

Three Concepts of Political Liberty

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The distinction between negative and positive liberty is familiar to political philosophers. The negative variety is freedom as noninterference. The positive variety is freedom as self-mastery. However, recently there has been an attempt on the part of a growing number of philosophers, historians, and legal scholars to recapture a third concept of political liberty uncovered from within the rich tradition of civic republicanism. Republican political liberty is freedom as non-domination. I argue that features that distinguish it from noninterference and self-mastery highlight the theoretical and practical advantages of liberty as non-domination. It is, among these candidates, best-suited to serve as the guiding principle for the State's basic institutions and rules. The principle says that the State should secure nondomination among its citizens.

Isaiah Berlin's distinction between negative and positive liberty¹ is familiar to political philosophers. The negative variety is freedom as noninterference. The positive variety is freedom as self-mastery. However, recently there has been an attempt on the part of a growing number of philosophers, historians, and legal scholars to recapture a third concept of political liberty. This is the republican one of liberty as nondomination. The attempt has been to carve out the conceptual space for this neglected third option.² However, many have resisted that it is a viable third option. Some have claimed that it is virtually indistinguishable from liberty as noninterference. Others have claimed that it is simply another variety of positive liberty.³ I say that these critiques go wrong in a variety of ways. I will provide a characterization of the republican concept of freedom. I will argue that it not only is a distinct political good; the features

that make it distinct highlight the theoretical and practical advantages of liberty as nondomination. It is, among these candidates, best-suited to serve as the guiding principle for the State's basic institutions and rules.

Liberty As Nondomination

The intellectual roots of the third concept of liberty are found in the republican tradition of Ancient Rome, the Italian Renaissance, and the period leading up to the American Revolution. The institutions associated with this tradition are familiar enough in the principles of constitutionalism. Republicans advocate the rule of law rather than of men, a representative government where citizens elect public officials for a definite tenure, the separation of executive power from legislative power so that appropriate checks and balances are in place, and provisions that make it difficult for majorities to alter basic rules and procedures. However, there is also associated with this tradition a particular concept of political liberty, which concept provides the rationale for these institutions. It involves, according to Cicero, "being subject to no master."⁴ This is often presented in terms of being able "to stand upright by means of one's own strength without depending on the will of anyone else."⁵ Philip Pettit says it reflects an ability to "look others in the eye."⁶ These formulations are a bit metaphorical. What are they metaphors for?

Pettit says it is nondomination. The republican concept of liberty is only possible in a political system where discretionary power is absent and, therefore, one's enjoyment of rights is not contingent upon either the goodwill of anyone else or one's ability to elicit someone's goodwill. When this kind of situation obtains, one enjoys nondomination. According to Pettit, some person, network of persons, or system dominates, or has dominating power over another insofar as they have the capacity to interfere with that person on an arbitrary basis in certain choices that the other is in a position to make.⁷

The first condition refers to someone having the capacity to intrude in a way that inhibits another's range of voluntary choices. It refers to an ability to place obstacles, more or less intentionally, in the way of the ends or choices of someone else.⁸ Moreover, it refers to the capacity *to* interfere rather than the actual presence *of* interference. In a case of actual interference the interferer necessarily had the capacity to interfere, but someone could have the capacity to interfere in a situation without actually interfering. When one enjoys nondomination, one enjoys noninterference that is secure or resilient.

It is possible that one could mistake the point of explicating domination in terms of a capacity. One could think that it implies that any kind of broadly

conceived ability someone as a matter of fact might have to interfere, constitutes domination, but this interpretation is much too strong. Everybody has the capacity to interfere at least with people in their more-or-less immediate vicinity in that sense. Eliminating it would require gross interferences. Are people to have their arms tied behind their backs in order to secure nondomination?

The kind of capacity referred to in the first condition should not be thought to imply that merely possessing any kind of broadly conceived endowment or aptitude constitutes an illicit form of domination. Instead, it claims that a dominator occupies a position of power or authority over the person he dominates, which could be employed to exploit some vulnerability and compromise the latter's freedom. Richard Price, an eighteenth-century republican, wrote, "Individuals in private life, while held under the power of masters, cannot be denominated free, however equitably and kindly they may be treated."⁹ The fact that someone occupies such a position over another is enough to cause the latter to inhibit himself out of a fear that action will be taken against him unless he does so. Someone who is dominated occupies a position of "subjugation" or "defenseless susceptibility to interference."¹⁰ No actual interference (including any kind of threat) is necessary for this relationship to exist. According to Pettit, dominators may

rarely if ever exercise that power. They may have little reason to exercise that power, indeed, so far as they can depend on you to make efforts to keep them sweet, tailoring your actions to their expected wishes, and staying out of their way if you do not. While they may not assume the profile of interferers in your life, they manage to control what you do in relevant areas with marvelous effectiveness. They operate in those areas like a master or *dominus* and what they exercise in relation to you may be well-described as *dominatio* or domination.¹¹

In this kind of relationship, someone is able to exploit a position of power that he has over someone else. He can shape the latter's conduct even if he never actually interferes. This can manifest itself in various sorts of ways, but there always seems to be present in the relationship some expression of servile deference: fawning, toadying, cap-doffing, an inability to look the "master" in the eye. The dominated person lacks a relevant form of independence. Republican liberty, then, restores it. As Lord Acton said, "By 'liberty' I mean the assurance that every man shall be protected in doing what he believes is his duty against the influence of authority and majorities, custom and opinion."¹²

The second condition says that political freedom is compromised when the interference someone may exercise is arbitrary. The capacity to interfere is

arbitrary when someone has the capacity to exercise it, or not, according to the person's whim or pleasure. Here again, the dominated person lacks an important form of independence. The will, judgment, or interests of one is unilaterally replaced with the will, judgment, or interests of another. The person affected by the interference has no recourse to it, and no reference is made to any of his interests.

Yet, this is not the only kind of interference there is. The interference of the sailors who bound Ulysses to the mast as their ship passed the Sirens was not arbitrary in this sense, even when it was the case that Ulysses revoked his consent and pleaded to be set loose. The sailors were faithfully tracking Ulysses' avowable interests relevant to the situation. Since the interference was not arbitrary, it was not inimical to his freedom.

Republicans make the same judgment about interferences within a State governed by republican institutions. These institutions are designed to limit the potential arbitrary power of the government. The authorities are ordinary citizens, popularly elected, and with definite terms. They must govern according to the rule of law rather than on a case-by-case basis. Moreover, they are divided into different branches to provide a procedure of appropriate checks upon their decisions and to constrain the power that each branch has. Authorities under this institutional structure will enact measures that interfere with citizens when the institutions are working properly, but not in an arbitrary way. The institutional structure attempts to motivate authorities to track the avowable interests of citizens.

