

# Three Forms of Freedom: Hayek, Berlin, and Rawls\*

Tres Formas de Libertad: Hayek, Berlín y Rawls

Três formas de Liberdade: Hayek, Berlín y Rawls

Carlos Gil De Gomez Perez-Aradros\*\*

Colegio de Politólogos y Sociólogos de Asturias, España

DOI: <http://dx.doi.org/10.21803%2Fpenamer.9.17.367>

## Abstract

Freedom – its exercise and its ownership- has been a recurring theme throughout the history of thought. Nonetheless, each author who has approached it has interpreted it in a different way, even within the same school of thought. Thus, this study aims at comparing and contrasting the different visions of freedom of three of the most influential intellectuals of the twentieth century: F. Hayek, Isaiah Berlin and J. Rawls. This comparison of doctrines will lead to the conclusion that liberal freedom shifts between self-determination and recognition. Through the major texts of the three authors and others, and using an analytical-comparative methodology, the article manages to outline the different shapes of liberal freedom and its links with self-determination and recognition.

**Keywords:** Freedom, Ethics, Coercion, Rationalism.

## Resumen

Artículo de reflexión. La libertad –su ejercicio y su titularidad– ha sido un tema recurrente en el pensamiento a lo largo de la Historia. No obstante, cada autor que se ha acercado a ella la ha interpretado de un modo distinto; incluso dentro de la misma escuela de pensamiento. Así las cosas, este estudio pretende contraponer y enfrentar la diferente visión que de la libertad han tenido tres de los intelectuales más influyentes del siglo XX: F. Hayek, Isaiah Berlin y J. Rawls. Esta contraposición doctrinal permitirá concluir que la libertad liberal bascula entre la autodeterminación y el reconocimiento. A través de los principales textos originales de los tres autores mencionados y de otros y utilizando una metodología analítica-comparativa, se logran perfilar los distintos contornos de la libertad liberal y sus vínculos con la autodeterminación y el reconocimiento debido.

**Palabras clave:** Libertad, Ética, Coacción, Racionalismo.

## Resumo

A Liberdade -seu exercício e posse- tem sido um tema recorrente no pensamento ao longo da história. Entretanto, cada autor se aproximou a ela com uma interpretação a sua maneira diferente, inclusive dentro da mesma escola de pensamento. Assim, este estudo tem o objetivo de opor-se e confrontar as diferentes visões que a liberdade teve a partir de três dos intelectuais mais influentes do século XX: F. Hayek, Isaiah Berlin e J. Rawls. Esta oposição doutrinal permite concluir que as liberdades liberais oscilam entre a autodeterminação e o reconhecimento. Através dos principais textos originais destes três autores entre outros, e usando uma metodologia de análise comparativa se consegue um esboço dos diferentes contornos da liberdade liberal e de suas ligações com a autodeterminação e o devido reconhecimento.

**Palavras chave:** Liberdade, Ética, Coerção, o Racionalismo.

**How to cite this article:** De Gomez, C. (2016). Tres Formas de Libertad: Hayek, Berlín y Rawls. *Pensamiento Americano*, 9(17), 181-194. <http://dx.doi.org/10.21803%2Fpenamer.9.17.367>



Received: August 4 de 2015 • Accepted: October 27 de 2015

- \* Investigación de proyecto formativo integrado en el Colegio de Politólogos y Sociólogos de Asturias (España).
- \*\* Funcionario de Carrera perteneciente al Cuerpo Superior de Administradores del Principado de Asturias. Estudios de postgrado en el Doctorado de Relaciones Internacionales y Estudios Africanos de la Universidad Autónoma de Madrid (2001-2002). Licenciado en Ciencias Políticas y de la Administración por la Universidad Autónoma de Madrid (1999-2001). [carlos.gildegomezperez-aradros@asturias.org](mailto:carlos.gildegomezperez-aradros@asturias.org)

## **Introduction**

Of all the recent writers we might have chosen to analyze the freedom, we are going to emphasize three, by their intellectual stature, by their influence to the present (Hayek), for having awakened political science from a certain theoretical slumber, for continuing to be authors of reference both by their detractors and by their acolytes. For the criticisms that Rawls has received, they have surely been more enriching than his own works and for the study of the great I. Berlin on freedom and for his precise knowledge of the reality of his time.

