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The Instability of Freedom as Noninterference: The Case of Isaiah Berlin*

Philip Pettit

In Hobbes, freedom of choice requires nonfrustration: the option you prefer must be accessible. In Berlin, it requires noninterference: every option, preferred or unpreferred, must be accessible—every door must be open. But Berlin's argument against Hobbes suggests a parallel argument that freedom requires something stronger still: that each option be accessible and that no one have the power to block access; the doors should be open, and there should be no powerful doorkeepers. This is freedom as nondomination. The claim is that freedom as noninterference is an unstable alternative between freedom as nonfrustration and freedom as nondomination.

INTRODUCTION

Most theories of what makes people free in relation to the external world treat the obstacles that derive from the ill will of others as the primary restrictions on freedom; in other words, they equate external with social freedom.¹ Natural limitations reduce the range over which you can enjoy your freedom from the will of others and may even be instrumental in making you vulnerable to that will—and on those

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1. *Pace*, e.g., Philippe Van Parijs, *Real Freedom for All* (Oxford: Oxford University Press, 1995).

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grounds they will call for remedy. But according to these theories, such limitations do not in themselves take away from your freedom; they do not make you unfree in the way that other agents can do so. Kant gives expression to an assumption they might unite in endorsing: “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.”²

But notwithstanding the common assumption that freedom primarily requires nonsubjection to the will of others, these theories of external freedom divide sharply on what such nonsubjection means. In terms explained later, some theories claim that freedom is reduced when others frustrate you, some when others interfere with you, some when others dominate you. In maintaining this line, they may focus on the freedom of a particular choice or on the freedom of a person, where people’s freedom as persons is usually identified with their freedom over a common range of important choices, on a common social and legal basis. The issue between these different theories is of immense importance in political theory, since the institutional requirements for promoting freedom as nonfrustration across a society are weaker than the requirements for promoting freedom as noninterference, and they in turn are weaker than the requirements for promoting freedom as nondomination.³

The best-known adherent of the middle conception, freedom as noninterference, is Isaiah Berlin, and I develop an argument for the stronger conception of freedom as nondomination by way of interrogating his work: in particular, his 1958 lecture on “Two Concepts of Liberty” and some of his later commentary.⁴ I claim that while Berlin introduced persuasive considerations against freedom as nonfrustration, these ought to have led him—and ought to lead us—not to rest content with freedom as noninterference, but rather to go the full distance and embrace a notion of freedom as nondomination. The position he took up is an unstable halfway house between the other two positions.

Although much has been written on Berlin’s conception of free-

2. Immanuel Kant, *Notes and Fragments*, ed. Paul Guyer (Cambridge: Cambridge University Press, 2005), 11.

3. Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997).

4. Isaiah Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, 1969). This contains Berlin’s 1958 lecture on “Two Concepts of Liberty” but also, especially in the long introduction, a good deal of later commentary. In the text, I often distinguish between references to the lecture itself and references to the commentary.

dom as noninterference, few commentaries foreground his critique of the weaker conception of freedom as nonfrustration. This weaker conception is endorsed most clearly by Hobbes, though Berlin does not seem to have recognized him as an antagonist.⁵ I present the Hobbesian view in the first section of the essay and look at the way in which Berlin breaks with it. Then, in the second section, I consider Berlin's argument for rejecting that view and adopting freedom as noninterference. In the third section, I show how that argument suggests a case for the more radical conception of freedom as nondomination and demonstrate that the notion of freedom as noninterference is unstable. And in the fourth section, I bolster the instability claim by showing that the more radical conception also fits better with Berlin's views on what is required for the freedom of the person. In a final, short conclusion, I speculate on why Berlin might have failed to endorse the idea of freedom as nondomination.

The conception of freedom as nondomination counts as republican in the classical, neo-Roman sense of the term, according to many recent accounts.⁶ Hobbes spent much of his work trying to displace that view of freedom, of course, which he cast as an unfortunate legacy of classical thought.⁷ Once we see the grounds of his opposition to Hobbes's central contentions, we can recognize in Berlin someone who ought to have been deeply sympathetic to the republican tradition that Hobbes repudiated.