What are the relevant interests that the State must track in order to avoid compromising the freedom of its citizens, even while it may interfere with them in significant ways? Are these relevant interests objective or subjective? Pettit wants to say that when criminals are duly processed, convicted in a fair trial, and punished, their freedom is not compromised—they are not dominated—because that punishment “is dictated, ultimately, by an interest they share with others: an interest in the order secured by the criminal justice system...”¹³ Yet, a person may possess conflicting interests. However my interests may appear when I sample the “view from nowhere,” typically my view is from *somewhere*. More often than not it is the view from where I am sitting. I may have an interest in a general system of punishment, but I also have an interest in being exempted by this system. Why privilege one of these interests over the other?

A possible reason for saying that my relevant interests are the ones that do not exempt me could be a moral one—perhaps a reason grounded in a Kantian universalizability test. Pettit's concept of freedom is not compromised by

nonarbitrary interferences because freedom is only the pursuit of one's good within the bounds of such a moral principle. An act of interference will be nonarbitrary when, and only when, it accords with a just or morally acceptable procedure. If arbitrary interferences are interferences that are not morally justifiable, then republicans have drained their concept of political liberty of any independent utility. Do republicans make this mistake?

Republicans are not necessarily committed to a moralized concept of freedom. They would be if they had claimed that a form of interference is nonarbitrary so long as and only so long as it accords with a just procedure. But there is no reason for them to say that. Whether the interference of the law is arbitrary depends upon whether the institutions and constitutional procedures of the government force the State to track the relevant interests of citizens with whom it interferes. This is an entirely descriptive matter. But what interests are the relevant ones, especially when they seem to be in conflict? If the relevant interests can only be identified by using normative assumptions, then the republican concept of freedom will still count as a moralized one, but there is no reason to think that this is the way they must be identified.

In two-person cases the criteria of arbitrariness will be different from those cases involving an agent such as the State that interferes with each of a number of people. With respect to the former, if one person interferes with another, then, to the extent that he is not forced to track the avowed (or readily avowable) interests of the other, the interference is arbitrary. It is more difficult to be precise about the criteria or arbitrariness in the latter cases, but assume that everyone in the society has a readily avowable interest in there being a coercive, interfering State, so long as it is forced to meet certain constraints. Interferences on the part of the State are not arbitrary when they are forced to meet these constraints. Traditionally, republicans have had a great deal to say in issues of constitutional design about the constraints that make the above assumption plausible and about the mechanisms that force the State to meet these constraints.

A person's political freedom is compromised, according to the republican concept of liberty, when someone or a group compromises his independence and dominates him. This happens when someone or a group occupies a position of authority or power over another and so is able to elicit his subjugation or deference at will, without regard for his avowable and politically relevant interests. A person is free when there is an institutional arrangement in place that protects him from this kind of dependence. The republicanism that I have in mind claims that people have a right to this protection.

Pettit attempts roughly to carve out space for nondomination in relation to liberty as noninterference and liberty as self-mastery as a distinct political good as follows:

The republican concept of liberty is akin to the negative one in maintaining that what liberty requires is the absence of something.... It is akin to the positive concept, however, in holding that that which must be absent has to do with mastery rather than with interference. Freedom consists, not in the presence of self-mastery and not in the absence of interference by others but in the absence of mastery by others: in the absence, as I prefer to put it, of domination. Freedom just is nondomination.¹⁴

I will try to elaborate what I think he means by this and along the way attempt to answer objections to the distinctiveness of nondomination as a political good.

Like noninterference, nondomination is a negative good. It involves the absence of something: the capacity of another to interfere arbitrarily with ends one could choose. However, this does not block that concept of liberty from requiring the positive provision of goods. Even the concept of liberty as noninterference may require the positive provision of some goods. It will require the positive provision of goods that are responsive to protecting people from actual interferences; for example, a fair trial. Liberty as nondomination will require the positive provision of goods that are appropriately responsive to protecting people from dominating influences or dependency upon the will of another. It will imply the implementation of institutions that safeguard people against would-be arbitrary interferers.

Furthermore, both the republican concept of liberty and the classical liberal one agree that someone who is interfered with by a dominating influence has his freedom compromised. However, according to the republican concept, actual interference is neither a necessary nor sufficient condition for a judgment that one person is dominating another. First, one may be subject to perhaps significant interferences but not be dominated. Second, one may be dominated but not subject to any actual interference.

Both of the above possibilities suggest that actual interference may have little to do with a person's level of political freedom. First, because for a republican, actual interference does not always compromise a person's political freedom. If the interference tracks his readily avowable, politically relevant, interests rather than the interests of the interferer, then the republican has no complaint. As in the Ulysses case, or the case of a system of laws that aim to eliminate domination without themselves being dominating, the interference

is nonarbitrary. Arbitrary interferences are prohibited. Interferences that provide necessary protection from domination are required. Interferences that further or track citizens' nonsectional, politically relevant, avowable interests besides nondomination are permissible.¹⁵

I argued above that this feature of republican liberty does not render it a moralized concept of freedom. However, it does carry with it the odd implication that, for example, imprisonment only deprives a person of political liberty if he is imprisoned arbitrarily or in accord with an arbitrary law. Duly imprisoned prisoners are not dominated, and so their freedom is not compromised. Why should a political theorist countenance this apparent abuse of ordinary usage?

Depending on the context, there are a number of concepts of freedom found in ordinary use. A person may suffer from some handicap and so is not free with respect to something he might like to do but, at the same time, is free in the classical liberal or republican sense. This should not count as a paradox of usage because there is more than one way that "free" is being used. Both the republican and classical liberal concepts of freedom must take a stand on how to handle legal restrictions. The republican concept claims that as long as constitutional safeguards are in place to constrain arbitrary power effectively, legal restrictions do not compromise a person's political freedom. They may interfere with or inhibit the range of choices that he might like to make and things that he might like to do, but there are numerous factors that do that. For example, natural or other impersonal obstacles can condition a person's freedom in this way. The freedom of someone who is born without the use of his eyes or with some other handicap is conditioned but not compromised.

The republican regards the law as another one of these impersonal, conditioning factors upon one's freedom as nondomination.¹⁶ On the one hand, they will regard arbitrary interferences and being subject to someone else's capacity to interfere arbitrarily as factors compromising freedom. On the other hand, the classical liberal concept of freedom as noninterference regards only and all actual interferences as freedom-compromising factors. Only natural obstacles count as freedom-conditioning factors.

