

## REPUBLICAN FREEDOM AND LIBERAL NEUTRALITY

Lars J. K. Moen

PHILIP PETTIT has in recent decades been the foremost defender of a republican way of conceptualizing political freedom.<sup>1</sup> On his account, you are free insofar as you are not subjected to another agent's power of uncontrolled interference—that is, others cannot interfere with you simply as it pleases them.<sup>2</sup> Pettit uses this conception of freedom as nondomination as the basis for his support for a state that is neutral between the different conceptions of the good that exist in a modern, pluralistic society.<sup>3</sup> The ideal of republican freedom, Pettit says, is “compatible with modern pluralistic forms of society.”<sup>4</sup> John Rawls gives his support to this view by finding “no fundamental opposition” between republicanism and his own political liberalism.<sup>5</sup>

Pettit also thinks promoting republican freedom conflicts in important ways with the promotion of freedom as noninterference.<sup>6</sup> In assessing this claim, I shall apply the pure negative conception of freedom as noninterference

1 Pettit, *Just Freedom, On the People's Terms, and Republicanism*.

2 Pettit now prefers the terminology of “controlled” and “uncontrolled” interference to his earlier “nonarbitrary” and “arbitrary” interference, respectively. He gives two reasons for this change. First, he wants to avoid any association with “arbitrary” as it is often used to describe actions not conforming to established rules. Such rules may, after all, conflict with the interests of those subject to them. Second, he wants to avoid the connotation of arbitrary with morally unacceptable and nonarbitrary with morally acceptable (*On the People's Terms*, 58). Against Pettit, I show how his distinction between arbitrary and nonarbitrary, or controlled and uncontrolled, is moralized (Moen, “Republicanism and Moralised Freedom”).

3 A person's “conception of the good,” John Rawls explains, consists of the ends and purposes the person considers worthy of her or his pursuit over a complete life (*Political Liberalism*, 104).

4 Pettit, *Republicanism*, 8.

5 Rawls, *Justice as Fairness*, 144, and *Political Liberalism*, 205. Rawls associates republicanism with Quentin Skinner and Niccolò Machiavelli; he does not mention Pettit. But as both Pettit and Skinner have made clear, they subscribe to the same republican tradition.

6 Pettit, “Freedom and Probability,” *On the People's Terms*, ch. 1, *Republicanism*, ch. 2, “Republican Freedom,” and “The Instability of Freedom as Noninterference.” Several other republicans also take this view. See, for example, Ingham and Lovett, “Republican Freedom,

associated with contemporary theorists like Hillel Steiner, Ian Carter, and Matthew Kramer.<sup>7</sup> On this view, you are free to perform an action,  $x$ , as long as no one prevents you from doing  $x$ . You are therefore not made unfree merely by someone possessing the power to interfere with you in a way you do not control, as on the republican account. And on this pure negative view, any act of prevention makes you unfree, not just uncontrolled interference. Pettit has criticized pure negative freedom in particular.<sup>8</sup> In this paper, however, I show why, despite these differences, Pettit cannot defend liberal neutrality between conceptions of the good without also promoting pure negative freedom.<sup>9</sup> Maintaining his view that promoting republican freedom conflicts with promoting pure negative freedom requires a conception of republican freedom that conflicts with neutrality.

I develop this argument by first, in section 2, explaining the two freedom concepts and showing how they differ. While the two are no doubt different, it is far less clear that their differences matter when we think about promoting freedom in our society. Republican freedom requires that certain institutions be in place to protect citizens against uncontrolled interference. Pure negative freedom, on the other hand, requires only that individuals not restrict each other's ability to act, and it is therefore achievable in the absence of particular institutions. However, as I show in section 3, the institutions required for republican freedom might still be essential for promoting pure negative freedom. While institutions themselves make individuals unfree, in a purely negative sense, to perform certain actions, they can nonetheless enhance citizens' overall pure negative freedom by enabling them to pursue courses of action that would otherwise be unavailable to them. If this is the purpose of the controlled interference compatible with republican freedom, such interference also promotes pure negative freedom.

We shall see in section 4 that making the institutional requirements of republican freedom differ from ones promoting pure negative freedom depends on defining republican freedom so that it demands a more robust protection against uncontrolled interference than is compatible with promoting pure negative freedom. More robust here means the effectiveness of the protection being less dependent on whether agents prefer to interfere with one another or not. I show how enhancing robustness means introducing institutional

---

Popular Control, and Collective Action"; Skinner, *Liberty before Liberalism*, 77–99, and "Freedom as the Absence of Arbitrary Power"; Viroli, *Republicanism*, 8–12, 40–41.

7 Carter, *A Measure of Freedom*; Kramer, *The Quality of Freedom*; Steiner, *An Essay on Rights*.

8 Pettit, "Republican Freedom." See also Skinner, "Freedom as the Absence of Arbitrary Power."

9 I say *liberal* neutrality, as this neutrality between conceptions of the good is commonly associated with political liberalism. Pettit also notes that "republicanism joins with liberalism" on the issue of neutrality (*Republicanism*, 120).

constraints that offer citizens greater protection at the expense of reducing their range of available courses of action. More robust protection therefore implies more interference, but republicans can justify such interference as under popular control. Their freedom ideal will conflict with the promotion of pure negative freedom insofar as it justifies more interference than is compatible with maximizing the number of courses of action citizens can pursue.

Achieving this higher level of protection against uncontrolled interference depends on citizens committing to a higher level of political engagement to keep powerholders virtuous. In section 5, I show that such protection requires citizens to hold distinctly republican preferences. This requirement makes republicanism incompatible with certain comprehensive doctrines and therefore incompatible with the neutrality Pettit takes his republican theory to be compatible with.<sup>10</sup> I therefore, in section 6, reach the conclusion that a state promoting a conception of republican freedom that conflicts with the promotion of pure negative freedom cannot be neutral. It must introduce measures to make citizens endorse a comprehensive doctrine compatible with the level of political engagement republican freedom requires. To the extent that it requires such measures, republican freedom conflicts with pure negative freedom but also with liberal neutrality. Conversely, to the extent that republican freedom is understood to conflict with such measures, republicans can maintain a commitment to neutrality but not without promoting pure negative freedom.

#### 1. TWO CONCEPTS OF FREEDOM

To provide a clear view of how republican and pure negative freedom differ, I begin by defining and comparing the two concepts. On the pure negative view, first, an agent, *A*, makes another agent, *B*, unfree to perform an action, *x*, by preventing *B* from doing *x*—that is, by making it physically impossible for *B* to do *x*. It is important to note here that whether *A*'s action toward *B* counts as a prevention does not depend on *B*'s preferences. *A* makes *B* unfree to do *x* regardless of whether *B* would have preferred to do *x*. Pure negative freedom, therefore, differs significantly from Thomas Hobbes's view that *A* can only make *B* unfree to do *x* if *B* has a will to do *x*.<sup>11</sup> If *A* locks the door to the tennis court, Hobbes says, *A* makes *B* unfree to play tennis only if *B* has formed the will to play tennis. On this definition of freedom, *B* can make himself free by

10 A comprehensive doctrine, Rawls explains, is a set of convictions about how to live, which includes conceptions of the good, how we ought to treat others, and "much else that is to inform our conduct, and in the limit to our life as a whole" (*Political Liberalism*, 13).

