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CHAPTER

4 Freedom

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Abstract

The idea of freedom is relevant to political philosophy on three main fronts: in determining what it is for a choice to be free, what it is for a citizen to be free, and what it is for a state to be free. The issue of freedom in relation to choice divides in two, however, because one question concerns freedom in the exercise of choice and another freedom in the opportunity for choice. This article discusses freedom in the exercise of choice, freedom in the opportunity for choice, freedom and the citizen, and freedom and the state.

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The idea of freedom is relevant to political philosophy on three main fronts: in determining what it is for a choice to be free, what it is for a citizen to be free, and what it is for a state to be free. The issue of freedom in relation to choice divides in two, however, because one question concerns freedom in the exercise of choice, to rework a distinction of Charles Taylor's (1985, ch. 8), and another freedom in the opportunity for choice. Our discussion falls naturally, then, into four main sections: freedom in the exercise of choice, freedom in the opportunity for choice, freedom and the citizen, and freedom and the state. I discuss these topics in a manner that abstracts from practical difficulties; thus, I do not address the hard question of how to make trade-offs in cases in which not all the preconditions for freedom can be realized at once (Pettit 2007; Waldron 2007).

In this discussion I assume that in every choice there are at least two options, if only the options of doing something, x , or doing nothing. I make the following set of assumptions about such options:

- An option is a possibility that you can realize or not; given how things stand in the environment, it is up to you whether or not to realize it.
- There are many ways in which a given option, x , may be realized in action, if only because it may involve different bodily movements; it may take shape as x' or x'' .

- What makes x' and x'' one option, x , is that they and their consequences are indiscernible in the independent features that make them attractive.
 - An option need not vary in such features as it appears, now in one set of alternatives, now in another, even though its relational, opportunity costs vary.
 - An option may change identity in some such cases: Taking a big apple is impolite when the alternative is a small apple but not when it is an orange.
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- ↳ The attractive features used to individuate options should be taken to be common across individuals so that different individuals can face the same options and choices (Broome 1991; Pettit 1991).

1. Freedom in the Exercise of Choice

Given this understanding of options, let us consider a case where you face three options, x , y , and z . What factors might reduce your freedom to exercise choice? Or, more positively, what is required for you to enjoy the freedom to exercise choice? That is the question we address in this section.

This question breaks down into two more particular issues. The first is whether the reducers of freedom all have to emanate from the will of another or whether, more broadly, they can also originate in purely natural sources. I call this the “nature versus will” issue. The other issue arises on the assumption that the answer to the first favors “will”. The question is whether the reducers of freedom all have to involve the active imposition of will by another—in a word, interference—or any form of dependency on the will of that other (any form of domination by that other). I call this the “interference versus domination issue.”

The Nature versus Will Issue

How we decide the first issue is determined by how we choose to keep the books on issues of freedom. In particular, it depends on how we choose to draw the line between matters of social/political freedom on the one side and matters of psychological/physical freedom on the other.

Whether or not you can make a certain choice is likely to be affected by three types of factors, deriving respectively from mind, nature, and society. You must have the mental capacity required for making that sort of choice, escaping the counter-agential effects, for example, of obsession, compulsion, paranoia, confusion, and ignorance. You must have the natural capacity—the inherent, corporal ability and the physical, contextual opportunity—to realize the options by which the choice is characterized. Finally, given those options, you must not suffer the socially sourced pressure that would impact negatively on the choice: You must have relations to others of a kind that allow you to exercise choice—to choose as you will and only as you will.

A socially sourced form of pressure, plausibly, must be mediated by the attitudes of others toward you, in particular by the state of their will in your regard. Thus, it is distinct from the pressure that another might unintentionally impose as a result of accidentally falling into your path or of doing something that just happens to get in your way. Pressure might be social as a result of being sourced in the ↳ will of another, of course, and yet impose on your choice in psychological or physical ways. It is social by virtue of its origin in the will of another, not by virtue of the way in which it impacts your choice.

I propose that in discussions of social or political freedom we should limit the reducers of freedom to social factors. Given that our topic is the social capacity to exercise freedom, it does not seem right to say that

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purely psychological and physical hurdles—hurdles without a social origin—can reduce freedom in a choice. All that they can do, strictly speaking, is to ensure that there is no choice available in which you have the chance of enjoying social freedom. Here I follow Isaiah Berlin (1969) and perhaps the bulk of contemporary thinkers. But I break with Hobbes, for whom any sort of hindrance counts as reducing an agent's freedom, and I break with a recent school of thinkers who have followed Hobbes in this aspect of his views (Taylor 1982; Steiner 1994; Van Parijs 1995; Carter 1999; Kramer 2003). This rupture need not concern us greatly, however, because the break does not require a neglect of that work, as we shall see in section 2, but merely a reconstrual. Again, the issue is basically one of how best to keep the books.

