

# KEEPING REPUBLICAN FREEDOM SIMPLE

## On a Difference with Quentin Skinner

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**T**here has recently been a good deal of interest in the republican tradition, particularly in the political conception of freedom maintained within that tradition. I look here at the characterisation of republican liberty in a recent work of Quentin Skinner<sup>1</sup> and argue on historical and conceptual grounds for a small amendment—a simplification—that would make it equivalent to the view that freedom in political contexts should be identified with nondomination.<sup>2</sup>

### 1. A DIVERGENCE IN THE CONSTRUAL OF REPUBLICAN LIBERTY

Quentin Skinner's pioneering historical work on the history of republican thought established that authors in the Roman and neo-Roman republican tradition—I shall often speak, for short, of the republican tradition—did not think of freedom in a positive sense: in particular, did not see it as being tied definitionally to participation in a self-determining polity.<sup>3</sup> The work overturned a tradition of representing these authors that had been in place since at least the time of Benjamin Constant's early nineteenth-century lecture on the freedom of the ancients and the moderns; this had been reinforced in the twentieth century by Isaiah Berlin's influential essay on 'Two Concepts of Liberty' and had been upheld by John Pocock in the reconstruction of the republican tradition that inspired Skinner's work.<sup>4</sup>

According to Skinner, republican authors had argued for a negative conception of freedom as noncoercion or noninterference, not a positive conception. What distinguished them from later, nineteenth-century liberal thinkers, so the line went, was an insistence that no one could hope to win freedom in

this negative sense except by virtue of incorporation and participation in a suitably republican polity: a free state. Skinner argued this line most explicitly in commentary on Machiavelli's *Discorsi*,<sup>5</sup> but he always suggested that it applied also to the Roman authors themselves and to the English and American thinkers over whom Machiavelli had exercised enormous influence. These included all the so-called 'commonwealthman' writers of seventeenth- and eighteenth-century England and America, as Pocock had shown.

While following the spirit and direction of Skinner's analysis, I argued for a variation on his construal in my book, *Republicanism: A Theory of Freedom and Government*.<sup>6</sup> The republican conception of freedom was certainly negative, I maintained, but it did not represent liberty as noninterference in the manner that Hobbes inaugurated and that came to prominence among nineteenth-century liberal writers. It was, rather, a conception of liberty in which the antonym is not interference as such but rather *dominatio* or domination. Domination is subjection to an arbitrary power of interference on the part of another—a *dominus* or master—even another who chooses not actually to exercise that power. Republican freedom, I maintained, should be defined as nondomination, not noninterference.

Since the appearance of my book, Skinner has addressed the theme of republican liberty once again in his inaugural lecture as Regius Professor of History at Cambridge on *Liberty before Liberalism*.<sup>7</sup> In this publication, he moves from Renaissance figures to focus on English writers like Harrington and Sidney in the seventeenth century.<sup>8</sup> He argues that these writers rely on ideas derived from Machiavelli and other Renaissance thinkers, though they are often happy to employ the language of rights in stating their demands.<sup>9</sup> He thinks that what unites them in particular is the conception of liberty that they derived from Roman and Renaissance sources and not, for example, an opposition to monarchy as such.<sup>10</sup> This conception of liberty they apply in the first place to states, he maintains, and in the second to the individual; their characteristic assumption—well grounded, I believe<sup>11</sup>—is that 'it is only possible to be free in a free state'.<sup>12</sup>

In this book, Skinner reinforces the theme of his earlier research, that these thinkers did not think of freedom as being tied definitionally to participation in a self-determining polity. While stressing that such neo-Romans thought it was essential for people to have sufficient civic virtue to be willing to participate in political life—only thus would their freedom be assured—he denies that they identified individual freedom with virtue or the right of political participation. 'The writers I am discussing merely argue that participation (at least by way of representation) constitutes a necessary precondition of maintaining individual liberty'.<sup>13</sup> The idea is that since one is free only in a free

state, one cannot hope to be free—free-rider issues, presumably, apart—unless one plays a participatory part in the local polity.

But Skinner goes beyond this earlier argument about liberty and here maintains, with generous reference to the claims in my own work, that the Roman and neo-Roman school of thought did have a different conception of liberty from the negative one that became popular after Bentham.<sup>14</sup> Where before he had attributed to those writers the negative conception of liberty as noncoercion or noninterference, he now maintains that they had a distinctive conception of their own. As they reject the positive identification of individual freedom with virtue or the right to participate in government, so he says that they reject the negative identification of freedom with the absence of coercion. They oppose ‘the key assumption of classical liberalism to the effect that force or the coercive threat of it constitute the only forms of constraint that interfere with individual liberty’.<sup>15</sup>

Skinner argues that where liberals after Bentham came to care only about coercion of the body or the will, republicans had cared about dependency on the good will of another, even dependency in the case where there is no actual coercion.<sup>16</sup> As he says in elaborating the extra neo-Roman concern, ‘It is never necessary to suffer this kind of overt coercion in order to forfeit your civil liberty. You will also be rendered unfree if you merely fall into a condition of political subjection or dependence’.<sup>17</sup> Thus it is vital, he explains, to ensure that your government not give any individual or group prerogative or discretionary powers.