These authors do not constitute a closed doctrinal body, quite the contrary. Thus, some defend constructivism and others reject it because it is something illusory or as they are linked, in the search for alternatives, to intuitionism in front of those who prefer a procedural alternative. This enriching circumstance serves to analyze the different perspectives on the freedom that each author has and to delimit it from other analogous but not similar concepts: self-determination, due recognition or status.

### **Planner Hell or the Wisdom of Spontaneity. F. Hayek**

Interestingly, we must begin by noting that the Austrian author breaks with the early liberals, even though he sees himself as a follower of classical liberalism. He did not share the Cartesian conceptions according to which, from indisputable and immutable axioms,

more general ideas can be arrived at by means of deduction. In this regard, let us remember Locke considering the freedom and equality of the state of nature as given principles from which the passage to life in community, civil society, States or governments is constructed. First great distinction.

Next to this first separation, we will highlight another. The rationalism that permeated all the works of the classical liberals was reviled and criticized by Hayek (also by Berlin, unlike Rawls). In front of it, spontaneity and the hidden wisdom of traditions, along with a touch of institutional evolutionism, will be those that corner reason and all thinking based on optimism and confidence in the cognitive capacity of reason ...

Indeed, rationalist constructivism has historically given a distorted view of social reality and socio-political institutions. Nothing is more fallacious than the confidence in the enlightened rationalism that allows to plan the economy and the society generating, in the last instance, economic inefficiency, generation of superfluous public expenditure (for Hayek, perhaps, all expenses of this nature were it, supposing that it alienates him, curiously from the American Rawls), and even the arrival of totalitarianism.

For all this, we must start from the assumption of the limits of knowledge, from the confines of human reason, and replace the confi-

dence that the enlightened ones deposited in it by the social rules that guide human action. Rules that do not arise from an intellectual premeditation neither judicious nor reflexive but from practices generalized by the use, which demonstrate an individual knowledge, first, that is inherited and endlessly prolonged in a group way, later. The simile of the path is very illustrative and classic. And if the rationalist, rigid, weighty, and prudent pretensions are not the origin of the movement, it will be social spontaneity, which distracts Hayek from Rawls's thinking and rational and reasonable subjects. The seed of a society (and an economy) is the natural improvisation that liberty gives us, a certain ingenuity that pushes us to do something without prior project or superior attachment.

Remember our Hayek:

It was the decisive step in the ruin of that civilization which the modern man had been building since the Renaissance, and which was, above all, an individualistic civilization. But individualism today is a bad word, and it has come to associate with egotism and selfishness. But the individualism of which we speak, contrary to socialism and other forms of collectivism, is not in necessary connection with them. [...] the essential features of that individualism [...] are: respect for man as a man, that is, the recognition of his own opinions and tastes as supreme in his own sphere, no matter how much he narrows

himself, and the belief in that it is desirable that men can develop their own individual gifts and inclinations. "Independence" and "freedom" are words so worn out by use and abuse that they hesitate to use them (Hayek, 1995).

No mind can create a social order. It is natural spontaneity that are shaping any system, any structure, political, social, economic, all of them. This innate sincerity is solidifying, stratifying, through selection (natural, clear). Randomly, according to Hayek, opens the way and with time, the best options, seem to settle and internalize, without intermediation or external impositions (we return to the image of the road among the undergrowth). There is a clear natural selection, an evolutionism that allows to live to the practices and to the more "suitable" values. The rest, are excluded and erased by the jungle weed (planning is scary but natural selection ...).

Tradition and established norms, would have a plus of legitimacy with which rationally adapted practices do not count, for our cognitive ability be limited. In other words, social progress is based on free actions from individuals that, over time and thanks to their goodness, have become a legitimate routine.