11 Hobbes, "Selections from *The Question Concerning Liberty, Necessity, and Chance*," 81.

adapting his preferences to the constraints *A* has imposed on him.<sup>12</sup> To avoid this counterintuitive implication, later accounts of freedom from interference, or prevention, take it that *A*'s constraint makes *B* unfree regardless of whether *B* wants, or has formed a will, to perform the action *A* makes unavailable to *B*.

On the republican account of freedom, on the other hand, not all kinds of interference are sources of unfreedom. *A*'s interference does not make *B* unfree as long as *B* has instructed the interference and possesses the control to make sure *A* cannot interfere with him in any other way.<sup>13</sup> In Pettit's example, *B* gives *A* the key to *B*'s alcohol cupboard with the instruction of giving it back only on twenty-four hours' notice when *B* later asks for it.<sup>14</sup> When *B* then asks for the key and *A* refuses to give it back, *A* interferes with *B*, but not in a way that makes *B* unfree since *A* acts as *B* instructed. *A* therefore makes *B* unfree in the pure negative sense but not in the republican sense. Analogously, Pettit argues, the government does not interfere with the citizens in an uncontrolled manner when it acts to promote their common interests. These are interests citizens are ready to avow in public without embarrassment because they are compatible with treating others as free and equal members of the society.<sup>15</sup> More specifically, Pettit argues, these are interests in the government providing the resources and protection each citizen needs to effectively exercise the basic liberties.<sup>16</sup>

But for *B* in the alcohol cupboard example to possess the control republican freedom requires, *A* must interfere because *B* instructed it. It cannot merely be a happy coincidence that *A* happens to want to interfere in accordance with *B*'s instruction. In Pettit's terms, "an act of interference will be nonarbitrary to the extent that it is forced to track the interests and ideas of the person suffering the interference."<sup>17</sup> *A*'s interference is then robustly in accordance with *B*'s interests.

12 Berlin, *Liberty*, 32.

13 In one way, of course, *A*'s interference with *B* takes away *B*'s freedom to perform the action he otherwise could have performed. Pettit prefers to think of cases of uncontrolled interference as making *B* "non-free but not unfree" (*Republicanism*, 26n1).

14 Pettit, *On the People's Terms*, 57.

15 Pettit, *A Theory of Freedom*, 156–60.

16 Pettit, *On the People's Terms*. For Pettit, basic liberties are the liberties that meet three conditions. First, they can be exercised without thereby preventing any others from exercising them. Second, they are widely considered within a society to have an important role in the lives of normal people. And third, the set of basic liberties are limited only by these first two conditions. This definition leads Pettit to a list of basic liberties, which includes at least freedoms of thought, expression, religious practice, association, assembly, personal property, employment, movement, and to take part in public life as a voter, candidate, or critic. See Pettit, *On the People's Terms*, 103, and "The Basic Liberties," 220.

17 Pettit, *Republicanism*, 55.

Analogously, free citizens, in the republican sense, have the power to make sure their government robustly promotes their common interests.<sup>18</sup>

This robustness comes about by virtue of systematic protection making uncontrolled interference “inaccessible.”<sup>19</sup> “Inaccessible,” for Pettit, does not mean “sufficiently improbable” but rather “not within the agent’s power.”<sup>20</sup> Inaccessibility requires the presence of institutions protecting *B* against *A*’s uncontrolled interference “in a range of possible worlds associated with the available options, however unlikely some of those worlds may be.”<sup>21</sup> Institutions set up to prevent uncontrolled interference therefore do not *cause* nondomination, as that would suggest reducing the probability. Instead, they *constitute* nondomination; nondomination “comes into existence simultaneously with the appearance of the appropriate institutions.”<sup>22</sup>

The meaning of “inaccessible” interference is a controversial issue in the literature on republican freedom. Several critics of republican freedom have taken it to mean that institutions must make it impossible for *A* to interfere with *B* in a way *B* does not control, which would be unrealistically demanding.<sup>23</sup> If *B*’s freedom to do *x* depends on everyone being made unable to prevent him from doing *x*, then *B* can never be free to do *x* since it will always be possible for someone to prevent him from doing *x*. On this interpretation, therefore, *B* can never be free to do anything whatsoever since there is always a possibility that someone will interfere with him.

However, Pettit and Quentin Skinner stress that the republican objective is not to make interference impossible but instead to establish institutions that make no one capable of interfering with others with impunity.<sup>24</sup> So, uncontrolled interference being “inaccessible,” as Pettit says, means it is impossible without having to pay a high price for it. But as Keith Dowding notes, people often get away with breaking the law.<sup>25</sup> If perfect law enforcement is what republican freedom requires, then it remains impossibly demanding. Sean

18 Pettit, *On the People’s Terms*, ch. 3.

19 Pettit, “Republican Freedom,” 104.

20 Pettit, *On the People’s Terms*, 60, and *Republicanism*, 88.

21 Pettit, *On the People’s Terms*, 67.

22 Pettit, *Republicanism*, 107.

23 Carter and Shnayderman, “The Impossibility of ‘Freedom as Independence,’” 139–40; Dowding, “Republican Freedom, Rights, and the Coalition Problem”; Gaus, “Backwards into the Future”; Goodin and Jackson, “Freedom from Fear”; Kramer, “Freedom and the Rule of Law,” 843–44, and “Liberty and Domination,” 45–46; Simpson, “The Impossibility of Republican Freedom.”

24 Pettit, *Republicanism*, 22; Skinner, *Liberty before Liberalism*, 72.

25 Dowding, “Republican Freedom, Rights, and the Coalition Problem,” 311.

Ingham and Frank Lovett label this view “strong republicanism,” which they understand to be “generally impossible.”<sup>26</sup>

Pettit, however, says freedom requires only that citizens be sufficiently protected to pass “the eyeball test.”<sup>27</sup> To pass this test, Pettit explains, “the safeguards should enable people, by local standards, to look one another in the eye without reason for fear or deference.”<sup>28</sup> People must “have this capacity in the absence of what would count, even by the most demanding standards of their society, as mere timidity or cowardice.”<sup>29</sup> Pettit is aware of his own vagueness on this matter and sees the required level of law enforcement as akin to what we find in epistemology when we determine how many possible worlds in which a true belief must be present for something to be called knowledge.<sup>30</sup> Ingham and Lovett understand this account to fit into the category of “moderate republicanism,” which requires that it be common knowledge that people are generally punished for uncontrolled interference and that people can therefore relate to one another “as if” they know that uncontrolled interference comes at a high cost no one is prepared to take.<sup>31</sup> Institutional protection will have the required deterrent effect.

But by weakening this law enforcement requirement, republicans still encounter the problem that legal systems protecting citizens against uncontrolled interference inevitably rely on the wills of government officials.<sup>32</sup> This protection is therefore not particularly robust. Pettit says the citizens must make sure these officials behave as they are supposed to, and their freedom therefore depends on norms that induce citizens to remain vigilant and resist any decision not tracking their common interests.<sup>33</sup> Under such conditions, Lovett and Pettit argue, no collection of individuals can coordinate so as to take control of legal institutions and gain the power of uncontrolled interference.<sup>34</sup> But it remains the case that the required social norms underpinning such effective institutions can change, as norms often do, and people therefore remain dependent on each other’s wills.<sup>35</sup>

26 Ingham and Lovett, “Republican Freedom, Popular Control, and Collective Action,” 778.

27 Pettit, *Just Freedom and On the People’s Terms*.

28 Pettit, *On the People’s Terms*, 47.

29 Pettit, *On the People’s Terms*, 84.

30 Pettit, *On the People’s Terms*, 68n38.

31 Ingham and Lovett, “Republican Freedom, Popular Control, and Collective Action,” 779.

32 Kramer, “Freedom and the Rule of Law,” 842–44.

33 Pettit, *On the People’s Terms*, 173.

34 Lovett and Pettit, “Preserving Republican Freedom.”

35 Simpson, “Freedom and Trust.”

The republican robustness requirement remains unclear, but I shall proceed on the understanding that freedom as nondomination at least demands some institutional protection vaguely specified by the eyeball test.