The result is that classical liberals must view the law as a "fetter" and individuals have liberty only in those areas where the law is silent. As Mill wrote, "All restraint, *qua* restraint, is evil."¹⁷ Republicans deny this. They claim that the law secures political freedom. For example, Kant argued for the coercive enforcement of rights based upon the notion that rights are a necessary extension of freedom. A rights violation is a hindrance to freedom, but interfering with, that is, preventing a rights violation, is not a hindrance to freedom.¹⁸

Richard Price writes, “Just government, therefore, does not infringe liberty but establishes it. It does not take away the rights of mankind but protects and confirms them.”¹⁹ John Locke presses this point in the second of his *Two Treatises on Government*. As he sees it, “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.”²⁰ Locke claims:

Freedom is ... a Liberty to dispose, and order, as he lists, his Person, Actions, Possessions, and his whole Property, within the Allowance of those Laws under which he is; and therein not to be subject to the arbitrary Will of another, but freely to follow his own.²¹

At the practical level, this makes the distinction between noninterference and nondomination seem a bit artificial. Certainly, proponents of liberty as noninterference are equally concerned with institutional safeguards and laws against all sorts of interferences. Their concern with institutional design is just as much a result of their concept of freedom as the republican concern with it is. Both offer freedom-based justifications for very similar institutional mechanisms. Practically speaking, the difference between the two concepts of liberty appears to be negligible.

However, there is a more significant difference between the two. The second reason that actual interference may have little to do with a person’s level of freedom is because actual interference is not the only thing that can compromise a person’s freedom. A dominator may have the power to interfere arbitrarily but refrain—either because he is kind, or because the subject demonstrates sufficient deference or self-regulation, or some other reason. Republicans claim that this situation is enough to compromise a person’s freedom because it can effectively constrain a person with respect to certain opportunities that he might have had or decisions that he might have made, even absent any actual interference. In some situations, he will restrain himself out of a fear that the dominator will take action against him unless he does restrain himself.

Republicans will be concerned to prevent this situation—to make noninterference “resilient.”²² For a republican, the laws and institutions of government do not just inhibit potential violations of person and property and therefore *enhance* political freedom. According to republicans, since freedom as non-domination just is possessing the status of being more or less secure against the arbitrary interference of others, the institutions that provide that status partly *constitute* that freedom.²³

Moreover, it is possible for liberty as noninterference to be realized in a society without these institutions and arrangements. For example, in the former Soviet Union there were many people who may have lived in fear of the Communist Party and late-night visitations by the KGB but actually had very little to worry about. Perhaps they were lucky or favored by officials or they had ingratiated themselves to them. In any case, they avoided being made subject to any actual interference. A proponent of liberty as noninterference may fail to be convinced by such a counterexample because one might claim that the probability of suffering future interference in such a case will be high. A person who faces a ninety-five-percent chance of interference in the future is, in some sense, less free than someone who faces a five-percent chance, even according to the lights of liberty as noninterference. The person whose enjoyment of noninterference depends upon the benevolence of the rulers or his own self-inhibition may be dominated, but he is also interfered with.²⁴ Once again, the difference between these two concepts of freedom may seem somewhat overstated.

But why should it be the case that when noninterference is conditioned upon the benevolence of absolute rulers or the self-inhibition of the ruled, the level of expected interference is high? The probability that benevolent rulers will interfere in the future could be quite low, even lower than in a society where rulers pursue their self-interest with guile while subject to institutional constraints. It depends upon the relative strength of the disposition to exercise benevolence and of the effectiveness of the institutions. Also, the probability that less-benevolent rulers will interfere in the future could be quite low when people exercise sufficient deference or self-inhibition. In such a case, the expected level of noninterference could be as low as zero. Even then, the proponent of republican liberty would not be satisfied. It would remain the case that the rulers occupy a position of power over the people. They are dominated because they lack an institutional guarantee that protects them from arbitrary interference.

Republican liberty is resilient because someone who possesses it enjoys protection from even the capacity of another to interfere arbitrarily. To put it another way, he enjoys protection from arbitrary interference in every possible world, as well as in the actual one. Republicans will therefore recommend institutions and legal measures that will, as much as possible, secure and assure protection from arbitrary interference.

It is natural to wonder whether these features of liberty as nondomination that make it distinct from noninterference serve to make it indistinguishable in any interesting ways from liberty as self-mastery. Welfare liberals have, of

course, been concerned to minimize dominating power in society. As a result, they recommend various measures to compensate people for their lack of income, education, health care, or housing. Are these two, distinct, political goods?

They are. Nondomination is a negative concept of political freedom while liberty as self-mastery is a positive one. What makes it a positive concept of liberty is that it requires more than the absence of either interference or the capacity to interfere arbitrarily. It requires the provision of various facilities that encourage self-mastery, self-realization, or self-fulfillment. The claim is that this is the only effective sort of freedom.

There is a reading of self-mastery that has sometimes been associated with a kind of communitarianism and identifies freedom as an ability to rein in the base elements of one's personality. This "lower" nature prevents one from finding one's place in the community and from achieving a "higher" authentic freedom. It is inappropriate to saddle all proponents of positive liberty with this concept. Liberal proponents of positive liberty would be adverse to it.

A related concept of self-mastery identifies authentic freedom as autonomy. The person who is autonomous is in control of his own actions, in the sense that he is free of internal constraints. His actions are not the result of irrationality or desires that he does not identify with. This, however, fails to qualify as a concept of any kind of political good. Autonomy may, in some respects, be an infinitely important ideal, but it is not one that a government can effectively promote without subjecting people to significant arbitrary external constraints and, perhaps, not even then.

Neither of these concepts of positive liberty, therefore, are my targets. I can better identify my target concept of liberty as self-mastery and demonstrate how it is to be distinguished from liberty as nondomination, by recalling the distinction between freedom-compromising factors and freedom-conditioning factors that I introduced earlier.

The difference between liberty as noninterference and liberty as nondomination is that the former classifies all and only actual interferences as freedom-compromising factors. It views natural obstacles, for example, the lack of an ability or the lack of, in a broad sense, an opportunity to do something, as factors that condition but do not compromise political freedom. The latter considers the capacity of one to interfere arbitrarily with another as the only factor that compromises freedom. Impersonal obstacles, including the lack of an ability or the lack of, in a broad sense, an opportunity to do something but also nonarbitrary legal restrictions, merely condition one's freedom. The notion of freedom as self-mastery that is my target draws the line in a different place.

At the limit, it claims that any external obstacle, whether impersonal or intentional, counts as a freedom-compromising factor.