Still, my reason for proposing to keep the books in a way that prioritizes will over nature is not purely methodological in character. There is a long tradition, explicitly opposed by Hobbes, in which the distinctive distress associated with suffering the impositions of another's will is contrasted with the inconvenience imposed by nature and is hailed as an evil that only freedom relieves. Freedom, as Algernon Sidney put it in the century before Hobbes, is "independency upon the will of another" (Sidney 1990). The idea was nicely summed up in *Cato's Letters*, a radical eighteenth-century tract: "Liberty is, to live upon one's own terms; slavery is, to live at the mere mercy of another" (Trenchard and Gordon 1971, Vol. 2, 249–50). Kant sounds the theme with brio in notes written in 1765 after reading Rousseau's *Social Contract*. "Find himself in what condition he will, the human being is dependent on many external things ... But what is harder and more unnatural than this yoke of necessity is the subjection of one human being under the will of another. No misfortune can be more terrifying to one who is accustomed to freedom" (Kant 2005, 11).

The Interference versus Domination Issue

The second issue is whether the social freedom to exercise choice is reduced only by the active imposition of will—that is, interference—or by the wider category that I describe as domination.

There are a number of different ways in which I might interfere in your choice between x , y , and z . I might remove one of those options, perhaps by agenda-fixing or perhaps by obstructing you in some way. Or, given our way of individuating options, I might replace the option by an alternative that carries a penalty or the chance of a penalty: This is what happens, for example, when I make a credible, coercive threat. In either of these cases, I will have reduced your ability to choose by operating on the objects of choice. But I might also work on another front, denying \hookrightarrow you agential access to those options. I might deceive you about the options available, to take the most obvious case. Or I might induce confusion by manipulating you, say, by mesmerizing you, by overloading you with information, or by resorting to rhetorical persuasion.

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This account of the different modes of interference has a high degree of plausibility. To ensure your freedom to exercise a choice between x , y , and z , the options first must be there to be accessed by you, just as they are; and second, you must have reasoned and informed access to them. When an option is removed or replaced, the same options will not be present or accessible. Likewise, when you are subject to deception or manipulation, you will not be able to enjoy access to them. Some thinkers hold that only a form of interference that prevents the choice of a certain option should count as an affront to freedom; they generally coincide with those who think that nature is as hostile to social freedom as will. On our way of individuating options, that approach would allow removing and replacing an option to reduce freedom but not deception or manipulation. Without adding more in defense of the line taken, I continue to assume that all four forms of interference are relevant. Those who take the narrower view can read what follows in light of their perspective.

However broad our notion of interference, we should notice that it still contrasts with the influence I may seek over the exercise of your choice between x , y , and z when I offer you a refusable reward for a choice, say, of x . Such an offer may offend on other grounds, but it will not remove or replace any option, and,

assuming it is not deceptive or mesmerizing, it will not affect your access to the options either. It will, however, add a further option to x , y , and z : option, $x+$, that of taking x and then accepting rather than refusing the reward. Making the offer will increase the opportunity costs of taking x , y , or z , but it will not replace any of those options—certainly it need not do so—on the basis of our way of individuating options.

If interference is meant to be inimical to freedom in the exercise of choice, then it may be thought to impact on freedom only when it affects the option actually preferred by the agent—only when it frustrates the agent—or also when it affects any of the other, unpreferred options in the choice. Isaiah Berlin (1969, xlviii; see also xxxix) catches the difference between these two approaches in a nice metaphor that casts the relevant options as doors. The question is whether freedom requires only that the door you push on should be open or that all the doors you might choose to push on should be open. Does it require only that among the options on offer you should be able to do what you happen to like: that you are not frustrated? Or does it require, more strongly, that you should be able to do whatever you might happen to like: that you are not in any way interfered with?