## 2. PROMOTING FREEDOM

To Pettit, no account of freedom as noninterference requires that the eyeball test be met since it focuses on the probability, rather than the accessibility, of constraint.<sup>36</sup> Pure negative freedom, in Pettit's view, is therefore compatible with the implausible strategy of making yourself free by currying favor with an agent possessing the power to interfere with you in a way you do not control. To the extent that such slavish behavior reduces the probability of interference and therefore enables you to perform an action, it makes you free in the pure negative sense. Such "liberation by ingratiation," Pettit says, does not work on a republican understanding of freedom since it does not enable you to look the powerful agent in the eye without fear or deference.

If Pettit's understanding of freedom as noninterference is correct, then promoting pure negative freedom will differ in important ways from promoting republican freedom, as the former will require less institutional protection. Institutions will not even be necessary insofar as ingratiation can enhance your pure negative freedom. To test Pettit's claim, we need to understand the role of probability in the measurement of pure negative freedom. Note first that on the pure negative account, you have a *specific* freedom to perform any particular action that no one prevents you from performing.<sup>37</sup> Your specific freedoms do not exist by degrees but are either possessed or not possessed, depending on whether another agent prevents you from exercising them or not.<sup>38</sup> Probability comes in when we consider the probability of possessing a specific freedom—that is, the probability of another agent preventing you from performing a particular action.

This probability measure is relevant for the measurement of *overall* freedom, which does come in degrees. A person's overall freedom, Kramer explains, "is largely determined by the range of combinations-of-conjunctively-exercisable-liberties available to her."<sup>39</sup> If *A* is likely to prevent *B* from doing *y* if *B*

36 Pettit, "The Instability of Freedom as Noninterference," 704–11.

37 Here I follow Carter and Steiner's bivalence view of freedom. On Kramer's trivalence account, on the other hand, *A*'s freedom to do *x* does not just depend on *A* not being prevented from doing *x* but also on *A* being able to do *x*.

38 Carter, *A Measure of Freedom*, 228, 233; Kramer, "Why Freedoms Do Not Exist by Degrees"; Steiner, "How Free," 78.

39 Kramer, *The Quality of Freedom*, 137.



does  $x$ , as in a case where  $A$  has credibly threatened  $B$ , then  $A$  interferes with  $B$ 's conjunctively exercisable actions.<sup>40</sup> We measure overall freedom in terms of the probability of being able to choose any option in one choice situation *and* any option in a subsequent choice situation. The higher the probability of such interference, the greater is the loss of overall freedom.<sup>41</sup>

Let us now return to Pettit's critique of probability in a measurement of freedom. When  $B$  ingratiate himself with  $A$  so as to be able to do  $x$ , he might reduce the probability of  $A$ 's interference. But note that he does not gain a specific freedom to do  $x$ . If the ingratiation makes  $B$  able to do  $x$  at time  $t$ , then he is always free to do  $x$  at  $t$ ; he just has to curry favor with  $A$  first. This point is illustrated by Kramer's example where "Barry the large Bully" prevents Ernest from eating a russet apple at time  $t_1$ .<sup>42</sup> But Barry lets Ernest eat the apple at  $t_6$  after Ernest has curried favor with Barry. So, Ernest is unfree to eat the apple at  $t_1$ , but he is free at  $t_1$  to eat it at  $t_6$ . And if he follows a pattern of self-abasing behavior between  $t_1$  and  $t_6$ , he is free at any intermediate stage to eat the apple at  $t_6$ . His ingratiation, therefore, does not gain him a new freedom.

Furthermore,  $B$ 's having to curry favor with  $A$  to be able to do  $x$  means that  $A$  reduces  $B$ 's overall pure negative freedom since  $A$  limits the frequency with which  $x$  is included in the combinations of conjunctively exercisable actions available to  $B$ .  $A$  restricts the range of other actions  $B$  can perform conjunctively with doing  $x$ .  $A$ 's power over  $B$  therefore restricts  $B$ 's number of available courses of action and thereby reduces  $B$ 's overall freedom.  $A$  prevents the conjunctive exercisability of some of  $B$ 's freedoms by making  $x$  conjunctively exercisable only with ingratiation.  $A$  thus interferes with  $B$  and compromises his freedom.

A plausible way to reduce the probability of such restrictions on citizens' conjunctively exercisable actions, and thus enhance their overall pure negative freedom, is to establish legal institutions that enforce individuals' rights. And the possession of reliably enforced rights should enable citizens to meet Pettit's eyeball test. As Joel Feinberg notes, "having rights enables us to 'stand up like men,' to look others in the eye, and to feel in some fundamental way the equal of anyone."<sup>43</sup> The institutional protection required for passing the eyeball test and consequently realizing republican freedom, as Pettit understands it, therefore seems practically indistinguishable from the institutional arrangement necessary for promoting pure negative freedom. As the heuristic guiding

40 Carter, *A Measure of Freedom*, 240, and "How Are Power and Unfreedom Related?"; Kramer, *The Quality of Freedom*, 174–78.

41 Carter, *A Measure of Freedom*, 233–45; Kramer, *The Quality of Freedom*, 174–78.

42 Kramer, "Liberty and Domination," 50–56, and *The Quality of Freedom*, 144–48.

43 Feinberg, "The Nature and Value of Rights," 252.



republicans in prescribing social institutions, the eyeball test will therefore not do to distinguish the institutional requirements of republican freedom from institutions promoting pure negative freedom.

Pettit also says that passing the eyeball test requires a government that reliably enforces citizens' rights, especially their rights to exercise the basic liberties. Unlike Pettit, negative-freedom theorists treat the legal coercion involved in protecting citizens' ability to exercise the basic liberties as a source of unfreedom.<sup>44</sup> This difference follows the conceptual difference that while negative-freedom theorists consider any act of interference a source of unfreedom, republicans think only uncontrolled interference can make an agent unfree. But negative-freedom theorists can nonetheless justify such coercion as a way of promoting overall freedom insofar as it gives citizens opportunities they otherwise would not have had. And the basic liberties are especially important for overall pure negative freedom since they are bases for many other freedoms. It is true that a protected freedom of movement, for example, means *A* will be penalized for preventing *B*'s movement, and the number of actions *A* can perform conjunctively with preventing *B*'s movement is therefore restricted. However, this restriction will very likely give both *A* and *B* more opportunities they otherwise would not have had, thus increasing their overall freedom.