Needless to say, economic planning and the redistribution of income and wealth are dangerous deformations of the spontaneous natural order of things, sanctified by the continued

use of free practices. For Hayer, the distribution that the market makes, moved by the invisible hand, in a way, so it cannot be estimated as fair or unfair to be “blind”. Such appellations should rather be made in the face of the artificial distribution that the State makes ...

The idea of spontaneous social order in society is the source of knowledge, both at the practical and theoretical levels. Spontaneous schemes have an advantage in relation to those planned or constructed artificially, since they can only use explicit or conscious knowledge, compared to the practical knowledge offered by spontaneous schemes, in which theory is only a consequence, an *a posteriori*, without major importance for Hayek.

Clearly, this theory breaks with the tradition of access to own knowledge of Descartes and, with it, rejects any interventionist constructivism, starting from unquestionable realities, that to be erroneous (cannot be something else) should be questioned. Therefore, every attempt at planning, projection or premeditation is called to failure and, moreover, we are trying to impose a lie dressed in conscious truths and exact knowledge.

This being the case, what to stick to? from which knowledge start? From the practical and natural rules, which gives us an abstract reality, extendible to the rest of humans, and another practice, to be impregnated in our “perceptive self.” These guidelines are the result of cultural

selection in the social sphere. The transmission of these practices is done by imitation, under the maxim of: *if something works, why should we change it?* The best adapted survive and when they share these inherited and imitated rules, they tend to look for broader systems of action (states, economic systems, legal codes and, of course, markets) (Hodgson, 2011).

Therefore, any planning from one or another tenor, is viewed with suspicion. But the criteria to support his criticism are rather metaphysical. Planning could only replace markets (theoretical knowledge versus practical knowledge) if it could have a global, total and totalizing level of knowledge and this is impossible for our Hayek. Is there a planning mind capable of foreseeing everything, of capturing all knowledge, of acquiring the knowledge of generations and generations? Not for Hayek, so replacing markets can never be efficient. Every economic model needs a practical knowledge and, in a certain way, was ahead of the economic collapse of the former USSR and its theoretical plans, based on distorted, unrealistic and barely practical data.

Hayek rejects with such intensity the theoretical knowledge that arrives even to doubt the sciences, the pure and, of course, the social ones. Of the latter, we can expect, with luck, schemes that repeat themselves in time ... a little bit more. I suppose this fact is an encouragement for so many economists who did not know how to anticipate the current crisis

... Faced with constructivism, a modern fallacy, there is nothing more to try to establish generic situations and expect the results to be desired. Nothing of social sciences or economic engineering.

Back to the above, are we facing a moral relativist or an ethical evolutionist? Not one thing or another, according to Hayek.

It is a fact that it must be recognized that even what we consider as good or beautiful is modifiable ... Not only in his knowledge, but also in his goals and values, man is the creature of his civilization; in the last instance, it is the importance of these individual desires to perpetuate the group or species which will determine whether they persist or change. It is, of course, a mistake to believe that we can draw conclusions about what our values should be simply because we realize that they are a product of evolution.

[...] Our present values exist only as elements of a cultural determined tradition and are significant only for a more or less long phase of evolution, whether this phase includes some of our pre-human ancestors or is confined to certain periods of human civilization. We have no other basis for attributing to them an eternal existence than we have to attribute to the human race itself (Hayek, 2011).

Let us see how to embrace the idea that our moral convictions are invariable and thus the could be universal, it is a fallacy, which does not place Hayek in a comfortable moral relativism, moving away from a stroke of multiculturalism and cosmopolitanism.

As for Hayek the Market is everything, also from a point of tradition must be. Against the neoconservatives who try to see in the market the erosion of traditions, the "it is because it must be". For the neos, the erosion of traditions is provided by the market. For Hayek, a voluntarist traditionalist, erosion is a consequence of interventionist policies in education, housing, culture, ... (current moral discomfort). For this author the important thing is to establish a market of traditions where each one gains its right to prevail.

