Positivish Republicanism

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Abstract

This paper seeks to highlight 'positive' elements in contemporary republican political theory, particularly the importance of deliberative democracy and self-government. It begins by tracing certain evolutions in the position of Quentin Skinner, one of Republicanism's most important advocates, drawing attention to his *rapprochement* with Philip Pettit, one of its most important theorists. It shows how such a shift has led to a relative decrease in the emphasis on Republicanism's negative character. In its second section, the paper seeks to defend a concept of positive liberty from some of its recent critics. In the final section, it seeks to show the applicability of this concept of positive liberty to contemporary Republicanism through a reconstruction of some of Pettit and Skinner's key arguments.

The Case of Receding Republican Negativity

Skinner's Shift

This paper is occasioned by what appears to be a slight shift in emphasis in the presentation of what has come to be known in contemporary political philosophy as "Republicanism."

Early discussions of Republicanism emphasized its negative character. Perhaps the most important early presentation of the idea, Quentin Skinner's 1984 essay "The Idea of Negative Liberty," put the point right in its title. In that article, Skinner stressed (what he then called) classical republicanism's concern with negative liberty. It was, he explained, fundamentally "a line of argument about negative liberty,"[1] indeed, a coherent "theory of negative liberty."[2] Classical republicanism merited our attention precisely *as* a theory of negative liberty, which combined recognizable negative freedom – "that is, [freedom] in the ordinary 'negative' sense of being independent of any

[1] Quentin Skinner, "The Idea of Negative Liberty" in Richard Rorty, J.B. Schneewind, and Quentin Skinner (eds.) *Philosophy in History* (Cambridge, UK: Cambridge University Press, 1984), 203.
[2] Ibid., 218.

constraints imposed by other social agents"[3] – with a call for citizen virtue and public service. Indeed, classical republicanism was remarkable because it demanded certain forms of citizen engagement without imposing a vision of the good life, and so remained distinctively negative even while calling for virtuous public service.[4]

Skinner hammered home the negativity of classical republicanism in other, more general ways. In a long footnote, he disputed Isaiah Berlin's refutation of Gerald MacCallum, which had the effect of making negative liberty a stronger concept.[5] In presenting his own investigations into classical republicanism, he stressed the extent of the triumph of a negative understanding of liberty.[6] The way Skinner told the story, negative freedom was the freedom to be reckoned with, and Republicanism was part of the family.

In his later writings, Skinner's emphasis seems slightly different. In *Liberty Before Liberalism*, the text which grew out of his 1997 inaugural lecture as Regius Professor of Modern History, Skinner began by emphasizing not Republicanism's negativity, but its calls for a free state. Not that classical republicanism (or what he was then calling neo-Roman republicanism) *was not* negative; only that that was not what his treatment now emphasized. Other subtle changes suggested a similar shift. In the 2002 republication of "The Idea of Negative Liberty" in *Visions of Politics*, Skinner dropped the long footnote on Berlin.[7] The year before, in his Isaiah Berlin lecture, he had in fact revisited the dispute between Berlin and MacCallum, and, although he did

[3] Ibid., 206.
[4] Such a theory, Skinner noted, was thought by some philosophers to be impossible to formulate. Ibid., 197.
[5] According to Skinner, MacCallum had sought to collapse certain forms of positive liberty into negative liberty (ibid., 194n5). For an alternative view, see Ian Shapiro, "Reflections on Skinner and Pettit" *Hobbes Studies* 22 (2009), 189.
[6] Skinner, "The Idea of Negative Liberty," 194.
[7] Quentin Skinner, "The Idea of Negative Liberty: Machiavellian and modern perspectives" in *Visions of Politics II: Renaissance Virtues* (Cambridge, UK: Cambridge University Press, 2002).

not revise his opinion of Berlin's argument, he did hazard what he thought was a better one.[8] The effect, it seems to me, was to make Skinner more open to the idea of theories of positive liberty than he might have been before.

With that new openness, Skinner's Republicanism seemed to drift a little away from the negative pole. Although Skinner made clear that Republicanism was still concerned with negative liberty, he distanced it further from classic negative theories. The neo-Roman approach to liberty was "an alternative vision of negative liberty,"[9] or an "alternative theory of liberty" *tout court*.[10] It was, as he entitled the essay that came of the Berlin lecture, "A Third Concept of Liberty," different from either pair in Berlin's famous dichotomy.[11] Notably, when Skinner did try to connect his third concept of liberty with Berlin's famous essay, he pointed not to the opening discussion of negative liberty, but rather to one of Berlin's closing sections on "The Search for Status," in which Berlin discussed the desire for recognition.[12] As Skinner rightly noted, Berlin ultimately concludes that "this desire for status and recognition" cannot readily be reconciled with either positive or negative liberty, and is really pretty confused.[13] But Berlin does go on to suggest that this desire for recognition has much in common with liberty, and might profitably be understood as a "hybrid" theory of liberty.[14] Tellingly, Berlin sees it as a hybrid form of *positive* liberty, not negative liberty, because of its deep connection with the desire for self-mastery. Such liberty, Berlin remarks, is bound up with the characteristic question positive liberty addresses: who is to rule?[15]

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[8] Quentin Skinner, "A Third Concept of Liberty" *Proceedings of the British Academy* 117 (2002), 241.
[9] Ibid., 247.
[10] Ibid., 263.
[11] Ibid., 237.
[12] Ibid., 256-7.
[13] Ibid., 257; Isaiah Berlin, "Two Concepts of Liberty" in Henry Hardy and Roger Hausheer (eds.) *The Proper Study of Mankind* (New York: Farrar, Straus, and Giroux), 229-230.
[14] Berlin, "Two Concepts of Liberty," 231.
[15] Ibid., 194, 230-233.

Skinner's shift in emphasis is most plain in his latest restatement of the republican paradigm, his 2008 contribution to *Republicanism and Political Theory*, "Freedom as the Absence of Arbitrary Power." In that essay, Skinner quotes from the roman *Digest* to emphasize that to be a free man is to be autonomous, "*sui iuris*, capable of acting as 'your own man' and hence 'in your own right.'"[16] To be free, according to (what he now called) Republicanism was "to be able to do or forbear at will, to act according to your own will and desires."[17] It was to be your own master.

Although such claims might appear similar to Berlin's characterization of positive liberty, Skinner does not think that makes Republicanism "positive." In fact, he argues, being your own master is nothing other than negative liberty.[18] Besides, even in this latest reformulation, there is no sense in which Skinner *argues* that Republicanism is a form of positive liberty. Nor, for that matter, should my suggestion that Skinner has shifted his emphasis somewhat mask his repeated and continuous insistence on Republicanism's negative character. Indeed, it seems plausible that Skinner may have stopped foregrounding Republicanism's negativity (if such an apparently slight shift even merits such a designation, and if I am right that there even has been such a shift, and am not just polemically creating an argument through selective quotation) merely because he has already conclusively established it.