I. BERLIN'S BREAK WITH HOBBS

Freedom as Nonfrustration in Hobbes

The Hobbesian view of freedom—corporal freedom, to be exact⁸—is summed up in the famous definition of a freeman in *Leviathan*: “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.”⁹ Putting aside the issue of how Hobbes understands hindrance, on which I

5. The thinker in whom Berlin finds the view he rejects is not Hobbes but John Stuart Mill (*ibid.*, 139). This is strange, as Hobbes quite clearly endorses the view, while Mill is guilty, at most, of using a formulation that may seem to give it support: a formulation that refers to being in a position to do what you actually want rather than to do whatever you might come to want.

6. Pettit, *Republicanism*; Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998); Maurizio Viroli, *Republicanism* (New York: Hill & Wang, 2002); John Maynor, *Republicanism in the Modern World* (Cambridge: Polity, 2003).

7. Quentin Skinner, “Freedom as the Absence of Arbitrary Power,” in *Republicanism and Political Theory*, ed. C. Laborde and J. Maynor (Oxford: Blackwell, 2008), 83–102.

8. Philip Pettit, *Made with Words: Hobbes on Language, Mind and Politics* (Princeton, NJ: Princeton University Press, 2008), chap. 8.

9. Thomas Hobbes, *Leviathan*, ed. E. Curley (Indianapolis: Hackett, 1994), chap. 21.2.

comment later, there are two surprising claims built into this definition.¹⁰ The first is that being externally hindered in the choice of a given option takes from your freedom only if you have ‘a will to’ do it; only if you prefer that option. And the second is that to be a ‘freeman’—to deserve to be accorded this status—is to escape all external hindrance in the options you prefer to take.

The first claim is surprising because it makes it too easy to be free in a given choice: you are not made unfree by having an option removed or replaced, if you happen not to want to enact it. The second claim is surprising because, going to the other extreme, it makes it impossibly hard to count as a freeman or free person. You must be lucky enough, or perhaps powerful enough, for none of your choices to be frustrated; it is not enough, for example, to escape frustration in a designated range of choices.

While Berlin breaks with Hobbes on both of these claims, as we shall see, I focus on his rejection of the first in this section. That first claim is not just an implication of the definition that may have escaped Hobbes’s attention. It is a thesis that he emphasizes elsewhere too. He does so most strikingly in a debate with Bishop Bramhall about the preconditions for having a free choice between playing tennis or not.

Bramhall suggests that if you are considering whether or not to play tennis—we may assume a willing partner—and in the end you decide against doing so, you may still have been wrong to think that you had a free choice. After all, unbeknownst to you, someone may have shut the door of the (“real”) tennis court against you. Hobbes is undaunted by the claim, asserting that for anyone in your position, “it is no impediment to him that the door is shut till he have a will to play.”¹¹ We may all agree that you freely decided against playing tennis and that you might therefore be held responsible for this de-

10. I ignore questions raised by Hobbes’s assumption that freedom presupposes the ability to take the options over which you are free: they must be within your “strength and wit.” For the record, Berlin denies that freedom presupposes ability in this way, insisting that you may be free to vote even when you are too ill to go to the polls: “Mere incapacity to attain a goal is not lack of political liberty” (*Four Essays on Liberty*, 122). In fairness to Berlin, he argued that in order to make liberty truly valuable, it might be necessary to institute welfare measures for giving people abilities to match their political liberties. “What is freedom to those who cannot make use of it? Without adequate conditions for the use of freedom, what is the value of freedom?” (*ibid.*, 124; see also *lii*). He is followed in this view of what is required for the value as distinct from the nature of freedom by John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971).