Thomas Hobbes embraces the first of these approaches, when in *Leviathan* he suggests that someone is free in a choice to the extent that he “is not hindered to do *what he has a will to*” (1994, 22.2). He is followed, wittingly or unwittingly, by contemporary theorists who think that in promoting freedom the point is to minimize the expectation of actual interference—to minimize expected frustration—not to minimize the expectation of actual or counterfactual interference (Goodin and Jackson 2007; for critique see Pettit 2008a).

p. 80 Nowadays most philosophers reject this equation of interference with frustration, probably because of an argument put forward by Berlin (1969, xxxix). He pointed out that if you can be free in virtue of happening to want an option that is open, despite the fact that other options are closed, then in any choice where there is one open option you can make yourself free by adapting your preferences so as to prefer that option. If you are in prison and suffer the unfreedom of someone who wants to live outside, you can remedy the situation just by some personal therapy: Make yourself want to live in the prison, say by reflecting on whatever good points there are in favor of the condition, and you will thereby ensure your freedom. For Berlin, and for most of us, this is absurd. Therapy may make you happier—it may give you greater preference-satisfaction—but it will not make you free. Freedom requires that all the doors in a choice be unlocked, not just those you choose to push on.

According to now-standard ways of thinking, the social freedom to exercise choice consists in noninterference: It is reduced by interference alone and by interference always. This view was first formulated properly by Jeremy Bentham, who described it as the “cornerstone” of his new system (Long 1977, 54). The interference-always thesis serves to bolster Bentham’s claim that coercive law, even when it is imposed on terms that people universally endorse, takes the freedom to make their own choices from those on whom it is imposed: “All coercive laws ... and in particular all laws creative of liberty, are, as far as they go, abrogative of liberty” (Bentham 1843, 503). The interference-alone thesis enables Bentham to hold that you do not suffer any loss of freedom in the exercise of choice by having to live under my power, dependent on my goodwill, provided that I do not actually interfere with you (see too Paley 1825; Pettit 1997a, ch. 1).

Both of these theses are highly questionable, at least on the assumption that it is the imposition of another’s will that affects your freedom to exercise choice. The interference-always thesis looks to be false, because I may obstruct or coerce you, even deceive or manipulate you, and yet be subject to your control. I may not have a power of interfering with you at will and with impunity—in that sense I may not dominate you—but only a power of interfering with you on terms that you lay down. My interference may be nondominating or nonarbitrary, perpetrated under an arrangement that you set up.

Suppose you worry about drinking too much in the evenings and give me the key to the alcohol cabinet, making me promise to hand it back to you at twenty-four hours' notice and only at such notice. If I thwart your wishes on a given evening by refusing to return the key, I do not thereby impose my will on your choice, because what I do is subject to your control. The lesson is classically illustrated by the case of Ulysses, who establishes the terms on which his sailors are to keep him bound and guard him from the siren voices. This sort of interference ought not to count as an affront to freedom if, plausibly, we think of the instructing, controlling agent—you in the first case, Ulysses in the second—as one and the same person with the agent who suffers interference. Thus, the interference-always thesis is surely false.

p. 81 The interference-alone thesis also appears to be false. Even assuming that I interfere with you when I act to affect an option other than the one you prefer—even ↵ on a broad construal of interference—it is quite implausible to think that I impose my will on your choice only by means of interference. If I have a power of interfering with you at will and with impunity—if I dominate you—then that in itself means that I can have a measure of control over your choice. Without actually interfering with you I can exercise a controlling form of invigilation or intimidation (Pettit 2008b).

I invigilate your choice among *x*, *y*, and *z* when I, aware of what you choose, am happy to let you choose as you will—thus I do not interfere with you—but I retain a power of interference and am of course disposed to exercise that power, should I no longer be content to let you choose as you will. In such a case you are assured of acting as you will, enjoying freedom to exercise choice, only to the extent that I remain good-willed; you depend on my continuing goodwill for the ability to choose as you want. But this means that whatever you do, you do it by my leave. You are more or less constrained to satisfy my will; it just happens, fortunately for you, that I am good-willed and that the constraint does not impose any actual restrictions.

I may invigilate you and subject you to my will without your being aware of it, though the exercise of my power (should it ever be exercised against you) would certainly make you aware. But if you ascribe invigilating power to me, then I may intimidate you and impose my will—or at least my will as you understand it—in a second manner. Indeed, I may intimidate you in this way even if you are wrong to ascribe an independent invigilating power; your very ignorance will provide me with a derived variety of power. Intimidation occurs, then, just insofar as you believe in my power of interference, rightly or wrongly; you shrink from the prospect of interference; and this aversion has the rational effect of priming you to keep me good-willed. If I appear to be good-willed, you may censor your choice of option to make sure that my goodwill remains in place. If I appear to be ill-willed, you may go out of your way to ingratiate yourself with me, acknowledging the rule of my will and, without in any way constraining it, trying to sway that will in your favor.