#### **In Positive and in Negative. Sir Isaiah Berlin**

The work of Berlin is practically unsurpassed by its quantity and its dispersion, even with the attempts to integrate it in a systematic way. For this reason and for the not always easy apprehension of all his ideas, we are going to focus on the key element of his work (and for the rest of the liberal building): freedom, and more specifically two of his senses, as we shall see.

His entire work attempts to address what he calls *the central problem of politics: the problem of obedience and coercion*. To do this, a series of

questions are asked: “*Why should I obey another person? Why not live as you want? Do I have to obey? If I do not obey, can I be sanctioned? Why, to what extent, in the name of what and for what reason?*”.

Berlin’s negative sense of freedom is rather an area in which *the subject - a person or group of people - is allowed to do or be what he is capable of doing or being, without interfering with other people* (Berlin, 1993). From this conception the last part is to be emphasized, since we can deduce that coercion or oppression, and with them the violation of freedom, implies that others intervene within my sphere of action. In the same way, this idea brings him closer to Hayek, whereas any imposed social order is by nature oppressive (hence, Berlin forgets other conceptions of freedom like the Stoic ...). In any case, this fact is skillfully argued to reject public intervention in the economy and in society. Let’s see. In order to violate my freedom, my negative sphere of freedom, it is necessary to proceed, voluntarily or not, to a human action on me. Therefore, if I do not have sufficient remuneration (limitation) to survive as a result of an employer not paying me adequate minimums, I may consider that I am being oppressed. Now, if my economic or other limitation comes from a dysfunction, for example, physical, we will not talk about coercion. Do my legs coerce me when I cannot run the 100 meters straight in less than 10 seconds? Obviously not.

We see how Berlin when speaking of negative freedom refers rather to an action and not so much to a given reality beforehand. Therefore, if we want to be free we must eliminate any intervention that may limit my actions to do or be what I want or can be. Once eliminated, each one of us will be able, with its limitations and virtues, to carry out its vital actions in the context of negative freedom. I suppose that we all have already come to the conclusion that the intervening State and not so much other and others human beings are the harmful protagonists (the bad guy) of the negative sense of freedom, which distances him from “interventionist” Rawls.

This freedom, following authors such as Locke, Mill, or Constant, could not be unlimited even in a state of nature because of its effect of creating conflicts between humans “too alike” (he refers to these authors when he most resembles Hobbes) which seems to be worth giving part of that freedom to avoid conflict and achieve other ends, from the natural to the social, to the civil. But that resignation is neither radical nor absolute. We must all maintain a minimum scope of personal freedom that could not be violated under any circumstances, because if this area were transferred, the individual himself would be in a situation too restricted (Ibid).

Berlin comes to the possible criticisms that can be made on whether the freedom of the speaker may be of some interest to an Egyp-

tian peasant (in front of an Oxford professor, this is his chosen example). It recognizes that in situations of first necessity, of life or death we could say that no one will stop to think if his sphere of negative freedom is being violated. However, it goes back to a twist, goes back beyond what is evident to justify equality in freedom, because, referring to the minimum freedom, it warns us that *it is not any kind of freedom that is peculiar to him, but is identical to that of teachers, artists and millionaires (Ibid)*. Something of similar characteristics to the veil of the ignorance of Rawls.

Equality of freedom, as the foundation of liberal morality, shared by more or less conservative thinkers, in which “a certain part of human life should remain independent of the sphere of social control” and that is what equals us. In any case, all the liberal aspects also agree that in order to live in society we must give up a part of our freedom to what seems to be Berlin does not answer the question what or to what extent should we give in?

I am free to do or to be, in positive freedom we face the question, who decides what I do or what I am. Berlin starts from the premise, too optimistic from my point of view, that the desire of the individual is to be his own owner. Perhaps the historical moment that he had to live and observe did not allow him to have the current feeling that the social mass is more mass than social and that from his desperate search for material or virtual pleasure, they

are unconcerned about gaining a “self-government” with such to live in a pleasurable and integrative reality.

In any case, the desire to be subject and not object, to depend on myself, becomes the center of the foundation of the positive sense of freedom. In any case, and not if a certain methodological difficulty, it concludes that *the conceptions of freedom that we have are derived directly from the ideas that we have on what constitutes the self, (...) (Ibid)*.