Skinner's Rapprochement with Pettit

Besides, whatever the shift in Skinner's attention to Republicanism's negativity, it has been dramatically overshadowed by a much more real and substantial change in his thinking over the same time, namely his rapprochement with the political philosopher

[16] Quentin Skinner, "Freedom and the Absence of Arbitrary Power" in Cécile Laborde and John Maynor (eds.), *Republicanism and Political Theory* (Oxford, UK: Blackwell, 2008), 86.
[17] Ibid., 89.
[18] Skinner, "A Third Concept of Liberty," 239. More on this below.

Philip Pettit. In the 1984 "Idea of Negative Liberty" Philip Pettit is not so much as mentioned, cited, or acknowledged. In the 1998 *Liberty Before Liberalism*, however, he is thanked profusely, cited in the text, acknowledged on multiple occasions, and credited not only with influencing Skinner's views, but prompting his return to the study of Republicanism.[19] Still, not all the references are simply laudatory, and Skinner disputes Pettit at a number of points even while resisting his terminology.[20] However, in the 2002 Berlin lecture, "A Third Concept of Liberty," Pettit is thanked and praised even more highly ("by far the most important" of the new generation of writers working on Republicanism), and explicitly disputed on but a single point.[21] And by the 2008 "Freedom as the Absence of Arbitrary Power," Pettit appears to have been more or less completely accepted: Skinner takes Pettit's terms, including "Republicanism" for his own preferred "neo-Roman" liberty,[22] his arguments,[23] and even his defense.[24]

The effect of this rapprochement has been to bring Skinner's conception of Republicanism much closer to Pettit's, perhaps, even, to make them the same. Initially, for Skinner, "classical republican" liberty was something like robust negative liberty. In "The Idea of Negative Liberty," Skinner, following Machiavelli, glosses personal liberty as "being unobstructed in the pursuit of whatever ends [we] may choose," which he takes to be more or less the "ordinary 'negative' sense."[25] The challenge for the republican is to maintain that liberty. *Grandi*, he explains, driven by their *ambizione*, will seek to subjugate their fellow citizens. Other cities, driven by their desire for glory,

[19] Quentin Skinner, *Liberty Before Liberalism* (Cambridge, UK: Cambridge University Press, 1998), xi.
[20] E.g. Ibid., 82n52, 83n54, 83-84n55. Pettit favored "Republicanism," while Skinner preferred the term "neo-Roman" theory of liberty.
[21] Skinner, "A Third Concept of Liberty," 237, 255.
[22] Skinner, "Freedom as the Absence of Arbitrary Power," 83-84.
[23] Ibid., 99-100.
[24] Ibid., 88.
[25] Skinner, "The Idea of Negative Liberty," 205-206.

will seek to conquer and repress. These drives are "natural and ineliminable," and so their threat is always present.[26] Republican citizens need to take action in order to hold them at bay. To be well prepared, citizens need to take charge of their own defense. They need to cultivate prudence, courage, and temperance, to fight well and keep the city well order. They need to structure their laws to check those in power.[27] In short, the citizens must rule themselves, and do it carefully. "The continued enjoyment of our personal liberty is only a possibility, according to Machiavelli, for members of self-governing communities in which the will of the body politic determines its own actions."[28] It is in order to guarantee personal liberty, to enable the citizens to "continue to enjoy" it, that classical republicanism calls for virtue and acts of public service. "The performance of public services, and the cultivation of the virtues needed to perform them [--] both prove upon examination to be instrumentally necessary to the avoidance of coercion and servitude, and thus to be necessary conditions of assuring any degree of personal liberty in the ordinary Hobbesian [that is, negative] sense of the term."[29]

Fourteen years later, following Pettit's lead, Skinner subtly changes his tune. The republican emphasis on self-rule, he decided, was not simply a matter of safeguarding liberty. Rather, it was in fact a part of that liberty. The neo-Roman/republican theory of liberty, then, was not simply a question of robust negative liberty, but rather a wholly different conception of liberty.[30] To be free for the neo-Romans, Skinner now argued, it was not enough to have "ordinary negative liberty." Freedom required not only freedom from interference, but also freedom from

[26] Ibid, 208-209
[27] Ibid., 209-212.
[28] Ibid., 207.
[29] Ibid, 217.
[30] Skinner, *Liberty before Liberalism*, 70n27.

dependence. Skinner made the point most forcefully in reconstructing the neo-Roman response to their liberal critic William Paley. Neo-Roman theorists, Paley charged, were confusing liberty with the security of liberty. Civic liberty was a function only of how many laws one was constrained by, not by whom those constraints were imposed.[31] Not so, replied the neo-Romans. Yes, the laws were a source of constraint on freedom.[32] But so was the simple fact dependence on someone else. "To live in a condition of dependence is itself a source and form of constraint."[33] The dependent person has what he has only by leave of the one on whom he depends. He will, therefore, self-censor, seek to please the person on whom he depends, and modify his behavior; he is, in fact, simply by virtue of his condition, already constrained.[34]

Skinner restated this position forcefully and clearly in his Berlin lecture. The neo-Romans "insisted … that freedom is restricted not only by actual interference or the threat of it, but also by the mere knowledge that we are living in dependence on the goodwill of others."[35] The effect of knowing ourselves as dependent "is to dispose us to make and avoid certain choices, and is thus to place clear constraints on our freedom of action, even though our ruler may never interfere."[36] That is to say, the neo-Romans had a separate conception of liberty, in which to be free meant to be free *both* from direct interference *and* dependence.[37]

In his 1999 postscript to *Republicanism*, Pettit had already flagged this conception as different from his own, and suggested that perhaps Skinner was wrong to

[31] Ibid., 79-81.
[32] Ibid., 82-83.
[33] Ibid., 84.
[34] Ibid., 84-89.
[35] Skinner, "A Third Concept of Liberty," 247.
[36] Ibid., 257. Note that, as Skinner remarks, "it is not the mere fact of dependence, but this fact combined with our awareness of it, that has the effect of restricting our liberty." Ibid., 247n52.
[37] Ibid., 263.

treat interference and dependence as equal republican affronts. Republicans, he argued, were primarily concerned with (what he called) domination, and only secondarily concerned with non-arbitrary interference.[38] If Skinner received the criticism, he did not acknowledge it in his 2001 lecture or its 2002 publication, forcing Pettit to make a slightly more elaborate case for his reading in the pages of *Political Theory*. Republicans, Pettit argued, were not equally bothered by interference and dependence, and republican freedom should not be conceptualized as non-interference-and-non-dependence. Rather, republicans were primarily concerned about domination (which he understood to be the same thing as Skinner's dependence), and only secondarily bothered by other kinds of curtailments of freedom.[39] Pettit advanced a number of arguments to support his contention; I think his strongest argument was purely analytic. Non-interference-and-non-domination, he noted, was an unstable idea of freedom. It would imply that interference without domination would be as bad as domination without interference. This would certainly seem strange to Republican sensibilities.[40] More importantly, it is not clear that we would be able to distinguish the particular evil of non-dominating interference from other forms of limitation. Non-dominating interference limits freedom, sure. But so do natural obstacles. What makes non-dominating interference worse? Pettit was not sure. Either non-interference-and-non-domination should expand to include non-limitation, or it should be reformulated to acknowledge the particular evil of domination.[41]

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[38] Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford, UK: Oxford University Press, 1997, 1999), 300-302.
[39] Philip Pettit, "Keeping Republican Freedom Simple: On a Different with Quentin Skinner" in *Political Theory* 30:3 (June 2002), 341.
[40] Ibid., 344.
[41] Ibid., 351-352.