Your rulers may choose not to exercise these powers, or may exercise them only with the tenderest regard for your individual liberties. So you may in practice continue to enjoy the full range of your civil rights. The very fact, however, that your rulers possess such arbitrary powers means that the continued enjoyment of your civil liberty remains at all times dependent on their goodwill.<sup>18</sup>

The claim in Skinner’s lecture that republicans worried about dependency is clearly convergent with my own claim that they worried about domination, and he is generous in acknowledging the connection with my work. Where Skinner speaks of dependency on the good will of another, I speak of being dominated. Being dominated involves occupying a position where another can interfere on an arbitrary basis in your life; specifically, though I shall neglect these details below, where another can interfere with greater or lesser ease on a more or less arbitrary basis across a smaller or larger range of choices. I see no relevant difference between what we say here, and I shall assume that, though we use different words, we have roughly the same thing in mind. For the record, I think that someone has an arbitrary power of inter-

ference in the affairs of another so far as they have a power of interference that is not forced to track the avowed or readily avowable interests of the other: they can interfere according to their own *arbitrium* or decision.

Despite our agreeing on the meaning of dependency or domination, however, and despite our both thinking that republican writers saw it as inimical to freedom, there is a remaining difference between our accounts of the neo-Roman or republican conception of freedom. Roughly stated, I hold that for republicans freedom means nondomination, period, whereas he says that it means nondomination *and* noninterference.<sup>19</sup> On his view, Romans and neo-Romans shared the concern of classical liberals for the reduction of coercion of the body and will, even the sort of coercion—as they saw it, the nondominating coercion—associated with a fair rule of law. They were concerned to reduce domination or dependency, including the sort that involves no interference, but they were equally concerned to reduce interference, even the sort that involves no domination.<sup>20</sup> On my view their primary concern was with reducing domination.

## 2. TO PRIORITISE DOMINATION OR TO EQUATE DOMINATION AND INTERFERENCE?

The issue between Skinner and me is whether in giving an account of republican liberty, we should prioritise domination as the antonym of freedom or equate domination and interference as part of a joint antonym. I now look in greater detail at this issue, arguing that while the divergence between us is significant, and certainly worth marking, it is not as deep as it may at first seem.

The crucial point to note is this. Even if domination is the only antonym of freedom, it is still going to follow according to my analysis that undominating or nonarbitrary interference—in particular, the interference suffered in living under a coercive but fair rule of law—must count as a secondary offence against freedom. Such a rule of law will not *compromise* freedom, in the manner of a dominating agency, but it will *condition* freedom, as I put it in my book;<sup>21</sup> it will reduce the range or ease with which people enjoy undominated choice.

The distinction between compromising and conditioning factors is familiar, even if those particular terms are not. If freedom is identified negatively as the absence of interference or domination or any evil that involves the action or presence of other human beings, it is bound to embody two associated ideals. First, the ideal that consists in the absence of that particular evil: freedom

proper or formal, whether that be noninterference or nondomination. And second, the ideal that consists in also having the other resources required to enjoy the noninterference or the nondomination: the ideal that some writers call effective or real freedom as distinct from merely formal freedom.<sup>22</sup>

Thus, the formal ideal of noninterference will be made effective through the reduction of nonintentional obstacles to the enjoyment of uninterfered-with choice: obstacles such as poverty, ill health, handicap or lack of talent, or obstacles that are unintended effects of what others do; not being intentional, none of these restrictions count themselves as forms of interference. The formal ideal of nondomination will be made effective through the reduction both of nonintentional obstacles and also intentional but nonarbitrary obstacles—for example, obstacles raised by a nonarbitrary rule of law—to the enjoyment of undominated choice. Where the evil that must be absent for formal freedom—interference or domination—can be said to compromise such freedom, I describe these obstacles that limit the enjoyment of formal freedom as conditioning that freedom without compromising it.

According to Skinner's account, republican freedom requires both noninterference and nondomination. According to mine, formal republican freedom requires only the absence of domination, but effective republican freedom also requires the minimisation of intentional interference, as of course—presumably like Skinner's own account—it will require the minimisation of nonintentional obstacles like those associated with poverty, handicap, and the like. Thus, the difference between the two accounts does not go very deep. He presents the ideal of republican freedom as horizontally complex, so far as it involves two coordinated and distinct elements: nondomination and noninterference.<sup>23</sup> I present the ideal as vertically complex, so far as it involves those same two elements, but with one subordinated to the other. Freedom will be formally present so far as domination is avoided, and it will be effectively present so far as intentional interference—and nonintentional obstruction—is absent.