Berlin recovers Christian conceptions, among others, between *the self in control; dominant and transcendent* and that other self, which identifies as *the empirical bundle of desires and passions*, which incidentally, most of Western philosophy has considered reprehensible or at least embarrassing. One possible way out would be free ascetic self-denial: by extinguishing my desires I become free of attachments. Life is rested when it moves away from the mundane noise, from all internal and external passion and temptation, being richer in the less need or feeling happy in misery, as the good man seems to feel ... Of course if we strip away ourselves of our desires, someone (a tyrant or despot dressed in a garb of moralism or asceticism) or something (a welfare state, a homogenizing and pure nation, a market that tempts us like Simon of the desert or a meaningful and revealing identity) will tempt us with the genuine, the authentic, the pleasant ...

But as Berlin tells us *what he has created is the very antithesis of political freedom.*

From a very Kantian perspective, human beings are autonomous and as such must be treated, all public or private action that contradicts it will be considered as an inadequate manipulation. Governors, even when they consider and are sure of what is best for citizens, can neither condition nor manage their behavior, either by force or by positive or negative stimuli. Therefore, Paternalism treats human beings as subhuman, becoming a despotism and sometimes enlightened. In Berlin's words:

This is because it is to treat men as if they were not free, but human material so that I, a benevolent reformer, mold them according to the ends I have freely adopted, and not according to their own (*Ibid*).

The liberal aroma becomes a strong individualist stench, close to libertarianism, which raises various reflections that with difficulty are assumed by conservative liberalism today. This question reifies utilitarianism and the questioning of almost any public reality.

We have already made reference to the utilitarianism that quickly permeates the first liberalism and far from stifling the lower passions of the human being, tries to use them to guide the disoriented and lonely individual. If by means of rewards and punishments, sticks and carrots, I can direct the will of the mass,

even better than it can do it itself, I cannot stop doing it. Thus, I make the slave better by treating him as an object ... for his sake, of course. The first utilitarians, social reformers, but also the vanguards of the party, connoisseurs and transmission belts between revealed truth and ignorant mass, free and knowledgeable of the only truth teach us manipulating our desires.

At this point everyone agrees, but can an ordinary citizen know all the details of the current becoming? should the most trained guide life in community? can you live in society without any mechanism of cohesion? is it appropriate to give free rein to the instincts that each individual has as a free human being? Thus, we should abolish schools, churches, health centers, public development activities, economic activity outside the barter, in short, return to the non-state, non-civil society, the natural state, the individual society that every human being forms with himself. We see how, moving away from utilitarianism, it leads us to a world before everything, where any kind of improvement proposal that affects us is seen as an attack on our autonomous self and our self-realizable self.

We must not forget that we live in society, increasingly plural societies, which does not always make them more heterogeneous, so that I do affect others and those that others do affects us. Besides, are we not what we are by virtue of what others think of us? Hence, freedom can hardly be achieved apart from society (in



Hayek's line, as opposed to Rawls). Would it make sense that Adam, before living with Eve, posed freedom? It would make no sense. Now, on many occasions freedom is confused with recognition. Perhaps because of this, Adam and Eve being free wanted to go further and seek recognition and trust, because by not being able to approach the tree of knowledge of good and evil, it separated them, disintegrating them from their union with God.

### **Justice First of All. J. Rawls**

It is paradoxical that Rawls was not particularly attracted to political systems besides or outside the United States and that in his country, outside the more academic areas, he did not have a real and authentic real influence. Even more paradoxical is the fact that its model, sharply liberal, seems to fit more simply in the social-democratic model of some developed democracies like the Nordic ones.

Its eagerness to place justice before any other good, for trying to graft freedom and equality, has turned his work in a rare Avis that allows to fit in any political model and that, perhaps because of it, has never left satisfied to anyone. We must remember the big amount of criticisms that aroused and what these misgivings generated in the enrichment of his own work.