11. Thomas Hobbes and John Bramhall, *Hobbes and Bramhall on Freedom and Necessity*, ed. Vere Chappell (Cambridge: Cambridge University Press, 1999), 91.

cision.¹² But this is just to say that you made a decision on the false assumption that you had a free choice, not that you actually had a free choice. Hobbes, however, differs. He thinks that your freedom of choice requires only that the option you prefer, and not necessarily any other option, is available to you.

The Hobbesian view equates freedom with the nonfrustration of your preference and your choice. You will not be frustrated if an option you do not actually prefer—in this case, playing tennis—is blocked; you will only be frustrated if the option you prefer is obstructed. And according to Hobbes you will enjoy freedom in any choice in which you avoid such frustration.

Berlin's Alternative

Berlin agrees with Hobbes that freedom of choice requires the absence of external hindrance, focusing—unlike Hobbes—on “the deliberate interference of other human beings.”¹³ They both hold that the freedom with which they are concerned—in Hobbes’s explicit reference, the freedom required for being a freeman—is jeopardized by such intervention. But the issue for Berlin is whether Hobbes is right that intervening to obstruct a nonpreferred option is irrelevant to an agent’s freedom of choice. Suppose I am disposed to interfere, not with the option you choose, but with an option that you might have chosen to take and didn’t; suppose I am not disposed to frustrate your preference but only to block an option you don’t actually prefer. Does this take from the freedom of your choice or not?

In the opening part of his 1958 lecture, Berlin appears to go along with the Hobbesian answer that no, it doesn’t. Thus, he explicitly endorses Hobbes’s definition, though without commenting on this implication.¹⁴ He suggests that on “the ‘negative’ definition of liberty in its classical form,” interference is “bad as such” because “it frustrates human desires.”¹⁵ And in later commentary, he describes his

12. Harry Frankfurt, “Alternate Possibilities and Moral Responsibility,” *Journal of Philosophy* 66 (1969): 829–39.

13. Berlin, *Four Essays on Liberty*, 122. Given that Hobbes thinks that any form of external hindrance takes from your freedom, he does not belong to the school of thought described in the introduction. Casting him as a foil to Berlin, however, I concentrate only on the hindrance imposed by other human beings; I treat him as if he did belong to that school. Berlin defends his focus on the hindering effects of human action, quoting Rousseau’s claim that “the nature of things does not madden us, only ill will does” (ibid., 122). The reference to ill will strongly suggests the need for intention—as other passages also do—but Berlin goes on, confusingly, to say that when other human beings restrict us, this action oppresses us, whether it is performed “with or without the intention of doing so.” I take this to be just a slip.

14. Ibid., 123.

15. Ibid., 128.

initial take on freedom in that lecture—"the formulation with which I began"—as mistaking freedom for the absence of such frustration.¹⁶

But though his initial formulation of the notion of liberty may have been Hobbesian in this way, he insists in this commentary that the main arguments of the original lecture were not affected by this "genuine error." And that is certainly so, for he explicitly argues in the course of the lecture that your negative liberty is not ensured by being positioned to do what you actually want to do; you must be positioned to do whatever you might happen to want or try to do among the relevant alternatives.¹⁷ Freedom is not "the absence of obstacles to the fulfillment of a man's desires," as he later puts it, but "the absence of obstacles to possible choices and activities."¹⁸

In the later commentary, Berlin gives telling expression to his non-Hobbesian point of view. The options in a choice are like doors you can push on, he says. How extensive the choice is depends on how many doors there are. How significant the choice is depends on what the doors lead to. And, crucially, how free the exercise of choice is depends on whether and how far the doors are open. "The extent of a man's negative freedom is, as it were, a function of what doors, and how many are open to him; upon what prospects they are open; and how open they are."¹⁹

The important point in this metaphor is that the freedom of a choice turns, not just on whether the door you push on is open, but on whether all the doors are open, including those you might have pushed on but didn't. Interference may be the enemy of freedom, but it is not just frustrating interference, as in Hobbes's picture, which matters: not just interference with the actual option preferred. The fact that you would have suffered interference in the choice of another option, even though you don't suffer interference in the option you adopt, will equally take from your freedom of choice. Freedom

16. *Ibid.*, xxxviii.