For example, Philippe Van Parijs agrees with respect to the central issue: “We need to ask what obstacles count as freedom-restricting, what freedom consists in not being prevented *by*.” The answer provided by proponents of liberty as noninterference presents “a narrow characterization of these obstacles, one that allows in particular for a sharp distinction between unfreedom and inability.”²⁵ Van Parijs sides with proponents of that concept of liberty when he says, “that institutional restrictions of self-ownership are freedom-restricting is hard to dispute.”

As we saw, proponents of republican liberty dispute just that when these institutional restrictions are nonarbitrary, but for Van Parijs, “The genuinely controversial issue is whether there is anything else, apart from coercion ... that can be said to restrict liberty.”²⁶ The classical liberal says no, but the republican claims that there is: When one has even the capacity to interfere arbitrarily with another, the latter’s liberty is compromised. The list of freedom-compromising factors for proponents of positive liberty is a great deal longer because it will include any inability of an agent. According to Van Parijs, “real freedom”

amounts to selecting the broadest possible characterization of freedom-restricting obstacles consistent with the view that lacking freedom is being prevented from doing some of the things one might want to do. Any restriction of the opportunity-set is relevant to the assessment of freedom. For example, I can lack the real freedom to swim across a lake despite my being the full owner of myself, not just because I would not be granted permission by the private owner of the lake but also because my lungs or my limbs would give in before reaching the other side. And this would be the case whether or not this physical inadequacy resulted from deliberate action by other human beings, whether or not other human beings played any role in bringing it about, and also whether or not they could do anything to remove it now. Thus, the concept of real freedom presented above does not merely refuse to confine freedom-restricting obstacles to coercion.... It also refuses to confine them to obstacles external to the person concerned, or to obstacles that are produced deliberately, indeed produced at all and/or removable by other human beings.²⁷

An agent’s real freedom seems to consist in the presence or availability of the means to his ends. However, not every proponent of this positive concept of freedom will abandon altogether the distinction between unfreedom and inability (or unavailability). Van Parijs’ view represents a sort of limit case.²⁸

Others tend to see freedom as more of a relation between people. Therefore, they will maintain the distinction but nonetheless claim that “human capabilities constitute an important part of individual freedom.”²⁹ Still others will emphasize the social aspect of the freedom relation a bit more and claim that impersonal obstacles do not compromise a person’s freedom, but the personal obstacles that do compromise need not be intentional or even negligent. Any obstacle that a person can be causally related to, or causally responsible for, compromises a person’s freedom.³⁰

What all of these positive concepts of political freedom have in common is that they relax the distinction between freedom-compromising factors and freedom-conditioning factors so that more types of obstacles count as the former. The notion of freedom as nondomination is a great deal more restrictive of what can count as a freedom-compromising factor.

This is enough to distinguish these two from each other. The ideals pursue distinct goals and make distinct judgments about factors that compromise an agent’s political freedom. In fact, this is true of all three. Nondomination, therefore, is a distinct political good. Of course, this is not yet to say that it is the one that should guide institutional procedure and policy making. I turn to this question in the next section.

The Advantages of Liberty As Nondomination

So much of modern political theory has largely dispensed with speculations into the truly flourishing human life, which occupied ancient moral and political philosophy. Modern political thought, in place of this, has embraced a distinctive type of neutrality, according to which the State may not privilege any preferred set of projects over and above any other rights-respecting modes of living. The idea is that liberal theories of politics have attempted to reduce their reliance on controversial claims in arguments they give to justify political institutions. Whether we are concerned with different modes of religious expression, as were early liberals—or grass counting—as a more modern example illustrates the idea, toleration is the default position.

Liberal theories of politics attempt to effect the organization of society without appealing to substantive concepts of the good, which may not attract universal agreement. That is, liberal theories of politics attempt to effect universality and generality. This means that “[p]olicies of a liberal State are endorsed *if and only if* they are acceptably responsive to the ends of everybody and if they are neutral with regard to the particular content of those ends.”³¹ The criteria of universality and generality are constraints on the kinds of goods

we owe to each other in a political setting. However, in a liberal State, neutrality is relevant to the supply of political goods, too. Call this criterion “reciprocity.” There are many goods that must be provided by others if they are to be enjoyed at all. Friendship, love, charity, and compassion are like that, but the neutral supply of political goods would require that they must be provided by *all* others if they are to be enjoyed at all.

The liberal methodology of determining the appropriate political good consists of determining which of the freedom ideals best satisfies the formal criteria of universality, generality, and reciprocity. It will turn out that, first, self-mastery not only fails as a reciprocal good; it does not even seem to be a universal one. Second, noninterference satisfies all three criteria; however, nondomination also does so as well. But this is not yet to say that this method underdetermines the appropriate concept of liberty. First, there may be a problem with respect to the alleged generality of the ideal of nondomination. I raise these problems and rebut them by defending a liberal republicanism. Second, I argue that nondomination meets these criteria better than noninterference does. Specifically, it is more a universal good than noninterference is. It is more responsive to the ends of everyone than noninterference is.

On the face of it, liberty as self-mastery seems to be both a universal and general good. This is because guaranteeing the availability of all-purpose primary goods to everybody seems to reflect a responsiveness to the ends that anyone might have as well as a neutral stance toward the substantive content of those ends. Goods such as health care, education, and an adequate income seem to qualify with respect to these two criteria.

However, liberty as self-mastery is not a reciprocal good. Goods such as health care, education, and an adequate income are not such that others, let alone all others, must provide them if they are to be had at all. Moreover, in the previous section I identified the concept of liberty as self-mastery that I am concerned with as one who claims that any external obstacle to someone’s choices or ends reduces his freedom. It does not matter whether the obstacle is impersonal or intentional. The obstacle could be another agent’s coercion, the protection (legal or otherwise) that someone else enjoys against coercion, natural obstacles, physical impairments or limitations, or any inability.

For proponents of positive liberty, or liberty as self-mastery, there is no important distinction between freedom-compromising factors and freedom-conditioning factors. All of them hinder the agent’s choices and ends, and this makes them all equally bad from the point of view of her freedom. This blurs the distinction between freedom and ability. If this is the correct analysis of freedom as self-mastery, then I doubt whether self-mastery still should be

considered a universal good in the appropriate sense. It still seems to be neutral among competing concepts of the good life, but I do not believe that everyone has the relevant reason to value it.

This may seem a bit odd. How could this kind of freedom not be universally valuable? It requires that the agent not be impaired by any obstacles. To be free, nothing can stand between the agent and her goals, not even her inability or the unavailability of the necessary means. Who would not want this? It is true that this concept of freedom makes it unlikely that anyone could enjoy absolute freedom, but certainly more of it is better than less.