The fact that my will may impose on your choice via invigilation or intimidation means that not only does the interference-always thesis fail, so does the interference-alone thesis; the standard view on these matters is quite untenable. As we should opt for will in the nature-versus-will issue, then, so we should opt for domination on the interference-versus-domination question. The fact that my interference does not reduce your freedom unless it is dominating or arbitrary shows that domination is necessary for reducing freedom. The fact that my having a power of interference is enough in itself to reduce your freedom, as with invigilation and intimidation, shows that domination is sufficient for reducing freedom. Freedom should be equated with nothing more or less than nondomination (Pettit 2008b; Skinner 2008).

Adopting this view is of enormous significance, because it means that people's social freedom to exercise choice is under much more severe pressure than anyone committed to freedom as noninterference is likely to recognize. I may intimidate you without wanting to do so and without even being aware of doing so.
p. 82 Equally, ↵ I may invigilate you without any general wish or consciousness of doing so. It may be that I cannot deny myself knowledge of your choice and that I cannot abjure the power of interference that I enjoy. I will exercise such unwitting, involuntary invigilation if you are my spouse and I have the asymmetrical

power of interference that husbands held over wives in premodern society, or if you are my employee in a low-employment economy and I have the power to dismiss employees at will and with impunity.

Given that freedom is reduced only by the imposition of will—not, for example, by my accidentally getting in your way—it may seem strange to say that I can exercise unwanted and unwilling domination, thereby reducing your freedom. But there is no inconsistency here. While it is true that I do not want you to be dominated, the domination that you suffer still comes via my will; it consists in your depending on my will remaining a good will for your capacity to exercise certain choices.

To opt for will over nature and domination over interference is to take a line on the exercise of freedom of choice that is often now described as republican or neo-republican. This is because, arguably, freedom was conceptualized as nondomination in the long tradition from republican Rome through the Renaissance and the English civil war down to the time of the American war of independence and the French revolution (Pettit 1997a; Skinner 1998). One of the most active contemporary debates centers on the divide between the republican conception of freedom as nondomination and the alternative conception—sometimes loosely described as a liberal conception—of freedom as noninterference (Laborde and Maynor 2007).

Freedom as noninterference in a choice requires that you should not be exposed to interference, no matter what option you choose to take. Each door should be open, in the sense in which this requires an absence of obstruction or coercion and also an absence of deception or manipulative obfuscation. Freedom as nondomination goes one step further and argues that the openness of no door should be dependent on the goodwill of a would-be doorkeeper. The open-doors view can be defended, as we saw, on the grounds that if not all doors have to be open, then you can make yourself free by adapting so as to prefer the door that happens to be open. The republican view might be defended on parallel grounds. If depending on the goodwill of some door-keepers is not a problem for freedom, then you can make yourself free—again, counterintuitively—by ingratiating yourself with any door-keepers who happen to get in your way, inducing them to keep the doors open for you. Berlin (1969) argues for freedom as noninterference on the grounds that, absurdly, anything less would allow liberation by means of adaptation of preference. We might argue for freedom as nondomination on the grounds that, equally absurdly, anything less would allow liberation by means of the ingratiation of enemies (Pettit 2011).

The discussion in this section leaves one question hanging. We have spoken of freedom requiring you not to be exposed to another's interference or even to another's power of interference, real or assumed. But what is required to eliminate or, more realistically, reduce such exposure? Specifically, what is required to achieve a reduction, given that you do not reduce your exposure to me just by ingratiating yourself with me or just by giving me incentives not to impose my will on you? What measures would defend you against my will and not serve, like such incentives, to recognize and even reinforce the control of my will?

The quick answer to this question is that you will be protected against my will by being able to counter any interference by deploying against me the very resources of interference, invigilation, or intimidation that I might impose on you; by having an independent, protective agency use such resources against me on your behalf; or by having nature come to your assistance, imposing natural burdens or obstacles—the counterparts of interference—on the option of interfering. When I speak in what follows of your being protected against domination, where protection may be partial or complete, it is this sort of defense that I have in mind.

2. Freedom in the Opportunity for Choice

We saw in the last section that if I make you an offer, increasing your options from x , y , and z to x , y , z , and $x+$, then I do not reduce your freedom to exercise choice; I do not remove or replace an existing option, nor do I deny you access to information or reduce your capacity to reason. But, in another sense of freedom, I increase your freedom of choice by adding this improved option. The freedom I increase in such a case is not your freedom to exercise choice—this is merely preserved—but rather freedom in the sense in which it is synonymous with opportunity.