The best way to relate these two accounts is to consider the following four scenarios and ask how they will be ranked under the accounts:

1. Neither interference nor domination
2. Both interference and domination
3. Domination without interference
4. Interference without domination

The first two scenarios will be ranked in the same way under the two accounts of the republican ideal, scoring respectively top and bottom in an overall ranking. Moreover, the two accounts will both be able to distinguish

the two elements in each scenario: the two elements that make the first good and the two elements that make the second bad. Consider the second scenario, for example, as that might be exemplified in a crime of assault. We can distinguish in any such case between the evil associated with the domination assumed by the criminal and the distinct evil associated with the reduction of choice by the criminal's interference. While a victim generally suffers reduced choice as a result of crime—say, that involved in loss of money, traumatisation, or physical harm—this is the sort of effect that might have come about as a result of an unintended accident. The evil of reduced choice is certainly important, but it is distinct from the evil involved in the assumption and exercise of domination by the criminal; it is this evil that explains why, intuitively, it is worse to have one's choices reduced by crime than by an unintended, perhaps purely natural, accident.<sup>24</sup>

What of the last two scenarios? Under both of our accounts these are less good than the first scenario and better than the second. But the accounts differ in how they rank them relative to one another. Under my account, the third scenario of domination without interference will be worse than that of interference without domination. It will involve a compromise of freedom, whereas the fourth scenario will only involve a conditioning of freedom; formal freedom as nondomination will be present, but it will not be relevantly effective. Under Skinner's version of the republican ideal, however, the scenarios will be of the same value or disvalue. So far as domination and interference are equally the antonyms of freedom, the scenarios will count as equally bad; formal freedom will be absent in each case. This divergence in the ranking of the last two scenarios is the one and only difference between the two accounts.

### 3. ARGUING FOR THE PRIORITY OF DOMINATION

Quentin Skinner's knowledge and command of the neo-Roman, republican texts is unequalled, and certainly unequalled by me. But I am still inclined to think that my version of the ideal of freedom to be found in those texts is more satisfactory. The main reason for taking this view is that my account seems to fit better with the **clear tendency among neo-Roman writers to rate domination without interference as worse than interference without domination.**

The model of interference without domination is the coercion of the will implicit in the imposition of a nonarbitrary rule of law. As already mentioned, I think of a rule of law as nonarbitrary to the extent that those who make the

law are forced to track the avowable common interests—and only the avowable common interests—of those who live under the law.<sup>25</sup> But without going in detail into the definition of ‘nonarbitrary’, everyone can agree that the writers on whom Skinner and I focus did think that a rule of law can be nonarbitrary and did agree furthermore in celebrating the benefits of such a regime: such an ‘empire of laws, and not of men’.<sup>26</sup> It is hard to think of any passage in their work where there is a significant critique of the restriction of choice implicit in such a rule of law. They implicitly recognise that there is a restriction so far as they contrast the position of someone who lives under such a rule with that of a person who seeks to enjoy unrestricted licentiousness. But the very scorn poured on licentiousness—and the opposition that came to be established between licentiousness and civil liberty—shows that they did not think of the restriction as a serious infringement on liberty.<sup>27</sup>

Consider the attitude of these writers, on the other hand, to the scenario of domination without interference: the scenario, as it was often described, of the kindly master. They emphasise, in Sidney’s words, that ‘he is a slave who serves the best and gentlest man in the world, as well as he who serves the worst’.<sup>28</sup> They maintain a claim boldly stated by Richard Price: ‘Individuals in private life, while held under the power of masters, cannot be denominated free, however equitably and kindly they may be treated. This is strictly true of communities as well as of individuals’.<sup>29</sup> Their condemnation of domination, even where it is not particularly associated with interference, shows up in their hostility to colonialism, even benign colonialism, and in their objection, as Skinner himself puts it, ‘not to the exercise but to the very existence of the royal veto’.<sup>30</sup>

The main reason, then, for preferring my version of the republican ideal to Skinner’s is that the ranking of possible scenarios that it gives us—interference-without-domination is superior to domination-without-interference—fits better with the emphases of traditional republican writers. But there is also a subsidiary reason that supports my preference for construing the republican conception of freedom as an ideal of nondomination, not as an ideal of nondomination and noninterference. This is that it makes much better sense of what republicans say about the nonarbitrary rule of law and its relation to liberty.