However, once this concept of liberty is embraced, why limit freedom to the attainment of merely the agent's goals? Why think that freedom is compromised only when obstacles impede the agent's actual goals, instead of when obstacles impede any possible goal of the agent? According to the positive concept of liberty, an agent's freedom consists in the availability to him of means to his ends. However, agents typically have an interest in and value liberty as such. Freedom is one of the goods that agents typically value, and their freedom may be gauged by their ability to achieve that goal. This renders freedom, under the positive concept of it, nonspecific.³²

It is not the case that only specific instances of freedom are valuable. Freedom is valuable independently of the particular form it takes. For example, following this suggestion, even if an agent regards her ability to disturb air molecules as she walks across a room as unimportant, a proponent of positive freedom should really consider it a contribution to her freedom. Likewise, even if an agent regards her inability to drink poisonous chemicals without harm as not significantly contributing to any of her specific goals, a proponent of positive liberty should really consider the inability to compromise her freedom.

If the positive concept of liberty implies this kind of nonspecificity, then it should be rejected. It is not a universal good. This is because, first, it fails to recognize the intuitive difference between instances where the goals that are either obstructed or open to agents are ones that they do care about, and instances where the goals that are either obstructed or open to agents are ones that they do not care about. People typically do not regard the failure to get what they do not have any interest in to warrant the judgment that their freedom has been compromised. Neither do they typically regard getting what they could not care less about to warrant the judgment that their freedom has been enhanced. With Joseph Raz, "We feel intuitively that some liberties are more important than others. The restriction of the more important liberties is a greater restriction of liberty than that of the less important ones."³³

The second reason that the positive concept of liberty as self-mastery that I have characterized cannot be a universal good is because it also fails to recognize another similar, important distinction that most people acknowledge. This difference has more to do with the source of the interference with the agent's goals or decisions. The difference is between instances where other people are the source of the obstruction and where the obstruction is no one's fault.³⁴ Instances of the former typically result in greater levels of resentment on the part of the agent. For example, say that a gust of wind blows a twenty-dollar bill out of my hand and down the street. Certainly no one likes suffering such ill-fortune. Still, it does not produce the same feeling of resentment that having twenty dollars stolen would.

Here, I am subject to another's will, which replaces mine. I am treated as if I am not uniquely situated with respect to deciding where my money goes. Or consider the difference between a threat and a warning.³⁵ The probability of my suffering bodily harm upon entering a dangerous section of town could be the same whether I have been warned about the prospect of danger from a friend or threatened by a roving band of young toughs to keep me away from their turf. My choice or opportunity set is equally constrained in both situations, as is my ability to pursue my goals, but, in the second case, my independence with regard to the choice about where I may walk has been bypassed.

This kind of independence is what people should take to be most important about being free. The positive concept of freedom fails to recognize that ways of reducing or removing available choices that give rise to resentment are worse in a social setting than in ways of reducing or removing available choices that do not. It fails to recognize that intentional or interpersonal acts of obstruction are worse in a social setting than in impersonal ones. Therefore, liberty as self-mastery will not fit the bill as an ideal, political good.

It might seem that noninterference should enjoy a special status among the political goods that could be provided because it satisfies the criteria of universality, generality, and reciprocity. Noninterference is responsive to the ends of everyone, neutral with regard to the particular content of those ends, and a person can fully enjoy it from everyone and supply it to everyone at the same time. However, is noninterference really exclusive in that regard? Does the third, republican, concept of liberty meet all three of these formal features?

Liberty as nondomination satisfies as well as the notion of liberty as noninterference does the criteria of universality, generality, and reciprocity. It should be relatively uncontroversial that nondomination is a reciprocal good. The only way that anyone can enjoy nondomination is if others, indeed, if all others are denied the power and authority to interfere with her arbitrarily. And

one person's enjoyment of it could never compromise someone else's ability to enjoy it. There may be times when one person may have to be subject to some interference in order to afford nondomination to someone else, but as long as the interference is not arbitrary it does not compromise her liberty as non-domination. *No arbitrary interference with someone would ever be required to afford nondomination to someone else.*

Nondomination is also a universal good. Later I will claim that it is more a universal good than noninterference is. That is, liberty as nondomination is more responsive to people's goals than liberty as noninterference is. Enjoying security against arbitrary interference is what people should take to be most important about being free.

However, there is a question about the extent to which republican liberty can be considered a general good. To what extent does republicanism embrace neutrality? Republicanism is frequently characterized as a political theory that emphasizes inculcating a substantive account of civic virtue. According to Michael Sandel,

Republican theory does not take people's existing preferences, whatever they may be, and try to satisfy them. It seeks instead to cultivate in citizens the qualities of character necessary to the common good of self-government. Insofar as certain dispositions, attachments, and commitments are essential to the realization of self-government, republican politics regards moral character as a public, not a private, concern.³⁶

On this reading of republicanism, self-government is the central common value. Civic involvement is a duty that must be imparted to every citizen. Sandel writes,

Self-government in this sense requires political communities that control their destinies, and citizens who identify sufficiently with those communities to think and act with a view to the common good. Cultivating in citizens the virtue, independence, and shared understandings that such civic engagement requires is a central aim of republican politics. To abandon the formative ambition is, thus, to abandon the project of liberty as the republican tradition conceives it.³⁷

Quentin Skinner agrees with Sandel's characterization of republicanism and how its distinctive concept of liberty is achieved. Skinner claims, "If we wish to maximize our liberty, we must devote ourselves wholeheartedly to a life of public service, placing the ideal of the common good above all considerations of individual advantage."³⁸

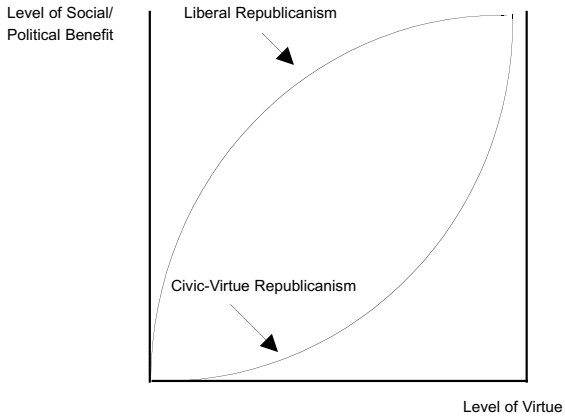
Certainly this emphasis on civic virtue is a familiar theme in the republican tradition. In sharp contrast to liberal neutrality, it openly advocates the development of a virtuous citizenry necessary for a workable social order. Social and political institutions are to take the role of an educator rather than that of an umpire. For some of these advocates of the “strong” republican view, this is quite literally the case. Benjamin Barber, for example, recommends weekly community meetings, citizen education classes, and mandatory civic service.³⁹ This arrangement not only violates liberal neutrality but also any recognizable sense of liberty.