To make the institutions constitutive of republican freedom differ from those promoting pure negative freedom, republicans must conceptualize freedom so that it requires the protection of certain specific freedoms without thereby enhancing individuals' opportunity sets. Christian List points toward such a conception of republican freedom by understanding it to require more robust protection against uncontrolled interference than on Pettit's interpretation.<sup>45</sup> On List's account, republican freedom requires that society be organized so that *A* will in no "socially possible world" get away with interfering with *B* in a way *B* has not instructed.<sup>46</sup> A socially possible world, List explains, is "a particular combination of preference orderings across agents in the society."<sup>47</sup> The set of all socially possible worlds is defined by positive—as opposed

44 To clarify, a law against doing *x* will not take away people's specific freedom to do *x* since they can violate the law. If that were not the case, there would be no criminals. See Steiner, *An Essay on Rights*, ch. 2. An exception is law enforcement by anticipatory preventive measures that close off opportunities to break the law. See Kramer, "Why Freedoms Do Not Exist by Degrees," 233.

45 List, "Republican Freedom and the Rule of Law." Given this difference between List and Pettit's accounts, it is puzzling that Pettit thinks List "offers a wonderfully clear (and to me, congenial) view of how the liberal and republican approaches compare in their treatment of possibility" ("Freedom and Probability," 207n3).

46 List, "Republican Freedom and the Rule of Law," 209.

47 List, "Republican Freedom and the Rule of Law," 212.

to normative—social laws. These laws are regularities in human behavior, such as the law of supply and demand.<sup>48</sup>

On List's account, then, republican freedom requires that uncontrolled interference will not occur regardless of what preferences the individuals constituting society might have. The absence of uncontrolled interference thus becomes a positive social law. Such interference will always remain biologically, physically, and logically possible, but it cannot be socially possible. We might imagine that measures required for achieving this level of robust absence of unchecked power include an effective police force, extensive surveillance, and a highly vigilant citizenry. However, such measures can never be so effective that they rule out the possibility of uncontrolled interference. The impossibility of such protection therefore means that no one can ever have republican freedom, as List defines it, to perform any action.

List's interpretation is impossibly demanding, but it nonetheless points toward a way of separating republican freedom from the promotion of pure negative freedom. In the next section, I show how a conception of republican freedom stronger than Pettit's moderate eyeball-test understanding requires greater institutional protection than is compatible with the promotion of pure negative freedom. This conception is more demanding on the citizens than is Pettit's conception, and therefore closer to List's strong understanding, but it need not be impossibly demanding. What is required for defining republican freedom so that it conflicts with the promotion of pure negative freedom is only that it be made compatible with measures intended to stimulate a higher level of vigilance in the citizenry than is necessary for maintaining institutions that promote individuals' pure negative freedom. But as we shall see, such a stronger understanding of republican freedom conflicts with liberal neutrality.

### 3. THE TRADE-OFF

To see how a stronger interpretation of republican freedom differs from Pettit's moderate one and how the former conflicts with the promotion of pure negative freedom, I introduce two dimensions of freedom: scope and robustness.<sup>49</sup> The scope of a definition of freedom indicates the extent to which it requires the absence of interference. Gerald MacCallum famously treats freedom as a triadic relation, where "*x* is (is not) free from *y* to do (not do, become, not

48 List, "Republican Freedom and the Rule of Law," 203–5.

49 In defining these dimensions, I draw on List, "Republican Freedom and the Rule of Law" and "The Impossibility of a Paretian Republican?"; Pettit, "Capability and Freedom."

become)  $z$ .”<sup>50</sup> Here  $x$  refers to some agent,  $y$  to a constraint, restriction, or interference, while  $z$  refers to an action. Scope concerns the  $y$  variable in this formula. The more types of constraint are considered compatible with freedom, the lesser is the scope of that conception of freedom, and vice versa. A definition that treats all kinds of interference as a loss of freedom, such as pure negative freedom, has maximal scope.

Robustness, on the other hand, refers to the extent to which freedom is understood to require protection against interference. A definition of freedom with maximal robustness requires the absence of interference in *all* socially possible worlds—that is, regardless of the preferences of other agents—whereas one with minimal robustness requires such absence in only the actual world. There may be many intermediate positions between these extremes, and we shall see that republican freedom will occupy one of them.

A trade-off between scope and robustness is unavoidable.<sup>51</sup> To see why, notice that protecting two or more agents against each other’s interference itself involves interfering with them. That is, protecting  $A$  and  $B$  against each other’s interference means preventing them from interfering with one another. We thus see that scope and robustness are inversely related: the greater the protection freedom requires, the more acts of interference it must be compatible with.<sup>52</sup> Any move up along the robustness dimension thus implies a corresponding reduction in scope. By understanding freedom to require more than minimal robustness, we must therefore identify a kind of interference that is not a source of unfreedom, and that means reducing the scope of freedom.<sup>53</sup>

In fact, any definition of freedom with maximal robustness, regardless of its scope, makes freedom impossible.<sup>54</sup> There is no way of ensuring people’s ability to perform an action in all socially possible worlds—that is, regardless of

50 MacCallum, “Negative and Positive Freedom.”

51 Moen, “Freedom and Its Unavoidable Trade-Off.”

52 To be precise, the two dimensions are only roughly inversely related. An asymmetry becomes apparent when we notice that while maximal scope is compatible with minimal robustness, maximal robustness is incompatible with any scope at all. Giving freedom maximal robustness therefore implies that no one is ever free to do anything whatsoever.

53 Geoffrey Brennan and Alan Hamlin also make this rather obvious observation: “More resilient liberty will necessarily be at the expense of less liberty” (Brennan and Hamlin, “Republican Liberty and Resilience,” 54).

54 List proves the weaker result that an implication of Amartya Sen’s liberal paradox is that freedom with maximal robustness conflicts with the Pareto principle. The Pareto principle demands that a collective decision procedure must favor an alternative,  $x$ , to another alternative,  $y$ , if all individuals prefer  $x$  to  $y$ . See List, “The Impossibility of a Paretian Republican?”; Sen, “The Impossibility of a Paretian Liberal.” Surprisingly, List and Valentini have recently proposed a definition of freedom—“freedom as independence”—that maximizes both

others' preferences. Maximal robustness is therefore not even compatible with minimal scope. List gives republican freedom maximal robustness by taking it to require the absence of uncontrolled interference in all socially possible worlds. His account of republican freedom is therefore impossible.

A definition of freedom with maximal scope, however, is possible, but only if combined with minimal robustness. After all, an agent can be said to be free to perform any action,  $x$ , that no one prevents her from performing insofar as there is no requirement that she can do  $x$  in other possible worlds. This is indeed the pure negative view. There is thus an asymmetry between scope and robustness that means they are only roughly inversely related. By treating any prevention as a source of unfreedom, pure negative freedom has maximal scope. And it has minimal robustness since only prevention itself, and not the mere possibility of prevention, can make you unfree to perform an action. Only prevention, that is, can take a specific freedom away from a person. We have seen, however, that increasing overall pure negative freedom involves protecting individuals against interference.

Republican freedom, on any interpretation, has a smaller scope than pure negative freedom has since it specifies a kind of interference—controlled interference—that does not contribute to unfreedom. Its scope can therefore be reduced so as to be compatible with a more than minimal level of robustness. How much more than minimal will determine whether it is possible or not. We have seen that Pettit is explicitly vague about the robustness requirement of his moderate account of republican freedom, but I have proceeded on the assumption that his eyeball-test level is realizable. The interference necessary for achieving the required level of robustness is considered controlled and therefore compatible with freedom from domination.