Skinner appears to have accepted the argument. He opens his 2008 "Freedom as the Absence of Arbitrary Power" by summarily revisiting his argument in *Liberty Before Liberalism*, but this time overwhelmingly stressing republicans' concern with arbitrary power. "Before going further," he pauses to note, "I need to acknowledge that in the above summary I have reformulated my original account of the view put forward by the crown's adversaries." He then acknowledges Pettit's 2002 *Political Theory* article, "accept[s] this correction," and presses on with his presentation of freedom as the absence of arbitrary power.[42] With this last adjustment, Skinner has made his theory "highly convergent" with Pettit's, as Pettit has himself acknowledged.[43] Except for their different foci – Skinner on Republicanism's history, and Pettit on Republicanism as a normative political ideal – it is hard to find any difference between them now, at least when it comes Republicanism proper.[44]

Pettit on Not Being Positive

Pettit, however, appears to have been less insistent than Skinner on Republicanism's negative character. To be sure, he did not start out that way. In his 1993 "Liberalism and Republicanism," one of his early extended defenses of Republicanism, Pettit champions Republicanism as a negative concept, against Benjamin Constant, Berlin, and J.G.A. Pocock, citing Skinner in the process.[45]

But, by the 1997 *Republicanism*, Pettit appears to have changed his opinion somewhat. Republican liberty, he argued there, did not really fit on either side of

[42] Quentin Skinner, "Freedom as the Absence of Arbitrary Power," 84.
[43] Philip Pettit, "Free Persons and Free Choices," *History of Political Thought* XXVIII:4 (Winter 2007), 710n3.
[44] Differences may remain on the question of Hobbes, the origins of liberalism, and Republicanism's downfall. See, e.g. Shapiro, "Reflections on Skinner and Pettit".
[45] Philip Pettit, "Liberalism and Republicanism" in *The Australian Journal of Political Science* 28 (1993), 164-165.

Berlin's celebrated dichotomy. Republican liberty had negative and positive elements.[46] It was perhaps best conceptualized as an "intermediate possibility,"[47] a "third alternative that is intermediate between the ideals of non-interference and self-mastery."[48]

In 2008, in his own contribution to *Republicanism and Political Theory*, Pettit shifts his language even further, and with it, it seems to me, moves Republicanism into a semantic field even richer with positive connotations. The stress is now on Republicanism as the absence of alien control, and so an understanding of Republicanism as an ideal of control. The free man, according to a Republican conception, is in charge of himself and his choices. For a given, relevant set of choices, he can rightly think "this is within my power of choice; this is something I can do."[49]

This is not to claim that Pettit argues now, or has argued before, that Republicanism calls for self-mastery, or is a form of positive liberty. In *Republicanism*, Pettit pointed out explicitly that Republicanism differed from self-mastery, "since the absence of mastery by others [i.e.: non-domination] does not guarantee the achievement of self-mastery."[50] Indeed, a small section of that work aimed explicitly to refute the characterization of Republicanism as positive liberty, pointing out that Republican writers' "primary focus [was] clearly on avoiding the evils associated with interference," despite their "recurrent, if not unfailing, emphasis on the importance of democratic participation."[51] Republicans may have occasionally argued for participatory or representative democracy but, Pettit, stresses, this was "not from any definitional connection with liberty, but [rather] from the fact that [these were] means of

[46] Pettit, *Republicanism*, 51.
[47] Ibid., 21.
[48] Ibid., 27.
[49] Philip Pettit, "Republican Freedom: Three Axioms, Four Theorems" in Laborde and Maynor, *Republicanism and Political Theory*, 105.
[50] Pettit, *Republicanism*, 22.
[51] Ibid., 27.

furthering liberty."[52] Like Skinner before him, Pettit thinks we mischaracterize the Republican ideal when we think of it as positive. And since his more recent work continues to invoke *Republicanism*, and claims no fundamental departures, it seems reasonable to believe this is where he still stands, despite his recharacterization of Republicanism as the absence of alien control.[53]

The claim here is not that Pettit, or Skinner, have revised their opinions about Republicanism's negative character. Only that, in the last twenty years or so, their presentation has shifted. In that shift, the relative importance of Republicanism's negative character has receded, and its affinities with positive liberty and self-mastery have been made more apparent. This in turn might lead us to wonder anew at just how "positive" Republican liberty may actually be.

Positive Liberty Reconsidered

Berlin and the Profusion of Positivity

We face, however, a preliminary difficulty. As this short recapitulation has already shown, there is no consensus on just what positive liberty actually means. In *Republicanism*, Pettit seems to equate positive liberty with self-mastery, and particularly the idea of democratic control. But for Skinner, the classic characterization of positive liberty as self-mastery is inadequate, and confused. Self-mastery in the sense of "being one's own master," Skinner argues, is simply opposed to "being acted upon by external forces." But "the situation in which I am free to act in virtue of not being hindered by external forces is, according to Berlin's own analysis, that of someone in possession of their liberty in the ordinary negative sense." Meanwhile, self-mastery in the sense of mastering oneself is, in some cases, according to Skinner, also best understood as simple

[52] Ibid., 30.
[53] Pettit, "Republican Freedom," 102.

ordinary negative liberty. When, for instance, self-mastery is obstructed by internal obstacles or psychological constraints, self-mastery as the overcoming or removal of those obstacles is really the same thing as negative liberty; it is nothing but freedom from interference – here, the interference of internal constraints.[54]

If we turn to Berlin's famous essay for guidance, things do not immediately become any clearer. The essay is surprisingly confused for being so significant.[55] Although Berlin states what he means by negative freedom very clearly – "I am normally said to be free to the degree to which no man or body of men interferes with my activity." – his logical developments of the concept are not so obvious.[56] Even so, they look orderly next to his discussions of positive liberty. Berlin begins by claiming that positive liberty is concerned with the question of rule: by contrast with negative liberty, which is "involved in the answer to the question 'What is the area within which the subject…should be left to do or be what he is able to do or be…?'", positive liberty takes up the question "What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?"[57] Positive liberty, on this read, is about control, "the desire to be governed by myself, or at any rate, to participate in the process by which my life is to be controlled."[58] However, a few lines later, Berlin