Its work tries to distance itself from the classic utilitarianism, that embraced practically all the classic liberals after Locke, considering it unfair, to the maximizing the well-being of the

group by forgetting and leaving aside how it is distributed among individuals. And he also intends to bring into oblivion something which the later author so much adored, the wise intuitionism, proposing as his natural alternative to constructivism; the damn word for Hayek.

Now, like all good liberal part of the social contract, metaphorical situation where individuals pact rules of coexistence (which are nothing more than formulas for the distribution of goods and burdens) and which Rawls calls social justice. The state of nature or "original position" is inhabited by free and equal individuals, as equal as they are in strength and in common needs (the Hobbesian scent is appreciated) which leads them to leave that state and seek principles of justice and liberty near Berlin (procedural conception of justice) and not security (the Hobbesian scent begins to dissipate).

As we say, these "pre-agreed" individuals are free and equal. But they share two other characteristics: they are rational and reasonable, although the latter attribute is relevant in the social stage. They are rational (Rawls's neo-kantianism is evident) by acting in the light of his own concerns, which is presented by the author as an alternative to individual egoism by putting him before the priorities of a particular social group ... as if that concealed the very rational individualism. Notwithstanding, that egotism that leads us to attend to our own concerns, derived from social position or

natural gifts, is neutralized by the veil of ignorance. However, it does not make them naive and ignorant (if they were, they could not choose between the different options) since they have the ability to know in a general way. They do not know their virtues, their defects, their social position, their tendencies, their beliefs or their vital plans. They know, on the contrary, the functioning of the economy, the abstract good or the becoming of the public. As we said, it is a metaphorical situation ...

What is striking is that the veil of ignorance causes a liberal to disregard the potentialities of the individual who in a spontaneous way (spontaneity proper to Hayek's theory) will advance the society as a whole. Even so, this rational individual, behind the veil of ignorance, will use a Maximin strategy, because his selfish rationality will lead him to think that the rest will try to maximize his position, minimizing that of the rest. His attempt to get away from utilitarianism does not seem to be very intense, if we think of our neighbors as such (Rawls, 1986).

But there is a second act. Once the stage of civil society has been achieved, using the terminology of the parents of liberalism, a subsequent agreement is necessary, through the principles of justice and its order of priority.

First principle: Every person should have equal right to the more extensive system of equal basic freedoms, compatible with a simi-

lar system of liberties for all. In the same line of negative liberties of Berlin.

Second principle: social and economic inequalities must be ordered in such a way that both are: a) directed towards the greater benefit of the less advantageous, compatible with the principle of just saving; and b) linked to the positions open to all under the conditions of an equal equality of opportunities.

We are not going to enter into the analysis of the same but to emphasize the removal of intuitionism through these principles, its marked interventionist and redistributive character (which was criticized by his colleagues, recall Robert Nozick) (Nozick, 1988) and the relevance that acquires the reasonableness of the individual, once he has already made use of its rationality. Indeed, in the pre-social stage, hidden under the veil of ignorance, the individual could not be anything but rational (and a little selfish, although Rawls tried to deny this fact). Now the important thing is to be reasonable, given the need to live with a plurality of different and even opposing good life choices. Therefore, taking a step beyond the Kantian ideology, it confers reasonableness to the human being so that it cooperates and stand in solidarity in the social sphere, desirous of constructing a shared point of view. Trying to build a habitable society in which there are different moral, religious or philosophical conceptions. This pluralism must be "reasonable", where different life options polished the possi-

ble points of friction and propose (to ask for) positions and spaces in common, even when they are contrary to their own worldviews and vital paradigms (almost nothing).

The truth is that, in front of its ideological companions, Rawls differs itself of them for the sake of a more social and less spontaneous model. As I said, the criticisms in this regard have been enormous and especially crude on the part of the defenders of a genuinely minimal State, which only intervene to avoid violence, because any other activity becomes redistributive and therefore unfair and disproportionate. It is true that in his many tireless responses to his critics, he advocated a minimum but above all neutral state. That is, that it does not favor any doctrine, that it does not foster any individual conception and that guarantees equality of opportunity so that each one decides what his choice of life is good.