We have also seen, however, that pure negative freedom and moderate republican freedom's different trade-offs are irrelevant when it comes to promoting freedom. Promoting overall pure negative freedom requires the same institutional protection as does Pettit's moderate republican freedom. List is, therefore, wrong when he says that "perhaps [negative-freedom theorists] are also concerned with robustness, but if they are, that concern stems not from their commitment to pure negative freedom [as noninterference] itself, but from their commitment to other desiderata beyond freedom."<sup>55</sup>

List notes that republicans can treat any interference necessary for achieving the level of robustness specified in their definition of freedom as controlled

---

dimensions ("Freedom as Independence"). For a critique of List and Valentini's freedom concept, see Carter and Shnayderman, "The Impossibility of 'Freedom as Independence.'"

55 List, "Republican Freedom and the Rule of Law," 218.

and therefore as compatible with freedom. On List's very strong interpretation, this means interfering to an extent that no one can do anything whatsoever. However, for republicans to define freedom so that its institutional requirements conflict with those of pure negative freedom, they need not endorse such a strong understanding. The level of robustness must be greater than on Pettit's moderate account, but it need not go all the way up to List's impossibly demanding interpretation. For republican freedom to conflict with the promotion of pure negative freedom, it must only be given enough robustness to imply a reduction in the total number of actions citizens can perform. Promoting republican freedom will then be to reduce people's pure negative freedom. The way to realize Pettit's view that republicans demand more robust institutional protection than do proponents of pure negative freedom is therefore to enhance the robustness requirement of republican freedom beyond Pettit's moderate level and, consequently, to expand the set of controlled interference.

#### 4. SPECIFYING REPUBLICAN PREFERENCES

We have seen that the scope restriction in Pettit's moderate interpretation of republican freedom is compatible with measures for increasing citizens' range of courses of action, which implies promoting pure negative freedom. To avoid this result and achieve his desired break from freedom as noninterference, and pure negative freedom in particular, Pettit must reduce the scope of republican freedom further by making more kinds of interference compatible with freedom, thus restricting the range of courses of action citizens can pursue. In this section, I consider the preferences compatible with this stronger interpretation of republican freedom. This is an important step toward showing why a conception of republican freedom that conflicts with the promotion of pure negative freedom will also conflict with liberal neutrality.

On any account of republican freedom, the citizens are required to keep an eye out for behavior they perceive as incompatible with their common interests and be ready to contest such behavior and make sure it ceases. With respect to the government–citizen relationship, the government's power is not freedom-reducing as long as the citizens will successfully resist decisions not tracking their common interests.

Pettit also acknowledges that no matter how well-designed formal institutions are, their success in consolidating popular control depends on individuals' behavior.<sup>56</sup> Citizens must "always insist on the authorities going through the

<sup>56</sup> Pettit, *Republicanism*, ch. 8.

required hoops in order to prove themselves virtuous.”<sup>57</sup> “People must be on the watch for proposals or measures that are not suitably supported . . . and they must be ready to organize in opposition to such policies.”<sup>58</sup> They must be ready to contest decisions of government officials—elected or unelected—via channels such as the courts, the press, demonstrations in the streets, or by contacting their representative in parliament or an ombudsman.<sup>59</sup>

For Pettit, two factors indicate the level of popular control and, consequently, the extent to which citizens enjoy republican freedom: first, how disposed people are to resist perceived abuses of governmental power; and second, how disposed government officials are to be inhibited by actual or potential resistance.<sup>60</sup> Citizens must continuously give government officials reasons to use their power for the good of society so that a pattern of government action for the good of society remains robust, whether officials are virtuous or not.<sup>61</sup>

It is important to note that popular control is achieved by external constraints, without which the powerholders will not rule in the citizens’ interests because the citizens have instructed it. In the absence of such constraints, government officials might rule in accordance with common interests as a matter of goodwill but not due to popular control. Such goodwill might reduce the probability of uncontrolled interference but not its accessibility. Popular control, Pettit stresses, is based on society’s resistive character, not on the goodwill of government officials.<sup>62</sup> Without denying that government officials can be genuinely virtuous, Pettit takes the relevant constraint to be the external constraint citizens impose on the government officials and not the officials’ inner constraint—that is, their moral commitment to promoting common interests.<sup>63</sup>

On his moderate understanding, Pettit takes republican freedom to require citizens’ “virtual control” of their government, which means citizens can go about their lives as they wish as long as they are ready to blow the whistle should they become aware of power abuse.<sup>64</sup> They can remain in standby mode while being ready to speak out if “the red lights go on,” as Pettit says.<sup>65</sup> Virtual control is consequently not particularly demanding on the citizens.

57 Pettit, *Republicanism*, 264.

58 Pettit, *On the People’s Terms*, 226.

59 Pettit, *On the People’s Terms*, 237, and *Republicanism*, 193.

60 Pettit, *On the People’s Terms*, 174.

61 Pettit, *On the People’s Terms*, 124.

62 Pettit, *On the People’s Terms*, 174.

63 Pettit, *Republicanism*, 211.

64 Pettit, “Republican Freedom,” 103, 111–13.

65 Pettit, *On the People’s Terms*, 136n5.

And importantly for the purposes of this paper, by not making active political engagement part of the ideal, moderate republicanism is compatible with the neutrality between conceptions of the good that Pettit favors. This is also why Rawls sees republicanism as neutral in this sense.<sup>66</sup>

On a stronger interpretation of republican freedom, on the other hand, the commitment to robust protection goes beyond virtual control. Greater commitment to virtuous behavior will always have a positive effect on the two factors indicating the level of republican freedom people enjoy. The more vigilant and ready to contest the citizens are, the greater is their protection against uncontrolled government interference. Their disposition for vigilance and contestation will increase the firmer their commitment is, and government officials will have a better reason to feel inhibited. “Active control” requires that citizens devote more of their lives to protecting their society against unchecked power. They cannot just report abuse of power whenever they happen to come across it; they must actively search for it.

To contribute to the robustness of the protection against unchecked power, active control must itself be robust—that is, citizens must be vigilant and ready to contest in a wide range of socially possible worlds. Such robustness is achieved by social norms that shape citizens’ preferences. Pettit also notes that people’s freedom depends on “the power of established norms.”<sup>67</sup> Without norms motivating citizens to keep political power in check, legitimate government will remain “an unattainable ideal,” he says.<sup>68</sup> Social norms are constituted by people’s expectations of one another to conform to certain behavior and their desire to meet these expectations, as well as their approval of such conformity and disapproval of deviations. Under norms required for a stronger conception of republican freedom, citizens will expect each other to act so as to maintain a more active form of control—that is, to be actively vigilant and ready to contest. Deviations from this behavioral pattern will be met with social disapproval. In Pettit’s own vocabulary, we may say that republican freedom requires an “economy of esteem” in which citizens give each other esteem for acting in accordance with active control and disesteem for not doing so.<sup>69</sup>

We therefore see that a stronger account of republican freedom requires that citizens adopt preferences compatible with a more active form of control than

66 Rawls, *Justice as Fairness*, 142–44; Rawls, *Political Liberalism*, 205–6. Elsewhere, I argue against Pettit that there are no significant conflicts between his “liberal republicanism” and Rawls’s “political liberalism.” See Moen, “Eliminating Terms of Confusion” and “Republicanism as Critique of Liberalism.”

67 Pettit, *Republicanism*, 246.

68 Pettit, *On the People’s Terms*, 262.

69 Brennan and Pettit, *The Economy of Esteem*.



does Pettit's moderate understanding. These are preferences compatible with a higher level of vigilance and readiness to contest one's government, as well as of monitoring one's fellow citizens to make sure they, too, are committed to active popular control.