[54] Skinner, "A Third Concept of Liberty," 239.
[55] Skinner noted in 2001 that it had "recently and I am sure rightly been characterized as the most influential single essay in contemporary political philosophy." Skinner, "A Third Concept of Liberty," 238. For the reference, see Adam Swift, *Political Philosophy* (Cambridge, UK: Polity, 2001). Note also Michael Sandel's characterization of Berlin's essay: "perhaps the most influential essay of post-war political theory." Michael Sandel (ed.), *Liberalism and Its Critics* (New York: New York University Press, 1984, 7.
[56] Later on in the paragraph he notes that "you lack political liberty or freedom only if you are prevented from attaining a goal by human beings," with a footnote reading "I do not, of course, mean to imply the truth of the converse." But the converse would appear to be nothing other than "if you are prevented from attaining a goal by human beings, then you lack political liberty or freedom." And "political liberty," as Berlin notes, is "simply the area within which a man can act unobstructed by others," that is, more or less the same thing as liberty. In other words, the converse appears to be nothing other than the negative sense of freedom he began his essay by stating. So what does he mean when he says he does not mean to imply the truth of the converse? The truth of the converse is already asserted, no? Ibid., 194.
[57] Ibid..
[58] Ibid., 203.

glosses positive liberty as "not freedom from, but freedom to – to lead one prescribed form of life," which seems slightly different.[59] Then, after having associated positive liberty with "the wish on the part of the individual to be his own master,"[60] Berlin suggests three different ways this wish might be realized: through self-abnegation,[61] through self-realization (and in particular self-realization as rational self-direction),[62] and, finally, in the "hybrid" form of collective self-rule already mentioned.[63]

It is not clear that all of these concepts of freedom are even supposed to refer to the same thing. Berlin never pretends to be exhaustive or systematic, and, although he does claim that the two senses he examines are "central," he is quick to note how "porous" a term freedom is, and how many different senses it has had.[64] Moreover, Berlin mixes historical and conceptual analysis, which makes it hard to pin down the ambit of his claims.[65]

As a result, readers have felt free to take great interpretive liberties in understanding his text. Skinner, for instance, disarms "being your own master," "freedom from" vs. "freedom to," and certain forms of self-mastery as restatements of negative liberty,[66] heaves off the last sense of positive liberty (the "hybrid" concept) as an anticipation of Republicanism,[67] and collapses the other several senses together as ideas of self-realization, dependent on anteceding conceptions of the human good.[68] His is one of the more generous treatments; at least it acknowledges the existence of a

[59] Ibid..
[60] Ibid..
[61] Ibid., 207.
[62] Ibid., 215-216.
[63] Ibid., 231, 233, 239.
[64] Ibid., 193.
[65] Ibid., 204.
[66] Skinner, "A Third Idea of Liberty," 239.
[67] Ibid., 235-237.
[68] Ibid., 242.

coherent concept of positive liberty.[69] Ever since Berlin's essay appeared, some philosophers have sought to discredit it by exposing the incoherence of positive liberty as such.[70] The classic analytic attempt was Gerald MacCallum's 1967 "Negative and Positive Freedom," which sought to show, *pace* Berlin, that freedom was "always one and the same triadic relation," involving agents, obstacles, and aims.[71] To speak of two concepts of liberty was simply confused. Berlin, of course, responded, as did other philosophers, but the debate has hardly cooled since.

Recently, Efraim Podoksik has tried to take the question on historically. From a purely philosophical perspective, he opens, the question has already pretty much been settled: "the analytical distinction between positive and negative liberty was convincingly challenged by scholars, who argued that whatever comes under the definition of 'positive' liberty cannot stand on its own feet."[72] But, it soon comes out, the case may be not be so clear as that. Never mind how "philosophically faulty," positive liberty apparently did "split" from negative liberty, and so has a history of its own after all.[73] As Podoksik's argument develops, it turns out to be less about meaning than prevalence. Indeed, positive liberty may even have some philosophical coherence (in, say, the metaphysical writings of the stoics); it just never achieved widespread popularity.[74]

Ultimately, it is not Podoksik who asserts the philosophical incoherence of positive liberty, but his philosophical authorities. In announcing the demise of positive

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[69] Ibid., 243.
[70] For a history of the reception of Berlin's ideas, see Ian Harris, "Berlin and His Critics" in Henry Hardy (ed.) *Liberty: Incorporating Four Essays on Liberty* (New York: Oxford University Press, 2002).
[71] Gerald C. MacCalum "Negative and Positive Freedom," reprinted in David Miller (ed.) *Liberty* (Boulder, CO: Paradigm Publishers, 2006), 100, 102.
[72] Efraim Podoksik, "One Concept of Liberty: Towards Writing the History of a Political Concept" *Journal of the History of Ideas* 71:2 (April 2010), 221.
[73] Ibid..
[74] Ibid., 225.

freedom, Podoksik cites MacCallum's classic article, and a recent, discussion by Eric Nelson.[75] Nelson's piece, as the most recent, spirited criticism of the concept of positive liberty, merits particular attention.

TermiNelson

Nelson's analysis is formal and apparently devastating. He aims to finish a job started by MacCallum many years ago. MacCallum's great contribution, Nelson argues, had been to conceptualize internal barriers to self-realization as simple constraints. The result was to turn some putatively "positive" theorists of liberty, who championed self-realization, into negative theorists. If the only thing preventing human beings from self-realization was an internal constraint, such as, say, irrational passion, then such a theorist should not be understood to be a positive theorist, advocating a positive conception of liberty as self-realization, but rather a negative theorist, for whom freedom would mean simply freedom from interference, with irrational passion counting as a kind of interference.[76]

Skinner, Nelson notes, accepts MacCallum's insight, even as he defends the existence of a separate conception of positive liberty. Indeed Skinner relied on MacCallum when he recharacterized certain forms of self-mastery as freedom from internal constraints. He "is thus committed to MacCallum's emptying of the historical population of positive theorists."[77] Skinner, however, as we saw, does believe in a separate concept of positive liberty, which he associates with self-realization, and connects with various neo-Hegelians.[78] Nelson wants to show that even these thinkers are not "positive" theorists.

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[75] Ibid., 221.
[76] Eric Nelson, "Liberty: One Concept Too Many?" *Political Theory* 33:1 (February 2005), 59.
[77] Ibid., 60.
[78] Skinner, "A Third Concept of Liberty," 239-243.

His argument picks up where Skinner's leaves off. Skinner takes neo-Hegelian self-realization, Nelson notes, to be an "'end state,' the status of a fully self-realized human being. It is not the absence of internal or external constraints, but the actual achievement of a particular condition of life."[79] But, Nelson observes, even this end state is really about liberation from constraints. "Freedom, for [neo-Heglian T.H.] Green, is self-realization only insofar as it means freedom from 'wants and impulses which interfere with the fulfillment of one's possibilities.'"[80] In others words, even for the neo-Hegelians, self-realization is nothing other than liberation from constraints – that is, from the constraints that inhibit self-realization.