To the extent that choice was a focus of discussion about freedom down to the rise of economics—we shall see in the next section that it was not a main focus—the question addressed related to the freedom to exercise choice between given options, not the opportunity freedom that increases with an improvement in options. It was entirely natural, however, that this question should become a topic after the rise of economics. The science of economics is designed to show how the market—the “free” market—can serve to provide existing commodities and services at lower prices and can facilitate the production and provision of quite novel goods. If the market is to be justified, as economics seeks to justify it, then one obvious strategy is to argue that it generates greater opportunity and in that sense greater freedom of choice.

The dominant approach among economists is utilitarian in character, starting from the fact that with falling prices and increasing goods, people are positioned to achieve greater preference-satisfaction in the space of such options. They are likely to find either that what they already want is available at a lower cost or that there is something new that they want even more. Let us call this the “efficiency argument.” It hails expanding people’s opportunities for the incidental, instrumental reason that doing so improves the prospects for preference-satisfaction. But this argument, as it turns out, does not make a case for improving people’s freedom as opportunity ↵ as such—only a case for giving people what attracts them most, whether or not they have a choice in the matter.

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Imagine a choice where the market makes a new option, w , available side by side with the existing options, x , y , and z , and suppose that all people come to prefer w to the other options. Will it be important that all four options remain open, as freedom strictly requires? From the point of view of efficiency and preference-satisfaction, the answer has to be, no. From that viewpoint, the importance of an option’s remaining accessible in a given choice will decline with the decreasing probability of its being chosen. The efficiency argument does not put an independent value on people’s enjoying freedom in the improved choice that the market might make possible. It does not ascribe any intrinsic value to that freedom, or any value that derives from something other than the satisfaction of preferences. Thus, it might not register any fault in a development whereby the availability of x , y , and z declines in proportion to the probability of their being chosen and only w remains on ready offer.

Consider a policy that would provide a basic income for anyone who chose not to take a job, even in a full-employment society, thereby keeping open for everyone both the option of entering paid employment and the option of not doing so. Now imagine that most people actually prefer to enter paid employment. For someone who values freedom in the exercise of such a choice—whether freedom as noninterference or freedom as nondomination—the policy might remain attractive even in the scenario where most people seek paid employment; it would thereby enhance their freedom as opportunity. For someone who values expected preference-satisfaction in the space of options, however, the policy need not be very attractive in such a scenario. It will not be important to cater for how a person would fare, did he or she prefer not to take employed work, given that the person actually prefers to work.

Probably as a result of dissatisfaction with the standard utilitarian focus on the satisfaction of option-preferences, economists have tended recently to ascribe an independent value to freedom as opportunity, not just an efficiency-based value. Amartya Sen (1982; 2002) has been a leading figure in this development,

arguing for the independent value of freedom as opportunity. This argument does not entail the rejection of the rational-choice, expectational approach that characterizes economic ways of thinking. It requires merely the recognition that people often have preferences, not just among the options in an available set but also among the different sets of options that might replace that set. They are each likely to have a preference between entering paid employment, working without pay, and enjoying full-time leisure. But they are equally likely to have a preference between the higher-order alternatives of a menu of options that includes full-time leisure and one that does not: a wider set of open doors, to revert to Berlin's metaphor, or a narrower set.

This recent development has generated a large literature among both economists and philosophers on the question of how different ways of changing a menu of options, or different ways of changing opportunities, compare in the account books of freedom: that is, freedom as opportunity (Pattanaik and Xu 1990; Sugden 1998; Carter 1999).

p. 85 Any increase in the number of options available to an agent always seems to make for an improvement in such freedom (Pattanaik and Xu 1990). But are there other dimensions that are also relevant to determining the magnitude of the improvement? Suppose that the expansion consists of adding a tenth, fairly similar beer to an existing set of options over nine beers. Will that do as much for freedom as opportunity as would the addition of a tenth option of drinking wine? Intuitively not. An increase in the diversity of options available is as relevant as an increase in the number of options to the quality of opportunity that the agent enjoys. There are different ways in which diversity might be conceptualized and measured, but, however it is represented, diversity clearly matters.

There are other aspects of the options accessible to an agent that may also matter (Sugden 1998). One is the extent to which the options are objectively significant, as we might put it, in representing ways of changing the world. A second is the extent to which they are subjectively significant in representing options that matter within the local culture or according to the agent's own value system.