##### 5. NEUTRALITY

Adjusting the scope dimension to strengthen robustness is to block the pursuit of some possible conceptions of the good. Making citizens form the republican preferences required by a stronger than moderate version of republican freedom is to make them conform to a comprehensive doctrine compatible with active control. A stronger account of republicanism is therefore incompatible with liberal neutrality, which requires the state to give no special advantages or disadvantages to rival conceptions of the good.<sup>70</sup> This may not be so surprising. After all, the ancient and Renaissance city-states commonly associated with republicanism were characterized by a conformist population, especially compared to today's large, pluralistic societies. Cass Sunstein also notes that republicans have traditionally argued that the polity should inculcate civic virtue in its population, which modern observers might see as an impermissible "imposition of a 'comprehensive doctrine' on the population."<sup>71</sup>

Pettit, however, takes a modern approach by looking at "political institutions with quite a different attitude from that of premodern republicans."<sup>72</sup> He understands freedom as nondomination as a primary good—that is, it is a good everyone would want no matter what her or his conception of the good

70 Frank Lovett and Gregory Whitfield also argue that republicanism is incompatible with such neutrality of treatment, as well as neutrality of effect, which is more obvious since it is, as they say, "widely regarded as chimerical" ("Republicanism, Perfectionism, and Neutrality," 125). They further argue that republicanism cannot be impartial, and take impartiality to require that "public policies, institutions, and so forth be justifiable to all persons, regardless of their conception of the good, provided they are ready and willing to engage in social cooperation with others on fair terms" (129). Given the similarities I have identified between Pettit's republicanism and Rawls's political liberalism, Lovett and Whitfield implicitly also question the neutrality and impartiality of the latter. Kramer indeed denies that liberalism can be impartial in his *Liberalism with Excellence*, ch. 3. But Lovett and Whitfield take republicanism to satisfy a "principle of toleration," according to which "public policies, institutions, and so forth should impose no special disadvantages on any worthwhile conception of the good" (124). Lovett and Whitfield use the modifier "worthwhile" to exclude conceptions with "no possible benefit for those who hold them" (125). But promoting a stronger kind of republican freedom that conflicts with the promotion of pure negative freedom will involve imposing "special disadvantages" on certain "worthwhile conceptions of the good."

71 Sunstein, "Republicanism and the Preference Problem," 181.

72 Pettit, *Republicanism*, 95.

might be.<sup>73</sup> Pettit can therefore understand republicanism to seek “a relatively neutral brief for the state—a brief that is not tied to any particular conception of the good.”<sup>74</sup> And this view seems plausible in the sense that having a right to exercise one’s basic liberties is in everyone’s interests.<sup>75</sup> But while everyone might benefit from robust protection of the basic liberties, it is doubtful that promoting nondomination in a way that conflicts with the promotion of pure negative freedom would be in everyone’s interest.

In a modern, pluralistic society, many citizens will be content with a sufficiently low probability of someone restricting their ability to exercise the basic liberties—sufficiently low to meet the eyeball test, we might conjecture. But the more extensive vigilance required by a stronger conception of republican freedom will to some people involve a too-costly sacrifice of personal projects. These people want to pursue ends that conflict with devoting a significant part of their lives to making sure no one gets away with interference conflicting with their common interests. So, while the basic liberties may constitute a primary good, nondomination, on this stronger understanding, does not.<sup>76</sup>

Nondomination looks different from the perspective of Pettit’s moderate republicanism, of course, since he takes it to require no more than virtual control. Since virtual control lets people lead their lives in accordance with a wide range of comprehensive doctrines, Pettit can understand his theory as compatible with liberal neutrality. It meets his criterion that “any plausible political ideal must be an ideal for all.”<sup>77</sup> The republican ideal, he says, is “capable of commanding the allegiance of the citizens of developed, multicultural societies, regardless of their more particular conceptions of the good.”<sup>78</sup> “Multicultural concerns,” he says, “can be supported by an appeal to [freedom as nondomination].”<sup>79</sup> This view clearly conflicts with a stronger understanding of republican freedom, the pursuit of which involves restricting individuals’ available

73 Pettit, *Republicanism*, 90–92.

74 Pettit, *Republicanism*, 120.

75 For Pettit’s account of the basic liberties, see note 16 above. Rawls also considers “the basic rights and liberties” as one kind of primary good (*Justice as Fairness*, 58).

76 Lovett and Whitfield suggest a different reason for thinking nondomination is no primary good: some reasonable persons, they argue, manage to pursue their conceptions of the good while being dominated, such as women who cannot do so “unless subordinate to the unaccountable authority of a husband” (Lovett and Whitfield, “Republicanism, Perfectionism, and Neutrality,” 131). Lovett and Whitfield do not themselves, however, deny that nondomination is a primary good. They regard this only as evidence for republicanism not being impartial.

77 Pettit, *Republicanism*, 96.

78 Pettit, *Republicanism*, 96.

79 Pettit, *Republicanism*, 144.

courses of action and therefore their ability to develop and pursue different conceptions of the good.

While a stronger interpretation that conflicts with liberal neutrality is necessary for distinguishing republican freedom from the promotion of pure negative freedom, it is worth considering whether such an interpretation is conceptually possible. In addition to its conflict with neutrality, I have found two reasons Pettit gives for rejecting a stronger active-control view of republican freedom. First, not being constantly monitored gives government officials a feeling of being trusted, which motivates them to make good decisions in the interests of society.<sup>80</sup> The trustee wants the good opinion of the trustor, or of others witnessing the act of trust, and will therefore be motivated not to let the trustor down.<sup>81</sup> In other words, if *B* trusts *A*, then *A* will be more motivated to act on *B*'s instructions than if *B* had not shown *A* that he trusts her. Active control is incompatible with such showing of trustworthiness and therefore prevents this beneficial effect.

Whether or not trust actually has this beneficial effect is, of course, an empirical question. But I need not go into that here because I can respond conceptually by pointing out that trust can add nothing to the robustness of government officials acting for the good of society. Trust might reduce the probability of uncontrolled interference, but it imposes no external constraint on the government officials so as to make their power abuse absent from other socially possible worlds. Trust might lower the probability of government officials exercising unchecked power, but it does not deny them such power.

Pettit's second reason for objecting to active control is that it would be pointless to try to make citizens more virtuous than they actually prefer to be since that would cause more domination than it prevents.<sup>82</sup> Interference to stimulate the required virtue in the citizens will therefore be uncontrolled, as it will cause a greater loss of overall nondomination than it gains in robust protection against unchecked power. Pettit therefore argues for individual rights to protect citizens against being forced to contribute to ends they do not endorse. So, if an agent, *A*, faces a choice between doing *x* or *y*, and only *x*-ing is compatible with active control, republicans can still grant *A* the right to choose for herself whether to do so or not.

This view is further strengthened by Pettit's observation that forcing people to contribute to ends they might not endorse could make them less motivated

80 Pettit, *Republicanism*, 268–69.

81 Pettit, "The Cunning of Trust."

82 Pettit, *Republicanism*, 173.

to contribute than if they had the opportunity to do so voluntarily.<sup>83</sup> After all, there is no point in trying to maximize the range of possible worlds without uncontrolled interference by interfering contrary to people's instructions in the actual world. Republicanism requires that the state be forced to track the citizens' interests, and these interests will probably conflict with protecting their society against unchecked power to the extent required by active control.