Nelson takes this historical point to reveal analytic insight. Neo-Hegelians like T. H. Green only appear different from "negative" theorists of liberty "because of their extremely broad normative claims about what things are to count as constraints."[81] Once we expand our expectations of what should count as a constraint, then we see how putatively positive theorists of liberty, like Skinner's advocates of self-realization, are actually negative theorists, calling for freedom as non-interference. To those who might object to such a linguistic maneuver as "a rhetorical sleight of hand," Nelson is generous, but firm: "even if we were to grant all of this, it would still be quite significant from an analytical point of view if *all* 'positive' claims about liberty could be successfully accounted for in negative terms. That is, it would be very odd indeed to say that we require a separate *concept* of 'positive liberty,' but at the same time to acknowledge that there are no claims about liberty that such a concept is needed to explain (i.e., which cannot be explained using the more conventional 'negative' understanding)."[82]

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[79] Nelson, "Liberty," 60.
[80] Ibid., 61.
[81] Ibid., 65.
[82] Ibid., 65-66. Emphasis as in original unless otherwise noted.

This conclusion seems to me to follow logically from Nelson's own prior assumptions about the meaning of liberty. Nelson takes the canonical statement about positive liberty to be something like "freedom is self-realization." But such a claim, he asserts, is basically confused. "This identity statement is on its face unacceptable: it cannot reasonably be argued that freedom and self-realization are *identical*."[83] After all, "self-realization is, presumably, quite a lot of things; we still want to know what is 'free' about it."[84] Thus, the claim "freedom is self-realization" must really mean either "freedom brings self-realization" or "self-realization brings freedom." Or, as Nelson puts it with greater precision: "we have to begin by replacing the formula 'freedom is self-realization' with one of two conditional statements: 'If people are free, they will realize themselves,' or 'If people realize themselves, they will be free.'"[85] And, at least the way that I interpret Nelson, in both of these sentences "free" is to be understood in the simple, negative sense of absence of constraint.[86]

Consequently, Nelson believes he can explain even the most reputedly robust theories of positive liberty as ultimately stories about the absence of constraints, since freedom itself really means nothing other than the absence of (some) constraints. He concludes his discussion of liberty as self-realization by taking on Hannah Arendt's celebrated "What is Freedom?", – the text "usually cited as the 'positive theory of liberty' *par excellence*."[87] Arendt's key claim, Nelson reminds us, is that men are free in action. But, Nelson remarks, this claim has been the source of tremendous confusion. In fact, it does not mean "that the act *is* freedom in some new conceptual sense but

[83] Ibid., 64.
[84] Ibid., 63.
[85] Ibid., 64.
[86] For the first conditional statement, see ibid., 64. For the second conditional statement, see ibid., 70.
[87] Ibid., 70.

rather that the act makes us free."[88] Free is here to be understood in the usual sense of freedom from constraints, in this case, the constraints of "the 'automatic processes' of nature and history," and, more generally, "contingent circumstances."[89] The confusion around Arendt's claim has come from the fact that the very act *of* overcoming these constraints *is* what abolishes them.[90] To participate in politics, and through politics make a new start is, on Nelson's reading of Arendt, precisely what enables us to realize our nature and become free from the constraints of processes and circumstances. In other words, for Nelson, Arendt does not have some sort of alternative, "positive" theory of liberty. Rather, hers is a version of the second conditional statement: if man is self-realized, then he will be free. We realize ourselves through our engagement with politics, through which we are liberated from certain relevant constraints, and so made free.[91]

Arendt and the Possibility of Positive Freedom

I am not convinced that this is the best way to make sense of Arendt's understanding of freedom. In particular, I think Nelson is misleading when he glosses Arendt's equivalence of action and freedom as action making men free. In "What is Freedom?", Arendt asserts: "Men *are* free – as distinguished from their possessing the gift for freedom – as long as they act, neither before, nor after; for to *be* free and to act are the same."[92] Nelson's interpretation opens itself up to a natural and unnecessary misreading – namely, that after man has acted, he would remain free, or, in other words, that for Arendt there might be freedom outside of action. This, of course, would be wrong.

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[88] Ibid., 72.
[89] Ibid., 71.
[90] Ibid., 72.
[91] Ibid., 71-72.
[92] Hannah Arendt, "What is Freedom?" in Hannah Arendt, *Between Past and Future* (New York: Penguin, 1968), 153.

Nelson himself does not commit this misreading.[93] But in his attempt to unearth the constraints from which we are liberated through Arendt's freedom, he introduces a distinction between the free person and the free person's actions which Arendt would not countenance. For Arendt, the free person is free only in and through action.

We can understand better what this means by recalling that, for Arendt, freedom is not an attribute but an event. As she explains it: "Only where the I-will and the I-can coincide does freedom come to pass."[94] It would be incorrect to understand this freedom that "comes to pass" as a lack of constraint. A constraint constrains something that is already developing, moving, or acting. But what exactly is it that is already in motion that would be made unconstrained by this freedom? In the Western tradition, Arendt remarks, freedom became conflated with security, and applied to the basic life process. We can call that process free – and, historically, we have – but "free only in the sense that we speak of a freely flowing stream," precisely because the life process is already in motion.[95] This freedom of the life process, or freedom of the free river is not the freedom of the free man.

The free man's freedom is found precisely in putting something into motion. Arendt makes her argument by reference to the ancient Greek distinction between *archein* and *prattein*, or the Latin opposition between *agere* and *gerere*. For the Greeks, *archein* referred to various beginnings, to starting things: to begin, to lead, and also to rule. *Prattein* was the act of carrying them on, of developing them in accord with their principles and direction. The Latin opposition holds up just as well, and is preserved to this day in some Romance languages, as in French: *agir* vs. *gérer* – something like

[93] "The world of politics gives us the chance to live according to our nature, to make beginnings; *it is only when we are in fact living this way* that we are freed from the constraints of our situation." My emphasis. Nelson, "Liberty," 71.
[94] Arendt, "What is Freedom?", 160.
[95] Ibid., 150.

"acting" vs. "managing." It is in engaging in the first activity, Arendt contends, that men are free. Freedom is precisely the ability to create something new, to *archein*, *agere*, or *agir*. Freedom is the possibility of putting something new into motion. The assembly shows itself to be free by an act that transcends what had been before. Freedom is the introduction of the new.[96]

This activity, Arendt asserts, can only be brought into being by people, by men in the plural. Thus, Arendt's claim is not that engaging in politics makes men free. Rather her claim is that the free man is the man who engages in politics, because it is only in and through politics – that is, by being with others in the way characteristic of politics – that the right kind of creation can come about. Politics is the condition of possibility for freedom. We might say that freedom has its source in politics, although that may be liable to misreading. Perhaps it would be best to say that politics is constitutive of freedom. The one can only come about by, through, and because of the other.