How so? How does it compromise liberty as nondomination—the protection from the capacity of others to interfere arbitrarily with one’s pursuit of ends? Civic-virtue indoctrination accords with republican liberty if and only if that kind of interference is not arbitrary. It is not arbitrary if it tracks the avowable interests of the citizens. Does it? The advocates of the strong version of republicanism I have just been considering claim that it does. All citizens have an interest in the realization of workable social arrangements based upon self-government. Moreover, Sandel et al., claim that the civic virtues they preach are “essential to the realization” of this kind of arrangement.⁴⁰ If they are right about this, then the interferences required to effect its realization are not arbitrary and do not compromise the freedom of citizens.

However, I do not see any reason to think that they are right about these “strong” or substantive virtues being essential to a workable social arrangement based upon self-government. And it is a good thing, too. It seems likely that if the level of social or political benefit depends in too large a part on individual virtue among those who govern, as well as among those who are governed, then the problem of organizing or maintaining the State would be insoluble.

Kant noted that “many contend that a republic must be a nation of *angels*...”⁴¹ However, a “second-best” theory that incorporates allowances for predictable deviations from angelic heights of virtue is likely to be more stable. Thus, Kant had confidence that “the problem of organizing a nation is solvable even for a people comprised of devils.”⁴² As long as they pay proper attention to their rational interests, even if these are, for devils, selfish interests, they could have a neutral or liberal republicanism that incorporates the manifest social and political benefits associated with a citizenry who possess a very high level of virtue. Figure 1 is an effort to represent this idea.⁴³

Figure 1



On the one hand, both liberal republicanism and civic-virtue republicanism will function almost equally poorly if the model assumes a world of spiteful or otherwise irrational malevolence. Both institutional regimes will function equally well at the other limit case, which assumes a “nation of angels.” On the other hand, differences become apparent when deviations from these two limits are assumed. If it is true that the inculcation of a substantive set of virtues is necessary to achieve a high level of social and political benefit, as Sandel and other civic-virtue republicans claim, then the loss function associated with any deviation from the ideal level of virtue will be significant. The opposite is true on my account of liberal republicanism. Here, a little bit of virtue, or a very thin account of it, goes a long way. Most of the work is done by the institutional structure put in place to protect citizens from domination.

There is an emphasis on civic virtue in the republican tradition, but the account of the kind of virtues that are appropriately responsive to the republican concept of liberty is a relatively thin account.⁴⁴ First, civic involvement should be encouraged to increase the likelihood that laws are faithfully tracking citizens’ relevant interests. Republican institutions put in place various procedural norms that discourage domineering-style laws. However, they are not fool-proof. For example, slavery coexisted with republican institutions for four score and seven years, and racial biases were given the protection of law even longer. Maybe these would have been eliminated without marches,

speeches, acts of civil disobedience, voter registration drives, and a general willingness of many to enter public debate, but it is not very clear *how*. Most judge it to be a good thing that we did not have to find out.

Second, there should be respect for the law in society. In order for the rule of law to be an effective inhibitor of domination, citizens and especially authorities must exhibit a credible commitment to the particular laws in the society. *De dicto* legal measures will fail to guide a society unless customary practices reinforce them. The threat of penalty upon defection may have very little to do with compliance. An internal disposition to respect the law is a much more effective motivation for compliance with the law.⁴⁵

Finally, if the level of civic virtue among the people is not high enough for them to see their way clear to compliance by their own moral reckoning, there should be enough civic virtue in the society to encourage compliance by other means. A common strategy is rebuking and reporting instances of noncompliance. Public approval or disapproval probably accomplishes no less than legal restrictions to reduce conflict in society. Use of these methods can exert significant pressure to conform to social norms and conventions. The strategy merely relies on a disposition in people to avoid shame and earn commendation. According to Pettit, this is a familiar republican theme: “Where virtue fails, the saving vice may be a love of glory.”⁴⁶

However, it was an even more familiar idea that the ones to watch were those at the helm of government. Without the appropriate checks, governmental authority could become domineering. The basic institutional mechanisms and procedural arrangements of republican government go a long way to prevent this. Nevertheless, this should not altogether substitute for the willingness of citizens to be involved in making sure that no faction is able to enlist State power to advance its sectional goals.

The Irish statesman, John Philpot Curran, protesting the perceived dominating influence of the English Parliament declared, “It is the common fate of the indolent to see their rights become a prey to the active. The condition upon which God hath given liberty to man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime and the punishment of his guilt.”⁴⁷ This is perhaps a bit extravagant, but the idea seems right. Compliance with the law among citizens and authorities is less likely without people who are prepared to confront transgressions. *People typically are inclined to attempt to meet the expectations of others.* When

1. A is in a position to follow B’s behavior.
2. A expects B’s behavior to comply with the norm, and
3. B knows both (1) and (2).

B will typically comply with the norm.⁴⁸ As Figure 1 attempts to show, the social and political benefit associated with a high level of civic virtue can be replicated, through institutional design, with a significantly lower level, or relatively thinner account, of it.

The account of civic virtue that seems most relevant to nondomination is appropriately neutral with respect to people's ends.⁴⁹ The government need not concern itself too much with supplying the virtues since the ones relevant to nondomination are pretty responsive to self-interested reasons.

So much, then, for worries concerning the generality of nondomination. I argued that, although there are a number of readings of republican liberty that endorse the strong civic virtue account, which would compromise the neutrality of the good, this need not follow from the concept of freedom as nondomination. I defended a liberal republicanism, and this concept is just as friendly to political neutrality as the concept of noninterference is.

Nondomination is also a universal good. I want to claim that it is more a universal good than noninterference is. That is, liberty as nondomination is more responsive to people's goals than liberty as noninterference is. First, people should be thought generally to have less use for a concept of political liberty that understands interferences promoting the common, allowable interests of citizens to compromise freedom. Such a concept of liberty fails to recognize that not every kind of interference should be thought to be equally bad from the point of view of one's freedom.

Second, people should be thought generally to have less use for a concept of political liberty that does not understand the capacity to interfere arbitrarily as compromising freedom. Such a concept of liberty fails to recognize that actual interference is not the only thing that should be thought to be bad from the point of view of one's freedom. A concept of liberty that does not recognize these two things is less responsive to the ends of everyone, less universal a good, than one that does.