The Hobbesian message about law had been that all law, as such, takes away liberty and that it can promote liberty only so far as it does more good in inhibiting private interference than the harm it does in perpetrating public. If my reading is correct, then this message was not much heeded until Bentham’s time when, conscious of innovating, he insisted that ‘all laws creative of liberty, are “as far as they go” abrogative of liberty’.<sup>31</sup> In the broader

republican tradition, and particularly in that tradition as it prospered between the time of Hobbes and Bentham, the constant refrain is that a nonarbitrary rule of law, while it is certainly restrictive, is not a straightforward offence against freedom. John Locke, who is constantly quoted on the point, offers a fairly standard comment—though one that may in his case have been overdetermined by other influences—when he says of such law ‘that ill deserves the Name of Confinement which serves to hedge us in only from Bogs and Precipices . . . the end of Law is not to abolish or restrain, but to preserve and enlarge Freedom’.<sup>32</sup>

Under my reading of the republican ideal of freedom, it is understandable that while republicans recognised that law does restrict choice, they should nevertheless have seen it as not inherently opposed—not opposed in the manner and measure of domination—to freedom. And that is exactly the non-Hobbesian, non-Benthamite line we find in their writings. In emphasising that law restricts choice, but nonetheless that it does not offend straightforwardly against liberty, they are displaying precisely the sort of attitude that we would expect if they embraced the ideal of freedom as nondomination.

Under the Skinner reading of the republican ideal, on the other hand, we will need to find a special explanation as to why these writers speak in non-Hobbesian and non-Benthamite tones—as to why they speak in Roman rather than gothic tones, as he puts it elsewhere<sup>33</sup>—when they discourse on the relation between law and liberty. He has such an explanation to offer in the case of Machiavelli: that Machiavelli sees the restrictions of the law as preventing people from indulging their appetites and avoiding public service and from thereby undermining the freedom of the state in which their own freedom is included. But it would be better to be able to make do without such a special account, and in any case it is not clear how far that explanation will work with English writers in the seventeenth and eighteenth centuries: with writers, as he himself says, for whom the language of rights plays as important a role as the Machiavellian language of service.<sup>34</sup>

#### 4. *THERE IS NO PARADOX INVOLVED IN PRIORITISING DOMINATION*

One reason that Skinner may shy away from my reading of republican liberty is the fear that on that reading, republicans must adopt a paradoxical claim to the effect that obeying a nonarbitrary law makes you free. He gives voice to that fear in this passage:



Pettit imputes to the defenders of “republican” freedom the view that, since it is only arbitrary domination that limits individual liberty, **the act of obeying the law to which you have given your consent is “entirely consistent with freedom”** (Pettit 1997a, p. 66; cf. pp. 55, 56n, 104, 271). The writers I am discussing never deal in such **paradoxes**.<sup>35</sup>

I agree that the authors in question do not deal in paradoxes of this kind, but it is a mistake to think that I force paradox upon them.

What I say in the passage from which Skinner quotes does not explicitly raise any paradox, and it is clear from the other passages to which he directs us for comparison that they do not imply paradox either. Making a contrast with familiar, authoritarian and dominating systems of law, I say in the original passage: **“There will be systems of law available, at least in principle, which are entirely undominating and entirely consistent with freedom”**.<sup>36</sup> And the nonparadoxical intent of that remark is clear in many other comments, including one to which he directs us for comparison: **“We know from previous discussions that any system of law, however effective in countering domination, imposes constraints and costs on people and in that way reduces the extent of their undominated choice; it does not compromise freedom, as we put it, but it does condition it”**.<sup>37</sup>

Construing freedom as nondomination does not force us to think, then, that we are made free by the act of obeying a nonarbitrary law or by the act whereby a nonarbitrary law is imposed on us. It may be that that as the antibodies in my blood constitute my immunity to certain diseases, the ordinances of nonarbitrary law under which I live constitute my status as a free, undominated citizen.<sup>38</sup> But so far as it restricts me as well as others, the law still conditions my freedom. If it is nonarbitrary, it won’t compromise or undermine that freedom in the manner of a dominating agency, but it will offend against it in a secondary manner.

Not only do I not have to say that I am made free by the act whereby I obey a nonarbitrary law or have such a law imposed on me. I do not even have to say that I am unambiguously free when I act under the limitations of the law. What I suggest in the book is that where I am dominated by another agency, I should be said to be *unfree* and that where I am restricted but not dominated—as by a conditioning factor such as an unintended obstacle or a nonarbitrary law—then I should be said to be *nonfree*.<sup>39</sup> And so I comment that while the tax levy or even the term of imprisonment might not take away a person’s freedom in an ideal world—they might not have the effect of a dominating agency—still they would leave the person nonfree: **“while they do not compromise someone’s freedom as non-domination they do allow us to say that the person is not free to spend or to travel as they wish”**.<sup>40</sup>

I hope that these comments should make clear that the conception of freedom as nondomination or nondependency need not lead us into intolerable paradox, at least not so long as we resist more Romantic, Rousseauvian—or perhaps pseudo-Rousseauvian<sup>41</sup>—versions of that conception. Thus, the fear of paradox—the fear of embracing or imputing paradox—does not provide a good reason for going Skinner’s way.