Imagine that two agents are each able to choose between pressing buttons A and B but that in one case the buttons are hooked up to the world so as to make various extensive changes likely, while in the other pressing the buttons has no extra effect whatsoever. It seems natural to think that the agent with a capacity to effect objective changes enjoys greater freedom as opportunity than the agent who has no such capacity. Or imagine, introducing subjective as distinct from objective significance, that a choice between options A and B is of great import within one agent's social or personal value system, while it is of no import whatsoever within the other's (Taylor 1985, ch. 8). Again, it seems natural to think that the first agent's freedom as opportunity gains more from the availability of the choice between A and B than does the freedom of the second.

Many other issues are raised by freedom as opportunity. One particularly difficult one is how we should interpret and weight opportunity freedom when it appears to conflict with exercise freedom. Suppose that by adding another option x^+ —that is, x with a reward—to existing options, x , y , and z , I make it harder for you to access x or y or z , thereby reducing your freedom as exercise. Or suppose that by adding x^+ , I change the character of x or y or z and thereby replace it with another closely related option. Or suppose, at the outside limit, that instead of offering you x^+ in addition to x , y , and z , I offer you just the choice between x^+ , y , and z : I make you a nonrefusable offer. Are we to say that there is an increase in opportunity freedom in such cases? And, if we take that line, are we to think that that increase might compensate for the accompanying reduction in exercise freedom? I put those issues aside, though any comprehensive theory would have to adopt some line on them.

Even with those issues put aside, we can reasonably conclude that number, diversity, and significance are relevant dimensions, perhaps even the main criteria, in determining how far a given expansion of options

makes for an improvement in freedom as opportunity. Where your exercise freedom is a function of how far you are protected against interference, invigilation, and intimidation, your opportunity freedom is likely to be a function of how numerous, diverse, and significant are the ↴ options available. Both sorts of freedom are relevant, as we shall now see, to the notion of freedom that applies to citizens or persons.

3. Freedom and the Citizen

Freedom in the long republican tradition is ascribed in the first place to persons and only in the second place to choices. The focus is on the freeman or free citizen, as it was put in English, the *liber* or *civis*, as it was put in Latin. To be a free person or citizen in this sense was, in the words of the Justinian's *Digest of Roman Law*, to be *sui juris*: someone who lives, in the phrase quoted above from *Cato's Letters*, on his or her own terms; someone, in particular, who does not live in *potestate domini*, in the power of a master.

Among the many ways in which Thomas Hobbes sought to revise the republican way of thinking, he may have been most successful in shifting the discussion from citizen to choice. The quotation in *Leviathan* on which we have already drawn pretends to define the freedom of a citizen but has the effect of putting the emphasis squarely on choice: on the things that an agent is left in a position to do. "A free-man is he that in those things which by his strength and wit he is able to do is not hindered to do what he has a will to" (Hobbes 1994, 21.2). On this approach, you will be a free citizen because and to the extent that you enjoy free choices. Your freedom as a person will have no significance as an independent object of normative concern; it will materialize as a side effect of the degree of exercise and opportunity freedom that you manage to achieve in your choices.

Is there any other way of relating your freedom as a person or citizen and your freedom in choice? In particular, is there any way of doing so that makes the category of personal or civic freedom more interesting and important?

The image of the free citizen is distinct from the ideal of having as much free exercise or opportunity as possible. You might enjoy such freedom because of your strength or cunning or good luck in getting others to let you act on your own will. You might not just live, but also thrive, on your wits. Consistently with achieving this level of freedom in choice, then, you might be in a subordinate position in relation to others in your society. Being in such a subordinate position, you would not intuitively enjoy the status of the free person or citizen. In a traditional image, you might be the court jester—Rigoletto perhaps—whose jibes are so feared by those around you that you get away with almost anything. In that case there would be a large range of choices in which you were protected against the domination of others, but as a mere jester you would not have the status that the ideal of the free person implies.

There is a floor constraint and a ceiling constraint on what freedom as a person or citizen ought to give you. It should give you a sufficient power of exercising choice, and a sufficient range of opportunities in which to exercise it, for you to be ↴ able, by local, historical standards, to achieve a familiar, almost clichéd ideal: to make your own way in life, to stand on your own two feet, to be able to function properly in your society (Sen 1985; Nussbaum 2006). Yet it ought not to give you more than can be given at the same time to other citizens—presumptively, all other people—in that society. If what you enjoy is not sufficient on the first score, then you will not enjoy *freedom* as a citizen, only something less; if it is not satisfactory on the second, then you will not enjoy freedom as a *citizen* or *person*: What you enjoy will not accrue to you in virtue of the fact of being a citizen like others in your society, only as a result of enjoying a special, privileged status.