Positivish Republicanism?

Berlin and Positivity Revisited

This formulation turns out to be not so far from one of the senses in which Berlin elaborates positive liberty. In summing up his oppositions, Berlin writes: "The former [those who believe in negative liberty] want to curb authority as such. The latter [those who believe in positive liberty] want it placed in their own hands."[97] The way Berlin seems to understand it, at the most fundamental level, negative liberty is concerned with constraining power, while positive liberty is concerned with having it.

[96] Ibid., 165-166.
[97] Berlin, "Two Concepts," 237.

As a result, negative liberty need not concern itself with the sources of power. The negative problem is merely one of restriction – of bounding power.

As such, negative liberty presupposes a rather rich theory of human experience. Bounding others' authority in the name of freedom is all well and good. But for the people whose worlds are so bounded to *do* anything, such negative theories need to presuppose that they are constituted as human agents with particular attributes – particular capacities and motivations. Theories of negative liberty are parasitic on such prior constitutions of human agency. At the very least, negative theories seem to imply them.[98]

Theories of positive liberty do more than imply theories of human experience; they explicitly elaborate them. Indeed, they must. Advocates of positive liberty, on Berlin's model, want power placed in their hands. So be it. But whose hands are they? What counts as the self that is to be given power? And what exactly is power? These are questions theories of positive liberty must confront.

We might say, then, that positive theories of liberty are positive insofar as they offer an account of what it is that constitutes freedom – what it is that makes freedom possible. Such an account need not be a thorough characterization of objective human flourishing.[99] But it does need to explain what actions count as free. They need to give a positive account of just what it is that makes a man free – constitutes a man *as* free – and presuppose that something does. Negative theories can be more agnostic.

[98] Nelson makes this point as well, although in a slightly different context. Nelson, "Liberty," 66-67.
[99] I would contend that such an understanding of political action for Arendt, for instance, would be mistaken.

Such an analysis reveals two things. First, it restores the proximity between positive and negative liberty that Berlin identified near the beginning of his essay.[100] And second, by suggesting the kinship between positive and negative liberty, it draws attention to the positive elements of contemporary Republicanism.

Pettit's Positivish Republicanism

Pettit's 1997 *Republicanism* remains the key text for such an investigation. In their introduction to the 2008 *Republicanism and Political Theory*, Cécile Laborde and John Maynor single out *Republicanism* as the "seminal" text of contemporary republican political theory.[101] And as we have already seen, Pettit, one of the key theorists of contemporary republicanism, has continued to reference it in his own work. It is also the site where Pettit most rigorously formulated his understanding of freedom as non-domination, which has since become defining for the field.

Pettit's intuition is clear and comprehensible. It springs from two insights:

> First, that there is a big difference between constrained interference that is designed for a common good – say, the interference of a law that no one contests – and arbitrary interference. And second, that there is a big difference between just happening to avoid such arbitrary interference – say, because the powers that be quite like you – and being more or less invulnerable to it.[102]

Pettit saw such insights borne out by the Republican tradition of political thought. In that tradition, "liberty is always cast in terms of the opposition between *liber* and *servus*, citizen and slave." That is to say, there is a sense in which freedom is a function of your social status: of whether or not you are beholden to anyone else, regardless of whether or not anyone interferes with you. Moreover, there were some

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[100] Berlin, "Two Concepts," 203. Indeed, following Nelson's suggestion (see FN 97, above), one might be tempted to take on Nelson's project in the opposite direction – namely, to reformulate all theories of negative liberty as theories of positive liberty, if only to push back against a strain in postwar political philosophy which has sought to do the reverse. However, such a move risks obscuring what may be the one key conceptual difference between negative and positive theories of freedom: that negative theories of freedom *need* not specify what constitutes freedom, while positive theories of freedom do.

[101] Cécile Laborde and John Maynor, "The Republican Contribution to Contemporary Political Theory" in Laborde and Maynor (eds.), *Republicanism and Political Theory*, 2.

[102] Pettit, *Republicanism*, vii.

forms of interference, like the interference of the law, or the government, which, under certain circumstances, you could suffer without for that reason becoming unfree.[103] In other words, for a republican, there was a sense in which having a master, even a benevolent master, *ipso facto* made one unfree, and yet, the presence of interference, as long as it was properly structured, need not. [104] Republicanism, we might saw, was haunted by the specter of the non-interfering master – that is to say, non-interfering domination – which led to unfreedom, while welcoming (or at least accepting) non-dominating interference, such as the rule of the right law, which could interfere with men while leaving them free.

Pettit believes that we can formalize this history and intuition by understanding Republican freedom as non-domination, which is to say the absence of the possibility of arbitrary interference. The possibility of arbitrary interference – domination – exists when three conditions obtain. First, when there is a (dominating) agent with the capacity for interference – that is to say, someone who has the ability to intentionally "worsen [another] agent's choice situation by changing the range of options available, by altering the expected payoffs assigned to those options, or by assuming control over which outcomes will result from which options and what actual payoffs, therefore, will materialize."[105] Second, when there is a range of choices over which that dominating agent might in fact exercise interference.[106] And finally – and here is where the question becomes interesting for this essay – when the dominating agent has the ability to interfere in the given range of choices *at will*, that is, following their own *arbitrium*. In particular, there will be the possibility of arbitrary interference when a (dominating)

[103] Ibid., 31.
[104] Ibid., 34, 36.
[105] Ibid., 53.
[106] Ibid., 58.

agent can interfere with others "without reference to the interests, or the opinions, of those affected. The choice [about whether and how to interfere] is not forced to track what the interests of those others require according to their own judgments."[107]

This tracking problem, as Pettit is aware, is central. After all, this tracking of interests is what distinguishes arbitrary interference from non-arbitrary interference – that is to say, domination for law. In other words, it marks one of the fundamental differences between Liberalism and Republicanism.[108] For a liberal, that is, for someone committed purely to freedom as non-interference, the law, even the well-formed law, is an affront to liberty. Not so for a republican. If the law – or, more generally, interference – tracks "the interests and ideas" of those affected, Pettit believes it can be non-dominating, and so no affront to freedom. But everything hinges on this tracking: "The promotion of freedom as non-domination requires, therefore, that something be done to ensure that public decision-making tracks the interests and the ideas of those citizens whom it affects; after all, non-arbitrariness is guaranteed by nothing more or less than the existence of such a tracking relationship."[109]

In his initial treatment of how this might be done, Pettit notes that it will require the existence of shared interests across the citizenry, and an understanding that those shared interests are, in fact, shared. As he expresses it: "The acts of interference

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[107] Ibid., 55.