##### 5. *THERE IS NO INCONSISTENCY INVOLVED IN PRIORITISING DOMINATION*

Skinner sometimes suggests that the main reason for not going my way is that what makes domination bad for freedom is found equally in every case of interference minus domination. The idea is that it would be inconsistent to represent domination as the primary affront to freedom on a ground that pertains just as much to interference of that kind. The feature that makes domination bad, so he suggests, is the restriction of choice that it enforces, and that feature is found equally in nonarbitrary and undominating interference, as it is indeed in the limitations imposed by natural obstacles and the like.

The person who is dominated will tend to second-guess the wishes of the dominator, wanting to keep him or her on side and to restrict their own options accordingly.<sup>42</sup> In the traditional language, they will tend to toady and fawn, bow and scrape, placate and ingratiate—in a word, abase themselves; furthermore, they will censor everything they say and do, tailoring it to an assuaging effect. In short, they will force themselves to do things they wouldn’t otherwise have done—make self-abasing moves—and they will have to stop themselves doing things they would have done: that is, adopt self-censoring measures. I had come to appreciate and develop this point myself in the course of conversations with Skinner and others, as I acknowledge in my book. He elaborates it here into a richly textured theme.<sup>43</sup> If you are dependent on the good will of another, he says, then you will be forced to restrict your own choices.

You will find yourself constrained in what you can say and do by the reflection that, as Harrington brutally puts it, even the greatest bashaw in Constantinople is merely a tenant of his head, liable to lose it as soon as he speaks or acts in such a way as to cause the sultan offence.<sup>44</sup>

I suspect that a main reason why Skinner is inclined to resist my prioritising domination is that he thinks that in enforcing constraints on choice, domi-

nation operates to the same effect as interference and that it stands with interference as precisely the same sort of inhibition on freedom. He says, for example,

The lack of freedom suffered by those who advise the powerful may of course be due to coercion or force. But the slavish behaviour typical of such counsellors may equally well be due to their basic condition of dependence and their understanding of what their clientage demands of them.<sup>45</sup>

While agreeing warmly that domination may lead to restriction of choice—the form of restriction involved in self-abasement and self-censorship—I do not think that this is a good reason for treating interference, equally with domination, as the evil opposed to freedom. For though domination and interference-minus-domination do both restrict choice, they differ enormously in the way they restrict it.

Domination involves a relationship between people, and it restricts choice through effects that it has on the dominated person. Those effects may be mediated by second-guessing as when domination induces self-abasement and self-censorship. But they may also be mediated, of course, via acts of interference on the part of the dominator—for example, via aggressive or coercive, intimidating or manipulative acts. Think of both sorts of effects as the effects that domination can have in restricting the choices of the dominated person.

What, by comparison with these, are the effects that interference-minus-domination can have in restricting the choices of a person? There are two categories to distinguish. On the one hand are the effects of interference when there is no domination: that is, the effects of undominating or nonarbitrary interference of the sort traditionally associated with a fair rule of law. And on the other are the effects of interference when it mediates domination; in this case, the effects are just the same as those of the domination involved: the domination is the ultimate cause of those effects, and the interference is the proximal or mediating cause. The first category comprises the effects of interference in the absence of domination, the second category the effects of interference in abstraction from domination.

Interference in the absence of domination restricts choice in the familiar way in which nonarbitrary interference—say, the interference traditionally associated with the fair rule of law—restricts choice. And interference in abstraction from domination restricts choice in the way that the acts involved would have restricted choice had they not had an origin in a dominating person: had they been like the effects of a natural or other nonintentional obstacle. Interference-minus-domination restricts choice, then, either in the man-

ner of the natural obstacle or other nonintentional impediment, or in the manner of intentional but nonarbitrary interference.

This means, however, that though interference-minus-domination restricts choice in the same way that domination does, it does not impose the will of another in the manner of domination. And that makes, intuitively, for a powerful contrast between the two modes of choice-restriction.

There are two respects in which domination represents a particularly objectionable mode of restricting choice.<sup>46</sup> It is objectionable, first of all, in being likely to occasion a specific kind of uncertainty in the victim. The person who is subject to the arbitrary will of another will never be sure of where they stand or what to expect, and so may find it difficult to make firm plans; after all, any plans they make will be hostage to the will of the master. They will be in a worse position than someone who faces a comparable prospect of natural obstruction, since there is no possibility of spite or whimsy operating there. And of course they will be much worse off than someone who is subject only to nonarbitrary interference that is designed to track their own readily avowable interests.