These constraints suggest that to enjoy freedom as a citizen is to enjoy a certain freedom both as exercise and opportunity. On the exercise front, it would be nice to prescribe that you should have the same

protections against domination as others in your society, but this is not realistic, because some people in any society are bound to have special sources of protection, say, as a result of greater-than-average intelligence or flexibility or strength. What we can and must prescribe, however, is that you should have culturally adequate protections on a common and equal basis with others. On the opportunity front, it would be nice to prescribe that you should have the freedom to do as you wish, but this, of course, is also impossible because it is bound to conflict with the freedom of others. What we can and must prescribe here is that you should be protected in the same range of choices as others, where those choices are sufficient to enable you to lead what counts intuitively as an independent life. Those choices may be hard to define and may vary from culture to culture, but they will presumably include the basic liberties of thought, speech, association, movement, residence, and occupation (Pettit 2008c).

On this way of reclaiming the old notion of the freedom of a citizen, such freedom consists in incorporation within a system that gives you protection against domination on the same basis and in the same range of choices as fellow citizens: others in your society. What basis might serve to support your freedom as a citizen? It cannot be the basis that a benevolent despot would provide, because you and others would live in dependency on the goodwill of that despot. The only plausible basis is a system of law and norm by which you and others are each protected and in which you are each therefore invested. This general investment is important, because it means that no one has to depend for protection on the goodwill of others; everyone has a personal interest in supporting the system by which each, in common with others, is protected.

For all we have said, your freedom as a citizen may look like a second-best ideal: a mix of exercise and opportunity freedom that is cut to the demands of living on equal terms with others. But this would be a mistake, for while your freedom as a citizen may be restricted to a set of choices like the basic liberties, the freedom in choice that a system of law and norm would provide gives freedom a new, normative character. Think of how possession becomes property under a law that gives you the right to be protected against

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would-be thieves and the right to be vindicated against successful ones: that is, to have the offense rectified. In the same way the freedom of choice that you might have been able to win by your self-protective efforts becomes a matter of right as it modulates into your freedom as a citizen: It consists of a right, guaranteed by general practices, to be protected against would-be offenders and, insofar as possible, to be vindicated against those who are successful. Your freedom becomes a form of legally and normatively supported property, as Rousseau and others have emphasized (Spitz 1995; Richardson 2002), not just a benefit that you happen to have the strength to secure. The importance of this normative, institutional grounding for the freedom of the citizen was marked in the Roman saying that the *servus sine domino*—the slave without a master—was not yet a *liber or civis*, not yet a free person or citizen (Wirszubski 1968).

The normative recasting that freedom undergoes with the appearance of the notion of the free person or citizen may support a rethinking of what the freedom to exercise choice requires. Someone who enjoys free choice in virtue of personal self-assertion, not social status, can be cast as enjoying something less than the full institutional freedom of choice that a citizen can access. And someone whose freedom of choice is restricted improperly—someone who is waylaid by a robber, for example—may yet have his or her institutional freedom of choice vindicated in the determination of the community to pursue the offender and seek a rectification—however that is understood (Braithwaite and Pettit 1990; Pettit 1997b)—of the offense.

The ideal of the freedom of the citizen has tended to get lost in contemporary discussion. The standard framework in which freedom to exercise choice is conceived suggests that it is always the freedom of a certain agent from a certain obstacle to perform a certain action (MacCallum 1967). But this neglects the factor that naturally becomes salient when we think of the freedom to exercise choice that a well-protected citizen enjoys: the laws and norms in virtue of which the freedom of choice is enjoyed. Your freedom as a citizen is not only a freedom from certain obstacles to perform certain actions but a freedom that you enjoy in virtue of incorporation with others in a system of law and norm.

While the ideal of the free citizen has often been lost to sight, however, it has never disappeared completely. Thus, it is noteworthy that it surfaces at various points in the work of Isaiah Berlin. In stating his ultimate ideal, he emphasizes the need to ensure that in relevant choices a person who is free “is not obliged to account for his activities to any man” (Berlin 1969, lx). If I am to be free in his preferred sense, as he puts it in his 1958 lecture, there must be “room within which I am legally accountable to no one for my movements” (Berlin 1969, 155). These comments are not given much elaboration, but they surely gesture at just the sort of ideal we have been discussing in this section.