The distinction between liberty as nondomination and liberty as noninterference was presented in the first section above. The former ideal does not condemn interference *per se*, only interference that does not track the politically relevant, allowable interests of those who are subject to it. Moreover, it condemns not only actual or expected arbitrary interference but also the authority of someone with the unchecked power to interfere arbitrarily as well.

The good associated with the ideal of noninterference is that a person who enjoys it enjoys the absence of intentional obstacles to her choices and pursuit of goals. A person who enjoys nondomination comes up somewhat short of this because, according to this concept of political liberty, someone having the

mere capacity to interfere arbitrarily is a threat to liberty, even if it is never exercised or threatened. Some intentional interferences will be necessary to prevent this because the secure, or certain, or resilient enjoyment of some property has to come at the expense of enjoyment of that property as such.⁵⁰ The enjoyment of resilient noninterference has to be bought with agreeing to be made subject to, perhaps significant but nonarbitrary, interferences. Both of these arrangements are such that virtually everyone would value them and would acknowledge them as valuable for anyone. However, the enjoyment of nondomination is more valuable.

The key to seeing this is to think about ways in which it is the case that arbitrary interference is worse than nonarbitrary interference.⁵¹ When subject to nonarbitrary interference, an agent's choices or goals are obstructed by the intentional actions, or expected actions, of others, but when she is subject to arbitrary interference, she must endure this as well as the uncertainty of not knowing or being able to predict when or in what manner the interference will hit.⁵² The same is true if she is even subject to someone with the mere capacity to interfere arbitrarily with her choices or goals, but who never actually interferes.

When the concept of political freedom advanced is nondomination, people are made subject to nonarbitrary interferences in order to maximize their security against the capacity of others to interfere arbitrarily. In effect, this is just to repeat that the secure, or certain, or resilient enjoyment of some property, the enjoyment of that property in every possible world, has to come at the expense of unrestrained enjoyment of that property. Conversely, the enjoyment of a property as such has to come at the expense of some degree of security in the enjoyment of that property. The enjoyment of actual noninterference as such is bought with being made subject to, perhaps significant, uncertainty in the enjoyment of noninterference.

For example, say we live in a society where men have at their disposal a large amount of arbitrary power over women. If nondomination is the political ideal, a government may interfere to reduce this power or to protect women from it. However, if noninterference is the political ideal, then it is possible that absolutely nothing should be done. It may result in the greatest amount of noninterference if men are left in possession of this power. That would be the case if it were determined that it is unlikely that men will actually exercise that power. Then, noninterference is maximized because there is neither any actual interference on the part of men with women or interference by the government.

However, women would be left with a great amount of uncertainty or insecurity. In order to compensate for it, they may have to engage in strategies designed to keep men benevolent toward them. For example, they may have to anticipate and fulfill the roles that men expect of them. They could not with any great degree of independence, nonchalance, or disregard simply pursue their own concerns.

So, the ideal of noninterference is compatible with a high degree of subjugation. The nondomination ideal is not. As much as possible, people are protected from the capacity of others to interfere arbitrarily with their choices or goals. Secure in this protection, they do not have to rely on either contingencies such as the benevolence of others or their own strategic cunning to keep powerful influences at bay. This results in fewer impediments for them to make their own choices and pursue their goals.

This naturally leads to a discussion of how the institutional arrangements of government, including an assignment of basic rights, connect to the republican concept of liberty. The idea is that a suitably reflective person will typically be unwilling to let considerations of expected return override considerations of security.

Take, as an example, the republican concern to have provisions in a constitution that make it difficult for majorities to alter basic rules and procedures. Average or expected return may make good sense for a significant range of issues but not when so-called “vital issues,” items that loom large in the calculus, are at stake.⁵³ Arguments for religious freedom come in this form as well. True believers usually hope that all will be converted to their faith. However, considerations of uncertainty or security can lead to a strategy of mutual respect or protection for alternative creeds. This offers protection against an established or dominant religion’s being able to impose its will on others.

Or, consider a more pedestrian example: Successful, professional, athletic teams generate increased revenues, which allow them to secure or retain the talent to maintain or increase their strength. At any given time there will be teams of relative strength. The stronger teams typically benefit more relatively to the weaker ones in an open system of financial bidding for talent—but even the stronger teams may find it rational to agree to a draft system, according to which, weaker teams get first choice among rookie candidates. It constitutes a provision of security against imparity and the possibility of foreseeable downturns in their futures.

Security considerations therefore seem to arise in connection with the impetus for certain rules or rights claims. This is true whether the goal or interest to

be secured is a response to some item's being a source of intrinsic value for a person, as in the religious freedom example, or a response to the individual's perception of the instrumentality of an item, as in the athletic example. People want to be secure in both their access to primary sorts of goods and their right to hold their most cherished beliefs.

Conclusion

In political philosophy some good, one that is universal, general, and reciprocal, will assume a role at the basic structure of the society—a place where that good is marked for special, protective consideration. The differences between nondomination and self-mastery, and between nondomination and noninterference, highlight the advantages associated with nondomination's assuming this role. It was a traditionally republican concern that any violation of these basic institutions and procedures by the government, even one designed to further the goal of nondomination, would turn the government into a dominating influence. Republican institutions empower the government to enforce basic rights but, at the same time, restrain the government so that it will not constitute a new threat to citizens. These institutions and protections, as well as the legal instruments necessary to enforce them, insofar as they contribute to the secure enjoyment of protection from arbitrary interference, constitute political freedom.

Notes

1. Isaiah Berlin, "Two Concepts of Liberty," *Four Essays on Liberty* (New York: Oxford University Press, 1969).
2. The attempt has been taken up primarily by Philip Pettit, *Republicanism* (New York: Oxford, 1997).
3. Ian Carter presents both of these critiques, but he is a proponent of the latter one. See *A Measure of Freedom* (New York: Oxford, 1999), 237–45.
4. Marcus Tullius Cicero, *On the Commonwealth*, trans. G. Sabine and S. Smith (New York: Bobbs-Merrill, 1929), 177.
5. Livy, quoted in Quentin Skinner, *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1997), 46.
6. Pettit, *Republicanism*, 273.