But apart from being likely to occasion a distinctive sort of uncertainty, domination will also tend to introduce a characteristic asymmetry of status. A relationship of domination leaves the dominated person in a position where it is likely to be a matter of common knowledge that he or she is exposed to the possibility of arbitrary interference and cannot, therefore, speak his or her mind without risk of falling out of favour and cannot be ascribed a voice that claims the attention and respect of others. Even if the dominated person thinks it unlikely that as things stand between them the dominator will interfere, this is not something that he or she can signal—say, speaking out forthrightly—short of assuming a defiant or brazen posture and perhaps thereby triggering a manifestation of the arbitrary power of the other. Subjection to undominating interference—to interference that is forced to track their own perceived interests—will not carry any such deprivation of status in its wake. And neither of course will exposure to natural or other nonintentional hurdles or obstacles.

This point about status is of the first importance. To have the full standing of a person among persons, it is essential that you be able to command their attention and respect: if you like, their authorisation of you as a voice worth hearing and an ear worth addressing.<sup>47</sup> It is not enough that others condescend and confer such attention and respect by way of responding to a supplication or petition. As Kant wrote, supporting Rousseau's republican sentiments on this matter: **'It is not all one under what title I get something. What properly belongs to me must not be accorded to me merely as something I ask for'**.<sup>48</sup>

The terrible evil brought about by domination, over and beyond the evil of restricting choice, and inducing a distinctive uncertainty, is that it deprives a person of the ability to command attention and respect and so of his or her standing among persons.

There is every reason why domination might be held up as the antonym of freedom, then, without any implication that interference-minus-domination is equally deserving of that status. What is bad about domination, and makes it a natural antonym of freedom, shows up in the three features of enforcing a restriction of choice, occasioning a distinctive uncertainty and introducing an asymmetry of status. What is bad about interference-minus-domination is merely that it restricts choice.

#### 6. *THERE IS AN INSTABILITY INVOLVED IN EQUATING DOMINATION AND INTERFERENCE*

I have been arguing that there is no inconsistency involved in prioritising the evil of domination while admitting that interference-minus-domination also restricts choice; domination is evil in other ways too. I now want to show that if we do equate the evils of domination and interference, on the grounds of their each restricting choice in the same way, then we ought to extend the equation to include obstruction or limitation by those nonintentional obstacles, due to nature or other agents, that make certain options unavailable or comparatively costly. Limitation of this kind may come of natural inability or handicap or poverty or from the lack of resources available as the unintended result of the action or inaction of others.<sup>49</sup> But whatever the source, it will restrict people's choices as surely as domination and interference do.

The lesson of this observation is that the claim that freedom is equally compromised by domination and interference is unstable. If someone argues such a line, citing the fact that domination and interference both restrict choice, then they will have reason to extend it further, arguing that freedom is equally compromised by three effects: domination, (intentional) interference, *and* (nonintentional) limitation. The claim should modulate to the thesis that a person enjoys freedom—freedom in the formal sense, not merely in the effective—just so far as restrictions of every kind are absent, and not only those that come of interference and domination.<sup>50</sup>

There are three alternatives in play here. Under freedom as nondomination, freedom is compromised by domination and conditioned by nonarbitrary interference and nonintentional limitation. Under freedom as nondomination and noninterference—Skinner's view—freedom is compromised by domination and interference and conditioned by limitation. But

under a third view, freedom is compromised by all three factors—domination, interference, and limitation. These different views are presented in Table 1.

The really important divide among these theories of political freedom is that between the theory that identifies it with nondomination and that which identifies it with nonrestriction of any kind. The first argues that domination is such a distinctive evil that it alone should count as the formal antonym of freedom and that nondominating forms of restriction, whether they stem from intentional interference or nonintentional limitation, should be cast as a secondary, conditioning evil. The third argues that all forms of restriction are equally bad, at least in the ledger book of liberty, and they should all be cast as evils that compromise freedom.

The second view is positioned in an unstable way between these two. It has to find something evil in common to domination and interference that is lacking in nonintentional limitation. But it is hard to see any evil that can plausibly be invoked to fill this role. The suggestion I see in Skinner's remarks, to the effect that the evil common to domination and interference is restriction of choice, does not provide a satisfactory reason for taking the second view. So far as limitation also restricts choice, the suggestion argues for going over from the second to the third view.<sup>51</sup>

## 7. CONCLUSION

We began this essay by noting that there is one remaining difference between Quentin Skinner's construal of republican liberty and mine. **Whereas he contrasts freedom with a composite antonym of nondomination and noninterference, I contrast it with the single antonym of nondomination.** We saw that this does not make for an enormous contrast, since I have to acknowledge that even if interference does not necessarily involve domination, it has the effect—like nonintentional obstruction—of restricting the range in which an agent can enjoy undominated choice. It represents a secondary evil from the point of view of freedom as nondomination, just as nonintentional limitation will represent a secondary evil from the point of view of freedom as noninterference—or indeed from the point of view of freedom as nondomination cum noninterference.