In this book we are not so much interested in critics of Rawls from an economic perspective and yes from a moral or life mode (or modes) and here, communitarian reasoning found a reef. A neo-Kantian, rationalist and universalist cannot get well with subjectivism, communitarian and virtuous. We can advance some reproach that we will return later. The most evident is the perversion that Rawls or any Kantian of ethics makes when using universal rules (any word abhors more a multiculturalist) that detract man from his links and connections to turn it into an atom without context, nor nex-

es, when for these the choices of good life or of any other type, are irrelevant separated of the community. Leaving aside criticism of the Rawlsian theory from an economic perspective, we omit Marxist prosecutions and turn to Aristotelianism and Hegelianism. We will see it later, but for communitarianism there is nothing more dangerous than the atomist vision of the individual on the part of liberalism (Hegel) or more false than the disregard of social “animality” (Aristotle).

These criticisms seem logical if we take into account that the principles enumerated must be general and universal, and therefore should apply to all moral persons, regardless of their status, history, wishes, sex, creed or any other social bond. Nevertheless, he struggles to seek the fit of his theory in plural democracies by supporting his public reason in (unstable) *reflective equilibria* and (difficult) *overlapping consensus*. Finding points of union between individual conceptions and public norms, not understood from a juridical or moral point of view. A reasonable pluralism, that surpasses the possible ruptures between good lives and that reaches the stability and the social unit by means of a mutual public recognition (Rawls, 1979).

In any case, even when he tries to clarify and close possible weaknesses in his theory, through public replies to his critics, the truth is that the greatest criticism has been made of his discourse is of previous origin, prior to the

constitution of society or the social pact, to use terminology of the classics. How is it possible to have some kind of desire or moral preference in the original position if they are acquired in society or in some kind of context more extensive than individual isolation? Being true that we are autonomous, how can we ponder what is good or right? Are these questions made to an isolated and autonomous entity? In what sense?

If we start from the basis that our desires, preferences, moral judgments, life choices, principles, values or ethical judgments can only be acquired in some type of scope (society, community, ethnicity, sexual orientation, race) hardly they can be within us prior social pact. In addition, if all these ideas, values and principles are apprehended in an intrinsic way, we would all share these values and it does not seem that way.

Without forgetting that the myth of the isolated individual (free, equal, autonomous, rational) happiness as of a state of war, does not seem a plausible reality, not even as fiction or fable. Although they did not live within the framework of bonds that we could define as society, the truth is that, at least we could define them as a community and these are the ones that allow us to share links that distant us from the universalist principles so dear to the Neo-Kantians.

These are some of the objections that the

communitarians point to J. Rawls's theory and others we will delve into later. In any case, we must reiterate the great depth that has had and has its work and fresh air brought to the political philosophy of the last quarter of the twentieth century and still lasts. In fact, some author has reached to its fame by the critics to the work of Rawls and not so much by the originality of its thoughts.

### **Conclusions**

If freedom is an appellat theme for the human being since its inception, it is undoubtedly the cornerstone of all liberal and neoliberal thinking. However, some of its most prominent and prominent representatives do not agree on a common definition, as we have seen. Broadly speaking, there are clear distinctions between: appreciating natural spontaneity, avoiding coercion ad intra and ad extra and achieving an egalitarian original distribution. At a greater level, it has also been possible to emphasize that freedom ends up deriving from other related realities such as due recognition, regardless of condition, internal and external self-determination or the search for status, in the absence of physical, legal and institutional coercion.

The contrast of these three authors when it comes to addressing their different conceptions of freedom, has led us to different conclusions and perspectives. In contrast to the opposition to the a priori rationalism of Hayek and Berlin; Rawls, on the other hand, identifies subjects as

rational and reasonable in their negotiation for justice and freedom. In contrast to this last idea Hayek, especially, is committed to spontaneity to ensure a peaceful and free coexistence. This spontaneity, in relation to public interventionism, brings him closer to Berlin and relieves him inexorably of Rawls.