17. *Ibid.*, 139. Strictly, there is a problem in saying that to be free in the choice of A, it must be the case that you could have chosen the alternative, B, had you wanted to—had you preferred that option. This condition might be incapable of fulfillment because you are the sort of person who would only want to do B if it was not available; the possibility will be salient from Groucho Marx's quip that he would only want to join a club that would not accept him as a member. The problem can be overcome if what is required is that you could have chosen B had you tried to do so, where it is not required in that eventuality that you actually prefer B. For expressive convenience, I ignore this complication in the text. I am grateful to Lara Buchak for drawing the problem to my attention.

18. *Ibid.*, xxxix.

19. *Ibid.*, xlvi; see also xxxix. In the original lecture, he comes close to endorsing the open-doors metaphor, despite his endorsement of Hobbes, when he denounces those who would "block every door but one," even one that opens on a "noble prospect" (127).

as noninterference, as we can put his claim, requires more than freedom as nonfrustration.

When Hobbes speaks of the external hindrance that affects freedom, even that which originates in human beings, he only has in mind the preventive sort of obstacle that removes one or more of the agent's options.²⁰ When Berlin speaks of interference, he has a wider category of intervention in mind, as have most philosophers who write about social freedom. It includes not just removing an option but replacing it by a penalized alternative, as in a coercive threat; and it may include not just intervening in the options available but also undermining the informed, deliberative character of the choice by deception or manipulation.²¹

These different approaches suggest different readings of the open-doors metaphor. On the Hobbesian story, a door will be open just in case it is unlocked. On the story that Berlin proposes, a door may be unlocked without strictly being open: to suggest analogues of nonpreventive interference, it may be jammed, for example, or concealed from view or misrepresented in a play of mirrors. We won't have much reason to return to this divergence but, for the record, I shall have the wider conception of interference in mind when arguing later about the radical implications of Berlin's line of argument.

II. BERLIN'S ARGUMENT

No Freedom by Adaptation

Berlin does not rely on just the appeal of the open-doors metaphor for undermining the view of freedom as nonfrustration. Nor does he merely observe that on this view you may enjoy freedom in a choice where you are left only one option, provided that is the option you prefer. He offers an imaginative argument against that conception.²² This argument is of general interest and may represent Berlin's most lasting contribution to our thinking about freedom.

In full, perhaps pedantic dress, the argument goes like this:

1. Suppose with Hobbes that you enjoy freedom in a choice

20. This approach is adopted by Hillel Steiner, *An Essay on Rights* (Oxford: Blackwell, 1994); Ian Carter, *A Measure of Freedom* (Oxford: Oxford University Press, 1999); Matthew H. Kramer, *The Quality of Freedom* (Oxford: Oxford University Press, 2003).

21. Berlin, *Four Essays on Liberty*, 155. Although I shall speak in what follows of interference without qualification, it might be more appropriate and even more faithful to Berlin's point of view—though not, as it happens, his precise formulations—to take him to have only unlicensed interference in mind. Licensed or nonarbitrary interference, as I think of it, materializes on terms laid down by the interfeeree, as in the example of how his sailors treat Ulysses. See Philip Pettit, "Republican Liberty: Three Axioms, Four Theorems," in Laborde and Maynor, *Republicanism and Political Theory*.

22. Berlin, *Four Essays on Liberty*, xxxix.

- between A and B just in case you avoid interference in the option that you actually choose; you avoid frustration.
2. By supposition, you do not enjoy freedom of choice in the case where A attracts my interference, B does not, and you choose A.
 3. But, by supposition, you would enjoy freedom of choice in that case, were you to choose B.
 4. If you know the situation, therefore, it appears that you can ensure your freedom of choice, without constraining my interference, by adapting your preferences and choosing B.
 5. But this is absurd. You cannot make yourself free just by accommodating yourself to my disposition to interfere.
 6. Thus, the original supposition that nonfrustration is enough for freedom must be false.