But Pettit's second response just says that the commitment to vigilance and contestation must be voluntary. It does not say that republicanism must be neutral. Republicans may grant individuals legal rights that protect them against uncontrolled interference, but they can still be concerned with how citizens use the freedoms granted by these rights.<sup>84</sup> So, if a right makes *A* free to choose *x* or *y*, and *x* will best promote nondomination, then the republican should look for noncoercive ways of making *A* voluntarily choose *x* rather than *y*. Republicans should interfere in subtle ways to alter citizens' preferences to make them willingly commit to the behavioral pattern of active control. Well-designed interventions might include nudges, which organize agents' opportunity sets so as to make them more likely to choose beneficial options without undermining their sense of autonomous decision-making.<sup>85</sup> Other measures, such as compulsory civic education, might also serve this end.

A very strong account of republican freedom might follow American revolutionary Benjamin Rush and "convert men into republican machines." A republican pupil, Rush said, should "be taught that he does not belong to himself, but that he is public property."<sup>86</sup> However, support for such extensive measures is

83 Pettit, *Republicanism*, 256.

84 I doubt that support for legal rights is sufficient for satisfying Lovett and Whitfield's principle of toleration (see note 70 above). But if it is, then I agree with them both that republicanism is incompatible with neutrality and impartiality, and that it is compatible with toleration.

85 A nudge is meant to serve the interests of the person who is nudged. See Thaler and Sunstein, *Nudge*. In this case, the nudge is meant to benefit society as a whole. However, republicans have traditionally thought of the individual's best interests and society's best interests as inseparable. Acting against society's best interests is the definition of corruption in the republican literature. "Corruption," as Skinner explains, "is simply a failure of rationality, an inability to recognise that our own liberty depends on committing ourselves to a life of virtue and public service" ("The Republican Ideal of Political Liberty," 304). For a classic expression of this republican view, see Cicero, *On Obligations*, esp. 7–8.

86 Quoted in Wood, *The Creation of the American Republic*, 427. One reason why Lovett and Whitfield deny that republicanism can be neutral is that it can support "education or other policies designed to inculcate a patriotic love of republican institutions" (Lovett and Whitfield, "Republicanism, Perfectionism, and Neutrality," 127). Weithman, similarly, points out that republicans can only support measures intended to stimulate political participation and civic virtue on the basis of a perfectionist argument for why such civic-mindedness

not necessary for republicans to defend institutions that differ from institutions promoting pure negative freedom. Republican institutions only need to reduce the number of permissible courses of action to enhance the protection of these favored courses of action. This implies favoring some comprehensive doctrines at the expense of others. The strength of the conception of republican freedom—that is, the extent to which it prioritizes robustness over scope—will determine how many comprehensive doctrines it is compatible with. But no conception strong enough to conflict with the promotion of pure negative freedom can be justified on the basis of neutrality; it must instead be based on a view of some comprehensive doctrines as more valuable than others.<sup>87</sup>

Now, Pettit might object by arguing that in a modern, pluralistic society, any attempt—coercive or noncoercive—to promote a particular conception of the good conflicts with republican freedom. But by accepting this constraint, which Rawls seems to do by viewing republicanism as compatible with political liberalism, republicans are bound to promote pure negative freedom.<sup>88</sup> Republicans can take Pettit's moderate line and defend liberal neutrality, but we have seen how this implies condoning the same institutional arrangements as do proponents of pure negative freedom.

## 6. CONCLUSION

Pettit faces a dilemma. His republicanism cannot both be neutral and conflict with the promotion of pure negative freedom. He can maintain neutrality by requiring a moderate, eyeball-test level of robustness, but that means promoting pure negative freedom. Alternatively, he can sustain his view that pursuing republican freedom conflicts with the promotion of pure negative freedom by reducing the scope of republican freedom. But on that account, promoting republican freedom involves promoting some comprehensive doctrines at the expense of others, which means undermining neutrality.

Pettit rejects stronger accounts of republican freedom by condemning interference intended to change people's preferences so that they willingly commit to active control. By saying we should let people decide for themselves how

---

constitutes an intrinsic good for individuals ("Political Republicanism and Perfectionist Republicanism"). With Lovett, Pettit argues that promoting the commitment to civic virtue necessary for republican freedom "requires a fairly robust program of civics education" (Lovett and Pettit, "Neorepublicanism," 23). Given his commitment to neutrality, it is unlikely that Pettit has in mind an educational program anything like the one Rush proposed.

87 I elaborate on "comprehensive republicanism" in Moen, "Republicanism as Critique of Liberalism."

88 Rawls, *Justice as Fairness*, 142–43, and *Political Liberalism*, 205–6.

much to contribute to the protection against unchecked power, he consequently rejects a kind of interference that we would understand to enhance popular control, and therefore not perceive as a source of unfreedom, on an account of republicanism that conflicts with pure negative freedom. By condemning such interference as at odds with freedom, Pettit condones institutions promoting pure negative freedom.

It is not hard to see why Pettit prefers moderate republicanism to a stronger, more demanding account. A political ideal, he says, must be achievable by democratic means in an actual society.<sup>89</sup> And the pluralism characterizing modern society might make it unlikely that we can transparently and democratically adopt policies intended to alter citizens' preferences in the way the robustness condition of a strong, but not necessarily impossibly demanding, conception of republican freedom requires. By making his theory sensitive to this fact of pluralism, Pettit comes up with an ideal that may well be an attractive aim for a modern society. But by doing so, he does not just give republican freedom a modern interpretation—he also promotes a freedom concept he has repeatedly claimed to reject: freedom as noninterference.<sup>90</sup>

University of Vienna  
lars.moen@univie.ac.at

#### REFERENCES

- Berlin, Isaiah. *Liberty*. Edited by Henry Hardy. Oxford: Oxford University Press, 2002.
- Brennan, Geoffrey, and Alan Hamlin. "Republican Liberty and Resilience." *The Monist* 84, no. 1 (January 2001): 45–59.
- Brennan, Geoffrey, and Philip Pettit. *The Economy of Esteem: An Essay on Civil and Political Society*. New York: Oxford University Press, 2004.
- Carter, Ian. "How Are Power and Unfreedom Related?" In Laborde and Maynor, *Republicanism and Political Theory*, 58–82.

- 89 Pettit, "Political Realism Meets Civic Republicanism," 341–43, and "The Domination Complaint," 89.
- 90 I am grateful to Keith Dowding and Philip Pettit for their comments on an early draft of this paper. I also thank Matteo Boccacci, Ian Carter, Annalisa Costella, Michael Garnett, Ilkin Huseynli, and Elena Icardi for their helpful feedback at a workshop at the University of Pavia. My work on the paper has in part been funded by the European Research Council (ERC) under the European Union's Horizon 2020 research and innovation program (grant agreement number 740922).