Without a doubt, the conception of liberty removes Rawl and Hayek more radically and separates Berlin in a less drastic way. In relation to this last idea, we can conclude by the meeting point between Berlin and Rawls or, in the words of these two authors, between the veil of ignorance and negative freedoms. The criticisms of the different interpretations of Berlin's degrees of freedom are settled by him in a manner analogous to the ideal situation that Rawls constructs with the veil of ignorance. Situation, the latter, which terminates any possibility of spontaneity so perfect in the eyes of Hayek.

### References

- Berlin, I. (1993). *Cuatro ensayos sobre la libertad*. Madrid: Alianza Editorial.
- Hayek, F. (1995). *Camino de servidumbre*. Madrid: Alianza Editorial.
- Hayek, F. (2011). *The constitution of liberty: the definitive edition*. London: University of Chicago Press.
- Hodgson, G. M. (2011). ¿Qué son las instituciones? *Revista CS, en Ciencias Sociales*, 8, 17-53.
- Nozick, R. (1988). *Anarquía, Estado y Utopía*. Fondo de Cultura Económica, S.A.
- Rawls, J. (1979). *Teoría de la justicia*. México: Fondo de Cultura Económica.
- Rawls, J. (1996). *Justicia como equidad: materiales para una teoría de la justicia*. Madrid: Tecnos, D.L.

### Bibliografía Consultada

- Bentham, J. (2010). *Un fragmento sobre el gobierno*. Madrid: Tecnos.
- Berlin, I. (2005). *Dos conceptos de libertad. El fin justifica los medios. Mi trayectoria intelectual*. Madrid: Alianza Editorial.
- Berlin, I. (2004). *Sobre la libertad*. Madrid: Alianza Editorial.
- De Tocqueville, A. (2009). *El antiguo régimen y la revolución*. México: Fondo de Cultura Económica de España, S. L.
- De Tocqueville, A. (2010). *La democracia en América*. Madrid: Trotta.
- Descartes, R. (1999). *Discurso del método*. Barcelona: Espasa Libros, S.L.U.
- Giner, S. (2011). *Teoría sociológica clásica*. 3ª edición. Barcelona: Ariel.
- Godoy Arcaya, Ó. (2003). *Antología del defensor de la paz, de Marsilio de Padua*. Centro de Estudios Públicos, 90, Chile.
- Hayek, F. (2008). *Fundamentos de la libertad*. Madrid: Unión Editorial S.A.
- Helvetius, C. A. (2012). *Del Espíritu*. Pamplona: Laetoli.
- Hobbes, T. (2003). *Leviatan*. Buenos Aires: Editorial Losada.

- Hobbes, T. (2010). *De Cive. Elementos filosóficos sobre el ciudadano*. Madrid: Alianza Editorial.
- Holbach, D. P. H. (2008). *Sistema de la naturaleza*. Madrid: Laetoli.
- Hooker, R. (2009). *Of the Laws of Ecclesiastical Polity*. Editorial Cambridge University Press, UK.
- Locke, J. (1999). *Escritos Sobre La Tolerancia*. Madrid: Centro de Estudios Políticos y Constitucionales.
- Locke, J. (2003). *Segundo ensayo sobre el gobierno civil*. Buenos Aires: Editorial Losada.
- Locke, J. (2005). *Ensayo y carta sobre la tolerancia*. Madrid: Alianza Editorial.
- Marx, K. & Engels, F. (1974). *Obras Escogidas, en tres tomos, de Marx y Engels*. Moscú: Editorial Progreso. (Marxists Internet Archive, 2010).
- Mill, J. S. (2013). *De la libertad*. Barcelona: El Acantilado.
- Montaigne, M. (2003). *Ensayos completos*. Cádiz: Cádiz.
- Montesquieu, C. (2002). *El espíritu de las leyes*. Madrid: ISTMO.
- Padua, M. (1989). *El Defensor de la Paz*. Madrid: Tecnos Editorial S. A.
- Rawls, J. (2004). *El liberalismo político*. Barcelona: Crítica.
- Voltaire (2013). *Tratado sobre la tolerancia*. Barcelona: Espasa Libros, S. L. U.