7. Ibid., 52.
8. I do not want to insist upon any particular account of what kind of intentional intrusions, inhibitions, or obstacles to another's ends or choices are the relevant ones. The appropriate and precise account varies from culture to culture depending upon its history, conventions, background morality, and so forth. See Loren Lomasky, *Persons, Rights, and the Moral Community*, 103.
9. Richard Price, *Political Writings* (Cambridge: Cambridge University Press, 1991), 77–78.
10. Pettit, "Freedom As Antipower," *Ethics* 106 (April 1996): 576.
11. Philip Pettit, *A Theory of Freedom* (New York: Oxford University Press, 2001), 137.
12. H. B. Acton, *Essays in the History of Liberty*, ed., J. R. Fears (Indianapolis, Ind.: Liberty Classics, 1985), 7.
13. Pettit, *Republicanism*, 198.
14. Ibid., "Republican Freedom and Contestatory Democratization," in *Democracy's Value*, ed. Ian Shapiro and Casiano Hacker-Cordon (New Haven, Conn.: Yale University Press, 1999), 165.
15. These are permissible provided that implementing them does not conflict with any of the basic institutions or constitutional procedures of the society.
16. Pettit, *Republicanism*, 77.
17. J. S. Mill, *On Liberty* (Arlington Heights, Ill.: AHM Publishing, 1947), 96.
18. Immanuel Kant, *The Metaphysical Elements of Justice*, trans. John Ladd (Indianapolis, Ind.: Bobbs-Merrill, 1965), 35.
19. Price, *Political Writings*, 91.
20. John Locke, *Two Treatises of Government* (Cambridge: Cambridge University Press, 1988), 305.
21. Ibid., 306.
22. Pettit, "Negative Liberty, Liberal and Republican," *European Journal of Philosophy* 1, 1 (1993): 16.
23. Ibid., *Republicanism*, 108. This is probably the reason that republicans have traditionally thought of freedom as being tied to citizenship.
24. See Carter, chap. 8.
25. Philippe Van Parijs, *Real Freedom for All* (Oxford: Clarendon Press, 1995), 20.
26. Ibid., 21.

27. *Ibid.*, 23.
28. He is joined by Lawrence Crocker, *Positive Liberty* (Boston: Martinus Nijhoff, 1980).
29. Amartya Sen, "Capability and Well-Being," in *The Quality of Life*, ed. Martha Nussbaum and Amartya Sen (Oxford: Clarendon Press, 1993), 33. Also, see Amartya Sen, "Freedom, Capabilities and Public Action: A Response," *Notizie di Politeia* 43–44 (1996): 107–25.
30. See Felix Oppenheim, "Constraints on Freedom As a Descriptive Concept," *Ethics* 95 (1985): 305–9. David Miller argues that this account will not turn out to be very restrictive of obstacles that count as freedom-compromising because there will be few, pure, natural obstacles where no human action was causally relevant to the obstacle ("Reply to Oppenheim," *Ethics* 95 [1985]: 310–14).
31. Lomasky, "Liberty and Welfare Goods: Reflections on Clashing Liberalisms," *Journal of Ethics* 4 (2000): 107.
32. Carter (chap. 2) defends this view.
33. Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), 13.
34. Pettit, "On *Republicanisim*: Reply to Carter, Christman, and Dagger," 56.
35. *Ibid.*, *A Theory of Freedom*, 131.
36. Michael Sandel, *Democracy's Discontent* (Cambridge, Mass.: Harvard University Press, 1996), 25.
37. *Ibid.*, 274.
38. Skinner, "On Justice, the Common Good, and the Priority of Liberty," in *Dimensions of Radical Democracy*, ed. Chantal Mouffe (New York: Verso Press, 1992), 217.
39. Benjamin Barber, *A Passion for Democracy* (Princeton: Princeton University Press, 1998); and *A Place for Us: How to Make Society Civil and Democracy Strong* (New York: Hill and Wang Publishers, 1998).
40. Sandel has been criticized for underspecifying the precise sorts of virtues that are necessary. Thomas Pangle attempts to supplement Sandel's account and comes up with a very specific list of civic virtues: marital fidelity, economic independence, honesty, frugality, industry, simplicity of manners, self-control, discipline, moderation, temperance, self-denial, the capacity for shame, obedience, respect for authority, orderliness, religious piety, reverence for tradition, courage, ambition, the love of fame, patriotism, and a passion for the public good. ("The Retrieval of Civic Virtue," in *Debating Democracy's Discontent*, ed. Anita Allen and Milton Regan, Jr. [New York: Oxford University Press, 1998], 22–23). In a response,

Sandel hesitates to accept these conservative implications but says, “Of the two versions of republicanism [read: *Civic Virtue*]⁴¹—the modest (or instrumental) version and the strong (or intrinsic) one—the second, seems to me the most persuasive (“Reply to Critics,” in *ibid.*, 325).

41. Kant, “Perpetual Peace,” in *Perpetual Peace and Other Essays*, trans. T. Humphrey (Indianapolis: Hackett Publishing Company, 1983), 124.
42. *Ibid.*
43. The idea for Figure 1 comes from Peter Boettke, who has used it alternatively to show the relationship between assumptions of benevolence and omniscience of political actors and economic performance under capitalistic and socialistic systems (“Introduction: Which Enlightenment, Whose Liberalism?”, in *The Legacy of Friedrich von Hayek*, ed. Peter Boettke [Aldershot, U.K.: Edward Elgar Publishing, 1999], 39.)
44. See Pettit, “Reworking Sandel’s Republicanism,” in *Debating Democracy’s Discontent*, 52–53.
45. *Ibid.*, *Republicanism*, chap. 8.
46. *Ibid.*, “Reworking Sandel’s Republicanism,” 53. Also, see Geoffrey Brennan and Pettit, “Hands Invisible and Intangible,” *Synthese* 94 (1993): 191–225; and “The Hidden Economy of Esteem,” *Economics and Philosophy* 16 (2000).
47. John Philpot Curran, “The Right of Election of the Lord Mayor of Dublin,” Speech, July 10, 1790.
48. See R. D. Cooter, “Do Good Laws Make Good Citizens? An Economic Analysis of Internalizing Values,” Berkeley Law and Economics Working Paper Series 2000-8; E. A. Posner, *Law and Social Norms* (Cambridge: Harvard University Press, 2000); and Jean-Robert Tyran and Lars P. Feld, “Why People Obey the Law: Experimental Evidence from the Provision of Public Goods,” University of Munich Center for Economic Studies Discussion Paper, no. 2001-14 (November 2001).
49. As such, there is no reason to think that proponents of liberty as noninterference would not endorse this list of civic virtues.
50. See Geoffrey Brennan and Alan Hamlin, “Republican Liberty and Resilience,” *The Monist* 84, 1 (January 2001): 45–59.
51. Pettit, *Republicanism*, 85–87.
52. *Ibid.*, 85.
53. See James Buchanan and Gordon Tullock, *The Calculus of Consent* (Ann Arbor, Mich.: University of Michigan Press, 1965).