- . *A Measure of Freedom*. Oxford: Oxford University Press, 1999.
- Carter, Ian, and Ronen Shnayderman. "The Impossibility of 'Freedom as Independence.'" *Political Studies Review* 17, no. 2 (May 2019): 136–46.
- Cicero, Marcus Tullius. *On Obligations*. Translated by P. G. Walsh. Oxford: Oxford University Press, 2008.
- Dowding, Keith. "Republican Freedom, Rights, and the Coalition Problem." *Politics, Philosophy & Economics* 10, no. 3 (August 2011): 301–22.
- Feinberg, Joel. "The Nature and Value of Rights." *Journal of Value Inquiry* 4, no. 4 (December 1970): 243–60.
- Gaus, Gerald F. "Backwards into the Future: Neorepublicanism as a Post-socialist Critique of Market Society." *Social Philosophy and Policy* 20, no. 1 (January 2003): 59–91.
- Goodin, Robert E., and Frank Jackson. "Freedom from Fear." *Philosophy and Public Affairs* 35, no. 3 (Summer 2007): 249–65.
- Hobbes, Thomas. "Selections from *The Question Concerning Liberty, Necessity, and Chance*." In *Hobbes and Bramhall on Liberty and Necessity*, edited by Vere Chappell, 69–90. Cambridge: Cambridge University Press, 1999.
- Ingham, Sean, and Frank Lovett. "Republican Freedom, Popular Control, and Collective Action." *American Journal of Political Science* 63, no. 4 (October 2019): 774–87.
- Kramer, Matthew H. "Freedom and the Rule of Law." *Alabama Law Review* 61, no. 4 (2010): 827–45.
- . *Liberalism with Excellence*. Oxford: Oxford University Press, 2017.
- . "Liberty and Domination." In Laborde and Maynor, *Republicanism and Political Theory*, 31–57.
- . *The Quality of Freedom*. Oxford: Oxford University Press, 2003.
- . "Why Freedoms Do Not Exist by Degrees." *Political Studies* 50, no. 2 (June 2002): 230–43.
- Laborde, Cécile, and John Maynor, eds. *Republicanism and Political Theory*. Oxford: Blackwell, 2008.
- List, Christian. "Republican Freedom and the Rule of Law." *Politics, Philosophy and Economics* 5, no. 2 (June 2006): 201–20.
- . "The Impossibility of a Paretian Republican? Some Comments on Pettit and Sen." *Economics and Philosophy* 20, no. 1 (April 2004): 65–87.
- List, Christian, and Laura Valentini. "Freedom as Independence." *Ethics* 126, no. 4 (July 2016): 1043–74.
- Lovett, Frank, and Philip Pettit. "Neorepublicanism: A Normative and Institutional Research Program." *Annual Review of Political Science* 12, no. 1 (2009): 11–29.
- . "Preserving Republican Freedom: A Reply to Simpson." *Philosophy*



- and *Public Affairs* 46, no. 4 (Fall 2018): 363–83.
- Lovett, Frank, and Gregory Whitfield. “Republicanism, Perfectionism, and Neutrality.” *Journal of Political Philosophy* 24, no. 1 (March 2016): 120–34.
- MacCallum, Gerald C. “Negative and Positive Freedom.” *Philosophical Review* 76, no. 3 (July 1967): 312–34.
- Moen, Lars J. K. “Eliminating Terms of Confusion: Resolving the Liberal–Republican Dispute.” *Journal of Ethics* 26, no. 2 (June 2022): 247–71.
- . “Freedom and Its Unavoidable Trade-Off.” *Analytic Philosophy* (forthcoming). Published online ahead of print, March 27, 2023. <https://doi.org/10.1111/phib.12301>.
- . “Republicanism and Moralised Freedom.” *Politics, Philosophy and Economics* 22, no. 4 (November 2023): 423–40.
- . “Republicanism as Critique of Liberalism.” *Southern Journal of Philosophy* 61, no. 2 (June 2023): 308–24.
- Pettit, Philip. “The Basic Liberties. In *The Legacy of H. L. A. Hart: Legal, Political, and Moral Philosophy*, edited by Matthew H. Kramer, Claire Grant, Ben Colburn, and Antony Hatzistavrou, 201–22. Oxford: Oxford University Press, 2008.
- . “Capability and Freedom: A Defence of Sen.” *Economics and Philosophy* 17, no. 1 (April 2001): 1–20.
- . “The Cunning of Trust.” *Philosophy and Public Affairs* 24, no. 3 (July 1995): 202–25.
- . “The Domination Complaint.” In *Nomos 46: Political Exclusion and Domination*, edited by Melissa S. Williams and Stephen Macedo, 87–117. New York: New York University Press, 2005.
- . “Freedom and Probability: A Comment on Goodin and Jackson.” *Philosophy and Public Affairs* 36, no. 2 (Spring 2008): 206–20.
- . “The Instability of Freedom as Noninterference: The Case of Isaiah Berlin.” *Ethics* 121, no. 4 (July 2011): 693–716.
- . *Just Freedom: A Moral Compass for a Complex World*. London: W. W. Norton and Co., 2014.
- . *On the People’s Terms: A Republican Theory and Model of Democracy*. Cambridge: Cambridge University Press, 2012.
- . “Political Realism Meets Civic Republicanism.” *Critical Review of International Social and Political Philosophy* 20, no. 3 (2017): 331–47.
- . “Republican Freedom: Three Axioms, Four Theorems.” In Laborde and Maynor, *Republicanism and Political Theory*, 102–30.
- . *Republicanism: A Theory of Freedom and Government*. Oxford: Oxford University Press, 1997.
- . *A Theory of Freedom: From the Psychology to the Politics of Agency*.

- Cambridge: Polity, 2001.
- Rawls, John. *Justice as Fairness: A Restatement*. Edited by Erin I. Kelly. Cambridge, MA: The Belknap Press of Harvard University Press, 2001.
- . *Political Liberalism*. Expanded ed. New York: Columbia University Press, 2005.
- Sen, Amartya. “The Impossibility of a Paretian Liberal.” *Journal of Political Economy* 78, no. 1 (January–February 1970): 152–57.
- Simpson, Thomas W. “Freedom and Trust: A Rejoinder to Lovett and Pettit.” *Philosophy and Public Affairs* 47, no. 4 (Fall 2019): 412–24.
- . “The Impossibility of Republican Freedom.” *Philosophy and Public Affairs* 45, no. 1 (Winter 2017): 27–53.
- Skinner, Quentin. “Freedom as the Absence of Arbitrary Power.” In Laborde and Maynor, *Republicanism and Political Theory*, 83–101.
- . *Liberty before Liberalism*. Cambridge: Cambridge University Press, 1998.
- . “The Republican Ideal of Political Liberty.” In *Machiavelli and Republicanism*, edited by Gisela Bock, Quentin Skinner, and Maurizio Viroli, 293–309. Cambridge: Cambridge University Press, 1991.
- Steiner, Hillel. *An Essay on Rights*. Oxford: Blackwell, 1994.
- . “How Free: Computing Personal Liberty.” *Royal Institute of Philosophy Supplement* 15 (March 1983): 73–89.
- Sunstein, Cass R. “Republicanism and the Preference Problem.” *Chicago-Kent Law Review* 66, no. 1 (April 1990): 181–203.
- Thaler, Richard H., and Cass R. Sunstein. *Nudge: Improving Decisions about Health, Wealth and Happiness*. London: Penguin, 2009.
- Viroli, Maurizio. *Republicanism*. Translated by Antony Shugaar. New York: Hill and Wang, 2002.
- Weithman, Paul. “Political Republicanism and Perfectionist Republicanism.” *Review of Politics* 66, no. 2 (Spring 2004): 285–312.
- Wood, Gordon S. *The Creation of the American Republic, 1776–1787*. Chapel Hill, NC: University of North Carolina Press, 1998.