The thrust of the argument is easily illustrated. Imagine that I am a prisoner who, being forcibly imprisoned, does not have freedom of choice as between staying behind bars and living in the outside world. Do I lack freedom, as the conception of freedom as nonfrustration implies, just because the option I prefer is living outside prison? If so, then I can make myself free—I can give myself freedom in the choice between living in prison or outside—just by adapting my preferences and coming to want to stay in prison. As Berlin expresses the thought in the original lecture, “I need only contract or extinguish my wishes and I am made free.”²³ Or, as he expands on this later, “if to be free—negatively—is simply not to be prevented by other persons from doing whatever one wishes, then one of the ways of attaining such freedom is by extinguishing one’s wishes.”²⁴

In the prison example, as in any examples that might be used to illustrate Berlin’s lesson, the choice between living in prison and living outside is taken as given, and the crucial observation is that adapting preferences in the face of obstruction to one or another option cannot give you freedom in that choice. But it is worth noting that there is a related context in which adaptation is not objectionable.

23. *Ibid.*, 139.

24. *Ibid.*, xxxviii. But see Carter, *Measure of Freedom*, and Kramer, *Quality of Freedom*. They will argue that where adaptation is required for being able to take a particular option—and also, to anticipate, where ingratiation is required for that result—the agent loses out in overall freedom, not being in a position to choose the option-without-adaptation or the option-without-ingratiation. The observation may soften the difficulty of living with the conclusion of Berlin’s argument—that one can make oneself free in a given choice by adaptation or ingratiation—but it does not remove it; the intuition remains that one cannot achieve freedom in that given choice just by adapting preferences or just by ingratiating yourself with an obstructive agent. For a general comment on the limitations of this overall-freedom line, see Pettit, “Republican Liberty.”

Suppose you want to spend time with me on the weekends but do not share my preference for hiking. You might reasonably work at getting yourself to like hiking in order to make yourself into an acceptable weekend companion. And having won me around, your preference-adaptation would then have given you a choice on one or another weekend between going hiking with me or staying at home. This sort of adaptation is designed to give you more options and more choices by making me into a willing partner in certain joint activities. It is not designed, like the adaptation Berlin addresses, to make you free in a choice between given options.

Freedom and Preference-Satisfaction

The counterintuitive consequence that undermines the Hobbesian view is avoidable under the open-doors claim that every option in a free choice must escape interference. And that becomes Berlin's main argument for the claim. The significance of the claim shows up in the fact, emphasized in the work of Amartya Sen, that the ideal of freedom is distinct from that of preference-satisfaction—that is, the satisfaction of unadapted preferences.²⁵ The ideal of preference-satisfaction requires only that actual interference and actual frustration of preference be avoided. The ideal of freedom of choice requires the avoidance of counterfactual interference too. Berlin marks the contrast between the ideals nicely: “to teach a man that, if he cannot get what he wants, he must learn to want only what he can get may contribute to his happiness or his security; but it will not increase his civil or political freedom.”²⁶

Berlin's open-doors view implies that freedom has a modal character. You are free in a choice not just in virtue of enjoying noninterference in the actual world where you choose A but in virtue also of enjoying it in a range of possible worlds: presumptively, the nearest possible world or worlds in which you choose B.²⁷ You are free in the

25. See Philip Pettit, “Capability and Freedom: A Defence of Sen,” *Economics and Philosophy* 17 (2001): 1–20.

26. Berlin, *Four Essays on Liberty*, xxxix.

27. It may be enough, according to Berlin, that you enjoy noninterference in the nearest possible world or worlds in which you choose the other option, B. Or it may be required that there is a larger range of possible Y-worlds where noninterference is absent. These might be defined in a context-sensitive way but certainly cannot include all possible worlds in which you choose B. The fact that you would attract interference in the remote possible world where B would bring about the end of all sentient life, e.g., hardly shows that you are actually unfree in choosing between A and B. I abstract from this issue here, as I abstract from the related issue of whether it is necessary, not just that you are actually not interfered with in choosing A, but that you would not be interfered with in a range of other possible A-worlds: worlds that differ in intuitively irrelevant ways from the actual world. On issues about the relation between noninterference and freedom and about how

actual world not just in virtue of its being a world without interference but also in virtue of its being a world where certain features mean that you would not suffer interference even if you chose other than you actually did.