4. Freedom and the State

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Apart from choices and citizens, the property of freedom is also readily predicated of the state. This appears in the seventeenth century, republican way of speaking, in which the free state is a state that provides for the freedom of its citizens, not just a state that operates freely (Skinner 1998). It continues in the common assumption that the democratic state is a distinctively free state, serving freedom in a manner in which it cannot be served by any other regime (Habermas 1995; Holmes 1995).

No account of social freedom, whether it be interference based or domination based, can deny that the state may serve the cause of its citizens’ freedom well by the laws and policies adopted. If freedom is noninterference, then all laws are themselves invasions of freedom, as Bentham insisted, but at least those laws may prevent more freedom than they perpetrate. If freedom is nondomination, then things may be better again. If it is possible for the laws not to be dominating (more on this later), then they will not take from the freedom of citizens as such; they will be more like the restraints that his sailors impose on Ulysses. Finally, if they are well designed, they may do much to protect people against the domination of other agents, providing resources, defenses, and options that reduce the possibilities of arbitrary interference, invigilation, and intimidation. More than that, indeed, they may serve to establish citizens in the enjoyment of a normatively recognized form of freedom, something that no amount of personal power can achieve for individuals.

The core issue in debates on the free state is whether there are ways of constituting the state that are inherently freedom-friendly. This is essentially the question whether democratization involves liberation, as is often assumed: Whether there is a more-than-contingent connection between democracy and freedom.

We have already noted that freedom of choice has tended to eclipse freedom as ascribed to citizens in contemporary usage and that the emphasis in the literature of economics and cognate disciplines has been on opportunity freedom rather than exercise freedom. Consistently with those tendencies, there has been a rupture in the connection between the notion of freedom and the notion of democracy. As with other shifts, the disconnection may have begun with Thomas Hobbes. He insisted in *Leviathan* (1994, 21.8) that the only sense in which a commonwealth or state could be free was when it operated in relation to other states as an agent free of the sorts of obligations that subjects owe to their sovereign. He gave no countenance to the suggestion that there is a sense in which a state is free just to the extent that it is democratic.

The idea that freedom in the state had nothing to do with democracy assumed particular salience with Bentham and his school. William Paley, one of Bentham’s most clear-headed and influential followers, argued as early as 1785 that the cause of liberty might be as well served, in some circumstances, by “the edicts of a despotic prince, as by the resolutions of popular assembly”; in such conditions “would an absolute form of government be no less free than the purest democracy” (Paley 1825). The point was taken up by Isaiah Berlin, who maintained in 1958: “The connection between democracy and individual liberty is a good deal more tenuous than it seemed to many advocates of both” (1969, 130–31).

The disconnection between freedom and democracy that these thinkers champion derives from their view that freedom is always reduced by coercive law. Under that view, the best that the state can do in the annals of freedom is to prevent more interference than it perpetrates. In that case it is always going to be a contingent, empirical ↴ question as to whether democracy will do better than despotism in minimizing interference overall. There will be no particularly intimate connection between freedom and democracy or between freedom and any particular state constitution.

Does this change under the rival, republican view that freedom is reduced only by domination? In principle, it may. That view raises the question as to whether the state might be constituted in such a way that its laws and policies are not dominating. Can they be made subject to the control of those on whom they are imposed in such a way that, like the restrictions imposed by his sailors on Ulysses, they do not represent the imposition of an alien will (Pettit 2009)?

This question opens up a research program in constitutional and democratic theory (Lovett and Pettit 2009). The issue is whether there are any arrangements that might be put in place by the state such that, under those arrangements, citizens could rightly view the state as subject to their own control, not the organ of an alien will. The research program is challenging, because it will not be enough that the state implements a majority will, for example, or even a majority will formed in the ideal conditions envisaged by Rousseau in his *Social Contract*. You as an individual might be dominated by such a will just as much as by the will of another individual. The fact is so salient that it is hard to take seriously the supposedly ancient view of freedom, as Constant (1988) described it in 1819, according to which being free just means being a participating member of a majoritarian, self-determining assembly; even Rousseau never understood freedom in that sense (Spitz 1995).

But this is not the place to explore the research program further (Pettit 2013); it is enough to register that the program is there to be explored. The study of freedom is a continuing enterprise, not an investigation that can be declared to be either at a close or at a stalemate.

Note

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