But though the contrast between Skinner and me is not enormous, it is certainly worth marking. If he is right, then we should expect republicans to regard as equally bad the two scenarios involving, respectively, domination without interference (the kindly master) and interference without domination (the nonarbitrary law). If I am right, then we should expect them to regard the

**TABLE 1**  
**Some Rival Views of Freedom**

	<i>Domination</i>	<i>Interference</i>	<i>Limitation</i>
Freedom as nondomination			
Freedom is compromised by	Yes		
Freedom is conditioned by		Yes	Yes
Freedom as nondomination and noninterference			
Freedom is compromised by	Yes	Yes	
Freedom is conditioned by			Yes
Freedom as nondomination, noninterference, and nonlimitation			
Freedom is compromised by	Yes	Yes	Yes
Freedom is conditioned by			

first as worse than the second and to be reasonably well disposed towards the second. I argued that the expectations raised by my construal seem to fit better with republican thought and that it is historically more accurate to identify republican freedom with nondomination. But I also went on to make three other, more conceptual points in its defence.

First, I maintained that there is no Rousseauvian sort of paradox involved in identifying freedom with nondomination, contrary to what Skinner fears. Second, I argued that while domination and interference-minus-domination may each have the effect of restricting choice, that does not make them equally bad and equally entitled to be treated as the antonym of freedom; domination has other effects besides restricting choice that make it inimical to freedom. And third, I pointed out that if the fact of restricting choice is enough to make something into the antonym of freedom, then freedom should be thought to require not just nondomination and noninterference but also nonlimitation. Any theory that goes beyond identifying freedom with nondomination will have to identify it with nonlimitation of any kind; it cannot find a stable resting point in the identification of freedom with a joint ideal of nondomination and noninterference.<sup>52</sup>

### NOTES

1. Q. Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1997).
2. P. Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997).

3. See Q. Skinner, *The Foundations of Modern Political Thought* (Cambridge: Cambridge University Press, 1978); Q. Skinner, "Machiavelli on the Maintenance of Liberty," *Politics* 18 (1983): 3-15; Q. Skinner, "The Idea of Negative Liberty," in *Philosophy in History*, ed. R. Rorty, J. B. Schneewind, and Q. Skinner (Cambridge: Cambridge University Press, 1984); Q. Skinner, "The Paradoxes of Political Liberty," in *The Tanner Lectures on Human Values* (Cambridge: Cambridge University Press, 1985), 227-50; Q. Skinner, "Pre-humanist Origins of Republican Ideas," in *Machiavelli and Republicanism*, ed. G. Bock, Q. Skinner, and M. Viroli (Cambridge: Cambridge University Press, 1990); Q. Skinner, "The Republican Ideal of Political Liberty," in *Machiavelli and Republicanism*, ed. G. Bock, Q. Skinner, and M. Viroli (Cambridge: Cambridge University Press, 1990); Q. Skinner, "Thomas Hobbes on the Proper Signification of Liberty," *Transactions of the Royal Historical Society* 40 (1990): 121-51; Q. Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge: Cambridge University Press, 1996).

4. See I. Berlin, *Two Concepts of Liberty* (Oxford: Oxford University Press, 1958); B. Constant, *Constant: Political Writings* (Cambridge: Cambridge University Press, 1988); and J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Theory and the Atlantic Republican Tradition* (Princeton, NJ: Princeton University Press, 1975).

5. Machiavelli, *The Complete Work and Others* (Durham, NC: Duke University Press, 1965).

6. Pettit, *Republicanism*. See also P. Pettit, "Negative Liberty, Liberal and Republican," *European Journal of Philosophy* 1 (1993): 15-38, and P. Pettit, "Freedom and Antipower," *Ethics* 106 (1996): 576-604.

7. Skinner, *Liberty before Liberalism*.

8. *Ibid.*, 11, 22-23, 55.

9. *Ibid.*, 19-21.

10. *Ibid.*, 11, 22-23, 55.

11. Pettit, *Republicanism*, 106-9, 120-26.

12. Skinner, *Liberty before Liberalism*, 60.

13. *Ibid.*, 74-75.

14. *Ibid.*, 70.

15. *Ibid.*, 84.

16. *Ibid.*, 50-53.

17. *Ibid.*, 69.

18. *Ibid.*, 70.

19. *Ibid.*, 83.

20. *Ibid.*, 82.

