalized norms. Nevertheless, I show that, when widely enough endorsed, egalitarian norms can secure widespread freedom in the same way as the formal law. This argument comes in two parts. In chapter 4 I rely on an analogical argument that compares the roles of mediated accountability mechanisms characteristic of formal norms and the non-mediated mechanisms available to informal norms. I supplement this argument in chapter 5 where I defend an egalitarian ethos as an effective means of realizing freedom. Especially inside the small-scale social situations largely out of reach of formal institutional mechanisms.