Berlin's argument shows quite effectively that freedom of choice is a distinct goal from actual preference-satisfaction and, assuming it is desirable, a distinct ideal. He makes the a priori assumption—an assumption expressive of how we conceptualize freedom—that you cannot make yourself free by accommodating yourself to restrictive constraints, only by challenging them. And then he shows that if we are to be faithful to this assumption in looking after your freedom, we must try to ensure that the doors associated with your different options are all open. We cannot settle for the more parsimonious strategy of worrying about keeping an option open only to the extent that it is likely you will choose it. That would be to worry about promoting your preference-satisfaction, not strictly your freedom of choice.²⁸

There are some situations, of course, where we should settle for the more parsimonious ideal. It may be that we cannot protect your access to both options A and B—at least not at a reasonable cost—and so that we cannot ensure your freedom of choice as between those options. In that situation, it would certainly make sense to invest our resources in protection of each option in a measure that corresponds to the likelihood of your choosing it. In other words, it would make sense, given the infeasibility of ensuring freedom of choice, to settle for promoting expected preference-satisfaction.²⁹ But the fact that second-best circumstances might force this strategy on us does not mean that there is reason in general to prioritize preference-satisfaction over freedom of choice or to treat the two goals as equivalent. Berlin's message remains in place.

The Importance of the Message

The importance of the message shows up in the fact that the Hobbesian error against which he guards continues to appear in contempo-

robust noninterference must be in order to constitute freedom, see Pettit, "Capability and Freedom"; and Christian List, "The Impossibility of a Paretian Republican? Some Comments on Pettit and Sen," *Economics and Philosophy* 20 (2004): 1–23, and "Republican Freedom and the Rule of Law," *Politics, Philosophy and Economics* 5 (2006): 201–20. These issues are parallel to issues in epistemology about the relation between true belief and knowledge. See, e.g., Timothy Williamson, *Knowledge and Its Limits* (Oxford: Oxford University Press, 2000).

28. That the ideals are distinct does not rule out the possibility, however, that interference-with-frustration is worse, worse even in freedom terms, than interference-without-frustration.

29. Jeremy Waldron, "Pettit's Molecule," in *Common Minds: Themes from the Philosophy of Philip Pettit*, ed. G. Brennan, R. E. Goodin, F. Jackson, and M. Smith (Oxford: Oxford University Press, 2007), 143–60. But see also the previous footnote.

rary writing. In a recent paper, Robert Goodin and Frank Jackson hold that a concern for freedom—negative freedom, as they suggest—rationally requires the maximization of expected noninterference.³⁰ This claim fits with the Hobbesian point of view and is deeply opposed to Berlin’s own line.³¹

To maximize expected noninterference is to minimize expected interference. And two probabilities are relevant to that goal. First, the hypothetical probability that someone will interfere with your choice, should you take an option, x ; this probability can be represented as $P(\text{Int if } x)$.³² And second, the absolute probability of your taking that option: in the usual formulation, $P(x)$. In a choice between A and B, then, you will increase expected noninterference—you will reduce expected interference—to the extent that you can reduce this sum: $P(A)P(\text{Int if } A) + P(B)P(\text{Int if } B)$.

This puts us in a position to see why the Goodin-Jackson line is inconsistent with Berlin’s central thesis. If you can rationally serve the cause of your own freedom by reducing this sum in any way possible, as they suggest, then you can rationally serve the cause of your freedom by choosing the option for which the corresponding hypothetical probability is lower. Thus, you can promote your own freedom of choice as between A and B, by adapting preference so as to select the option that has the lesser chance of triggering interference. If B is likely to attract interference, and A is not, you can make yourself free by coming to want and choose A, setting $P(B)$ at zero. The approach is directly in conflict with Berlin’s anti-Hobbesian message.