[108] There is, of course, a second difference. As noted above, for a republican, non-interfering domination is an affront to liberty as such, but not for a liberal. Attention to this dimension throws the change in Skinner's position into greater relief. In *Liberty Before Liberalism* and "A Third Concept of Liberty," Skinner stressed the way that dependence, even without overt interference, nevertheless interferes in agents' actions, through the self-censorship they engage in once they know themselves to be dependent. Nelson suggested in his article that ultimately such dependence "interferes" with an agent much as other (internal) constraints might, and so fails to distinguish Republicanism from other negative theories of liberty. Only in 2008, when Skinner drew fully in line with Pettit and closed ranks against a new round of liberal critics advancing Nelson's own argument did Skinner stress the simple fact of dependence as an affront to freedom, and not the effects that dependence has on the actor. See Nelson, "Liberty," 72-73; Skinner, "Freedom as Absence of Arbitrary Power," 93-95.

[109] Pettit, *Republicanism*, 184.

perpetrated by the state must be triggered by the shared interests of those affected under an interpretation of what those interests require that is shared, at least at the procedural level, by those affected."[110] In particular, the state needs to guard against the triumph of any sectional or factional interests, since the very possibility that policy based on such interests might be implemented, whether through law or government action, would mean the domination of those who were not part of those sections or factions, and so their unfreedom. The state cannot "know better" than the citizen either, and implement policies that the citizens disagree with, since, then again, the citizens would be dominated. As a result, Pettit's laws are bound by tight formal constraints. When citizens disagree about a law, or a policy, they "must find a higher-level consensus…or they must make room for secession or conscientious objection or something of that kind."[111] It gets more complex. Citizen interests are obviously dynamic, since people change.[112] Consequently, the process that constrains the making of laws and policies needs to be dynamic too, and make space for changing citizen interests and ideas. This, Pettit asserts, can only really happy if the law is made through discussion.[113]

Not all discussions will foot the bill though. Only a very particular and thorough kind of discussion can guarantee that laws track shared interests and ideas. It is not enough for the citizens simply to consent to the laws. If the consent needed to be explicit, then there would be no way of effectively achieving it. If the consent could just be implicit, then there would be no effective way of dissenting.[114] Besides, from the perspective of freedom as non-domination, consent is immaterial. You may consent to

[110] Ibid., 56.
[111] Ibid..
[112] Ibid., 146-147.
[113] Ibid., 56.
[114] Ibid., 184.

allowing someone else to interfere arbitrarily in your life; it does not make you any less subjugated to that person – give that person any less domination over you – and so make you any less unfree.[115]

For republican liberty, Pettit argues, we need not consent, but contestability. This in turn requires three things. First, the process by which laws and government policy are made needs to include a basis for contestation – that is to say, a way of making decisions that forces the decision makers to take people's interests and ideas seriously. In other words, the state needs to make its decisions through deliberation and debate, and not through bargaining.[116] Second, the law-making process needs to include channels through which citizens can express their interests and ideas, and so actually contest proposed laws and policies.[117] And finally, the process needs to include a forum in which those contestations can be heard, and in which the state is responsive to citizens' concerns.[118] Taken all together, we might summarize Pettit's requirements as demanding a law-making process which would allow citizens to appear and be heard if they believe that laws and policies are not tracking their interests and ideas.

Of course, the state need not accept all citizens' contestations. But it must respond to them. If a citizen contests a law or policy because it is against her personal interests – she is, for instance, to go to jail for a crime – the process needs to convince her that the law is still tracking one of her higher shared interests – such as living in an orderly state. If, however, the citizen disagrees about what is in fact in her interest, the process needs to allow her to make her peace with it anyway (perhaps she will be able

[115] Ibid., 62. Note the contrast with *Liberty Before Liberalism*, in which Skinner seems to suggest Republicans seek government by consent. However, as Skinner discusses it, explicit consent could be seen to require self-rule, which brings even his early discussion considerably closer to Pettit. See, for instance, Skinner, *Liberty Before Liberalism*, 27, 30.
[116] Pettit, *Republicanism*, 187.
[117] Ibid., 190.
[118] Ibid., 195.

"to recognize that reasonable people differ on the matter," and so reconcile herself to the decision through the decision-making process, which is surely attentive to her shared interests in general), or, as noted before make some kind of accommodation, perhaps even allowing her to leave. [119]

Pettit frames this discussion negatively, as a process of contestation. A law is thought to track the interests or the ideas of the citizens if such a robust process of contestation is in place, and the law is not contested. But the very thickness of this process – the demands this robust process of contestation makes – make it strange to think of it in purely negative terms. At the very least, this process presupposes serious engagement and deliberation on the part of the citizens, not to mention the existence of some shared interests between them. The very mechanism by which those interests are sought out – "a process of selection…[not] design" – requires an active citizenry.

Pettit recognizes these demands. This republican vision accords "an important primacy" to democracy: to citizen control of the coercive powers of the state through deliberation. And, as we have seen, it is crucial that this democratic control be genuinely deliberative, not merely majoritarian, or the product of interest group pluralism. Any decision making process that can terminate without taking account of citizens' avowed ideas and interests introduces the possibility of arbitrary interference into those citizens' lives, and so leads to their domination. As Pettit summarizes it, freedom as non-domination demands a state in which coercion only follows common interests, and this in turn demands a law-making process that always and only tracks citizen interests.[120]

[119] Ibid., 198-200.
[120] Ibid., 288-290.

Although freedom as non-domination demands such a process, it would be wrong to understand the process as "causing" non-domination. As Pettit puts it: "The people who live under the institutions do not have to wait on the causal effect of the institution in inhibiting potential interferers before they enjoy non-domination. To enjoy such non-domination, after all, is just to be in a position where no one can interfere arbitrarily in your affairs, and you are in that position from the moment that the institutions are in place."[121] In other words, freedom as non-domination is not a product of the decision making process the way a car is the product of a car factory, or a lower crime rate is the product of a greater police presence. Rather, just as "the presence of certain antibodies in your blood makes it the case that you are immune to a certain disease, but it does not cause your immunity, as if the immunity were something separate on which we had to wait," so too the right process "just makes it the case that" the citizens enjoy freedom as non-domination. Or, to stick with Pettit's metaphor, just as "the presence of those antibodies constitutes the immunity," the presence of the right institutions constitutes republican freedom.[122]

Skinner on the Priority of the Free State

There is way, then, in which republican institutions precede republican freedom. Or, to bring our terms closer to those of historical republicans, we might say that the free state precedes the free man, or, even better: that man can only be free in a free state. This, of course, as Skinner knows better than anyone, is a perfectly standard Republican formulation. As Skinner recapitulates the republican orthodoxy: "it is only possible to be free in a free state."[123]

[121] Ibid., 107.
[122] Ibid., 108.
[123] Skinner, *Liberty Before Liberalism*, 60.

