

Republican Liberty – a Critique

A republican concept of liberty is often seen as a third alternative to negative and positive liberty. The name “republicanism” does not refer to the US-American political party, but points to a philosophical tradition from Cicero to Machiavelli and Montesquieu. Best known republicans are Philip Pettit and Quentin Skinner. In the presentation, I would like to focus on the conception of liberty as developed by Philip Pettit.

Pettit calls his conception “liberty as non-domination”. Domination means the capacity to interfere arbitrarily with another person’s action. So what is liberty as non-domination? From Pettit’s point of view – and in contrast to negative conceptions of liberty – it is possible to be unfree without actual interference. All that is necessary to be unfree is that there are other persons who *could* arbitrarily interfere with my action. And there is a second implication of Pettit’s conception of liberty as non-domination. Interference which is not arbitrary is not dominating. And when interference is not dominating, it does not render unfree the person interfered with. Paradigmatically, non-arbitrary interference is that constituted by the laws of a well-ordered republic. So while interference is necessary and sufficient for unfreedom in its negative conception, it is neither necessary nor sufficient for unfreedom in the republican conception. For a republican, there can be unfreedom without interference, and there can be freedom with interference.

I would like to argue that both these implications of Pettit’s conception are counterintuitive. I think that it is a conceptual truth that we are free to do something (in a descriptive sense), when we in fact do it. So there can’t be unfreedom concerning actions we actually perform, even if there is a “dominating” person who *could* interfere. Even worse is the second implication of Pettit’s conception: A person in jail who was imprisoned (non-arbitrarily) could not be called unfree. But it seems that being in jail is a paradigm case of unfreedom. I conclude that a negative concept of liberty better fits our intuitions.

Sometimes it seems that republicans want to endorse the even stronger thesis that liberty *consists* in obedience to republican laws (not only that those laws do not render unfree). They identify liberty with “citizenship in a free state”. Remembering Rousseau’s infamous dictum that we could be “coerced to be free”, we should be even more confirmed in stressing the importance of a negative concept of liberty.