21. Pettit, *Republicanism*, 26, 56, 76, 83, 94, 104.

22. P. Van Parijs, *Real Freedom for All* (Oxford: Oxford University Press, 1995). In Charles Taylor's words, the first is an ideal of opportunity—the opportunity to enjoy choice that is not interfered with or not dominated; the second is an ideal of exercising that opportunity. It is important to keep this distinction independent of the distinction between freedom as noninterference and freedom as nondomination; either, as I say here, can be enjoyed in the way of opportunity or exercise. While the enjoyment of either freedom in the way of exercise can be described as effective freedom—whether freedom as noninterference or freedom as nondomination—it should not be confused with positive freedom. The latter ideal amounts to freedom as the right to participate or freedom as the presence of virtue and, on the face of it, can itself be enjoyed in the way of opportunity or exercise. C. Taylor, *Philosophy and the Human Sciences: Philosophical Papers*, vol. 2 (Cambridge: Cambridge University Press, 1985), chap. 8.



23. He will also admit a vertical complexity, of course, so far as he thinks that freedom in the sense of nondomination cum noninterference can be conditioned by natural or other nonintentional obstacles. More on this in the second to last section.

24. P. Pettit, "Republican Theory and Criminal Punishment," *Utilitas* 9 (1997): 59-79.

25. P. Pettit, "Democracy, Electoral and Contestatory," *Nomos* 42 (2000): 105-44.

26. J. Harrington, *The Commonwealth of Oceana and A System of Politics* (Cambridge: Cambridge University Press, 1992).

27. J. P. Reid, *The Concept of Liberty in the Age of the American Revolution* (Chicago: University of Chicago Press, 1988).

28. A. Sidney, *Discourses Concerning Government* (Indianapolis: Liberty Classics, 1990).

29. R. Price, *Political Writings* (Cambridge: Cambridge University Press, 1991), 72-78.

30. Skinner, *Liberty before Liberalism*, 52.

31. J. Bentham, "Anarchical Fallacies," in *The works of Jeremy Bentham*, ed. J. Bowring (Edinburgh, 1843).

32. J. Locke, *Two Treatises of Government* (New York: Mentor, 1965), 348.

33. Skinner, "The Idea of Negative Liberty."

34. Skinner, *Liberty before Liberalism*, 19-21.

35. *Ibid.*, 83.

36. Pettit, *Republicanism*, 66.

37. *Ibid.*, 104.

38. *Ibid.*, 106-9.

39. *Ibid.*, 26.

40. *Ibid.*, 56.

41. J.-F. Spitz, *La Liberté Politique* (Paris: Presses Universitaires de France, 1995).

42. Pettit, *Republicanism*, 86-87.

43. Skinner, *Liberty before Liberalism*, 84-96.

44. *Ibid.*, 86.

45. *Ibid.*, 93.

46. Pettit, *Republicanism*, chap. 3.

47. P. Pettit, *A Theory of Freedom: From the Psychology to the Politics of Agency* (Cambridge: Polity, 2001), chap. 4.

48. Cited in J. B. Schneewind, "Autonomy, Obligation, and Virtue: An Overview of Kant's Moral Philosophy," in *The Cambridge Companion to Kant*, ed. P. Guyer (Cambridge: Cambridge University Press, 1992), 311.

49. A question arises about obstruction that is the unintended but, as we say, negligent result of what others do or don't do. See D. Miller, "Constraints on Freedom," *Ethics* 94 (1984): 66-86. I believe that we may reasonably speak of such results as coming about, if not intentionally, at least quasi-intentionally: they were foreseeable by the agents involved, and those agents were in a position to have taken steps to avoid the results. Thus, we might regard the actions or inactions in question as forms of interference rather than obstruction.

50. Pettit, *A Theory of Freedom*, chap. 6.

51. A position close to the third view is defended in H. Steiner, *An Essay on Rights* (Oxford: Blackwell, 1994), and I. Carter, *A Measure of Freedom* (Oxford: Oxford University Press, 1999). How to cast the more familiar view of freedom as noninterference, where interference is assumed to be intentional? On the most charitable account, it will be represented in the table below, so that the challenge it will face is to explain why interference is bad in a way in which domination and limitation are not necessarily bad. I do not think that challenge can be satisfactorily met, as I argue in Pettit, *A Theory of Freedom*.

	<i>Freedom as Noninterference</i>		
	<i>Domination</i>	<i>Interference</i>	<i>Limitation</i>
Freedom is compromised by		Yes	
Freedom is conditioned by	Yes		Yes

52. My thanks for comments received on an earlier draft from Quentin Skinner and from the audience and co-symposiasts—John Ferejohn and Maurice Goldsmith—at an invited symposium on republicanism that was organised by Mark Francis for the Australasian Political Studies Association conference in Christchurch, New Zealand, September 1998; for his line of argument on that occasion, see J. Ferejohn, “Pettit’s Republic,” *Monist* 84 (2001): 77-97.

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