But Skinner's free state is not Pettit's. Skinner's argument is historical, and so his attention is primarily focused on what actual 17th and 18th century writers had to say about the nature of a free state. For them, the state was conceived on the model of an actual body. A free state, then, was, like free a person, a state that was not enslaved.[124] That is to say, a free state was a state able to pursue its own ends, and not dependent on the whim of anyone but its citizens.[125]

The freedom of such a state was not guaranteed through Pettit's theory of deliberative contestation. For Pettit, the emphasis on deliberative contestation springs from a need for citizens to be reconciled to the law, as a non-dominating form of interference. But historically, Skinner implies, this was not a central concern. In fact, for the most part, republicans were comfortable taking the will of the majority as expressed through representative assemblies to stand for the will of the people, and put more stock in consent than Pettit does.[126] Particular individuals might disagree with certain laws, without the possibility of contesting them, but so be it; the practicalities of free government required as much.

Of course, this argument squares with Skinner's own understanding of Republicanism at the time. (Indeed, it *is* that understanding.) As we have already seen, at the time of *Liberty Before Liberalism*, Skinner understood republican freedom to consist in freedom from dependence *and* interference, and not merely non-domination. Or, to turn things around, law, even legitimate law that originated from the people itself, was understood to be a form of interference, since a restriction on action, and so an affront to liberty.[127] As a result, the republican challenge was not to reconcile

[124] Ibid., 36.
[125] Ibid., 48-49.
[126] Ibid., 27-32.
[127] Ibid., 83-84, esp. 83n54.

citizens to the law. What was the point, since reconciled or not, the law represented an affront to liberty, albeit a necessary one? Rather, on Skinner's read, republicans crusaded to eliminate dependence, since that was an evil that could surely be curtailed. Thus, Skinner explained, republicans asserted that, to be free,

> You must live … under a system in which the sole power of making laws remains with the people or their accredited representatives and in which all individual members of the body politic – rulers and citizens alike – remain equally subject to whatever laws they choose to impose upon themselves. If and only if you live under such a self-governing system will your rulers be deprived of any discretionary powers of coercion, and in consequence deprived of any tyrannical capacity to reduce you and your fellow citizens to a condition of dependence on their goodwill, and hence to the status of slaves.[128]

We can see here how from what was then a slightly different conception of Republicanism, Skinner nevertheless came to the priority of the state. Freedom for the citizen depended on freedom for the city. And that, in turn, required citizen participation in particular institutions.

Positivish, not Positive

So what of Republicanism's claims to negativity? Does the recognition of the constituted nature of republican liberty or the apparent demand for citizen participation make Republicanism into a positive theory of liberty?

The answer, I think, is probably not. Republicans never claim that freedom consists only in participating in particular institutions. Pettit puts the point with characteristic precision in a couple different works: "The fact that certain local institutions constitute the freedom as non-domination that people enjoy does not mean that freedom is to be defined by reference to those institutions."[129] Republican freedom is not about a particular set of institutions. (The very fact that Skinner and Pettit both identified different institutions as compatible with Republicanism would seem to bear

[128] Ibid., 74-75.
[129] Pettit, *Republicanism*, 109.

that point out.)[130] And in no sense is it through obeying the laws these institutions propound that people are made free.[131] Moreover, in contradistinction to Arendt's freedom, republican freedom is not limited to behaviors within particular regions of life, actions, or institutions. As Skinners' earliest work reminds us, republican freedom was about being free in your private life to pursue your own ends, and not merely restricted to the transcendent innovations of collective action.

But, as with Arendt's understanding of freedom, republican freedom explicitly understands itself as constituted by, and through particular social forms. Republicanism presupposes and elaborates a certain form of life that needs to be realized in order for freedom to happen. And at least to that extent, Republicanism sure looks positivish.

Coda: The Curious Career of Contemporary Republicanism

It is an odd feature of this story that even as Republicanism's negative features have been allowed to recede somewhat, and its positive features shine through a little more brightly, contemporary advocates of Republicanism have had to fight to distinguish it from Liberalism – old fashioned, simple negative liberty. Pettit says point blank in *Republicanism* that, "in arguing for the attractions of freedom and non-domination, I shall be comparing it exclusively with the negative ideal of non-interference, not with the positive ideal of self-mastery."[132] And in their 2008 contributions to *Republicanism and Political Theory*, both Skinner and Pettit take on challenges from negative libertarians who seek to assimilate Republicanism as a form of negative liberty, recalling earlier campaigns against positive liberty from philosophers past.

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[130] Although the fact that Skinner has since moved away from his complex characterization of republican freedom as non-dependence and non-interference to Pettit's non-domination raises questions about how far he would continue to endorse the institutional claims advanced in *Liberty Before Liberalism.*

[131] Pettit, "Keep Republican Freedom Simple," 347. In fact, as Pettit argues in *Republicanism* and notes again here, for a republican even legitimate laws represent a restriction on freedom akin to a natural obstacle which *conditions* freedom, but does not compromise it.

[132] Pettit, *Republicanism*, 81.

In this focus on Republicanism and negative liberty, there appears to be a forgetting of the earlier, positive reading of the republican tradition. That tradition is mentioned in passing in Laborde and Maynor's introduction to the 2008 volume, but the reference is dismissive, and both Skinner and Pettit clearly believe that the positive republican reading has been laid to rest.[133]

This apparent victory has gone along with a curious writing-out of the American roots of the rediscovery of Republicanism, at least in the Anglo literature. There is, for instance, no mention in either *Liberty Before Liberalism* or *Republicanism* of Gordon Wood's *Creation of the American Republic*, probably the most important book – and certainly one of the earliest – in sparking the "republican revival."[134] And there are signs that the origins of neo-Roman Republicanism and contemporary republican political theory more generally owe some of their origins to those debates. Jean-Fabien Spitz, for instance, explicitly locates Republicanism as a "third way" between the liberals and communitarians in the raging liberal-communitarian debates of the '70s and '80s American academy.[135] And it is indeed striking to read Michael Sandel run communitarianism and Republicanism together as recently as 1984, in his introduction to the reader *Liberalism and Its Critics*.[136]

This American Republicanism does eventually appear to link back up with contemporary Republicanism, particularly through Pettit's extensive use of the work of Cass Sunstein in *Republicanism*. The renewed ties suggest a fruitful future project in tracing the origins and development of the Anglo- and American-Republicanisms, to

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[133] Laborde and Maynor, "The Republican Contribution," 1.
[134] For the history of that revival, and its effect on the American academy, see Daniel Rodgers, "Republicanism: The Career of a Concept" *Journal of American History* 79:1 (1992). Unfortunately Rodgers does not trace the story to the United Kingdom or Australia.
[135] Jean-Fabin Spitz, "Le Républicanisme, une troisième voie entre libéralisme et communautarisme?" *Le Banquet* 7:2 (1995).
[136] Sandel, *Liberalism and Its Critics*, 7.

scout out their differences, and see what is distinctive and valuable about these related projects.[137]

[137] For an adumbration of what we might find, see Graham Maddox, "The Limits of Neo-Roman Liberty" *History of Political Thought* XXIII:3 (Autumn 2002).