It may be helpful, using this probabilistic language, to set out schematically the contrast between the positions that Hobbesians and Berlinians adopt.

Others can and will:	interfere if you choose A (Int if A)	interfere if you choose B (Int if B)
You actually	1. choose A	2. choose A
You actually	3. choose B	4. choose B

30. Robert E. Goodin and Frank Jackson, “Freedom from Fear,” *Philosophy and Public Affairs* 35 (2007): 249–65.

31. Philip Pettit, “Freedom and Probability: A Comment on Goodin and Jackson,” *Philosophy and Public Affairs* 36 (2008): 206–20.

32. The hypothetical probability $P(\text{Int if } x)$ should be understood, not as a conditional probability, but in one of the alternative modes consistent with causal decision theory: e.g., as the probability of the truth of the appropriate subjunctive conditional. See James M. Joyce, *The Foundations of Causal Decision Theory* (Cambridge: Cambridge University Press, 1999). The conditional probability $P(\text{Int}/x)$ —the probability of interference, given x —may be low for evidential rather than objective or causal reasons: say, because your taking x would be good evidence that I am friendly and unlikely to interfere.

Hobbesians think that you are free if 2 or 3 obtains. Berlinians think that no interference must occur. They argue that whether you choose A or B, the freedom of the choice requires that $P(\text{Int if A})$ and $P(\text{Int if B})$ should each be suitably low.

III. BUILDING ON BERLIN'S ARGUMENT

No Freedom by Ingratiation

Berlin argues that it is necessary for the freedom of a choice, say between options A and B, that each option should remain accessible, each door open. But is this sufficient for the freedom of the choice? That is the question that I want to raise in this section. I try to show that an argument that parallels Berlin's own argument against Hobbes suggests that it is not sufficient. As he argues for freedom as noninterference over freedom as nonfrustration, so it is possible in parallel to argue for freedom as nondomination over freedom as noninterference.

Berlin's argument starts from the assumption that you cannot make yourself free by adapting your preferences to the constraints of another's interference and uses this in a *reductio ad absurdum* of the Hobbesian theory of freedom. The argument is that if the Hobbesian theory is true, then it follows, absurdly, that you can make yourself free by a suitable form of preference-adaptation. It turns out, however, that there is a similar sort of absurdity that follows if Berlin's own theory is true, so that his position is exposed to a parallel *reductio*.

This is how the argument goes.

1. Suppose with Berlin that you enjoy freedom in a choice between A and B just in case both options are open; you avoid interference in each option, not just interference in the option preferred.
2. By supposition, you do not enjoy freedom of choice in the case where I have a power of interference and, being ill willed, am disposed to interfere with one or the other option.
3. But, by supposition, you would enjoy freedom of choice in that case if I were disposed, notwithstanding my power, to interfere with neither.
4. If you know the situation, then, it appears that you can make yourself free, without reducing my power of interference, just by ingratiating yourself with me and getting me to let you have your way.
5. But this is absurd. You cannot make yourself free just by accommodating yourself to my power of interference.
6. Thus, the original supposition that noninterference is enough for freedom must be false.

Berlin's argument against Hobbes turns on the intuition that adapting your preferences so as to choose things that are accessible cannot make you free, even if it can increase your comfort or contentment. This argument against Berlin turns on the intuition that, equally, adapting your attitudes so as to ingratiate yourself with me—or with any power in your life—cannot make you free, even if again it can make life more comfortable. You cannot make yourself free, so the idea goes, by cozying up to the powerful and keeping them sweet. That sort of deference—that sort of toadying, fawning, or kowtowing, to use some established terms of derogation—testifies to the unfreedom of your situation; it is not a strategy whereby you might overcome it. As freedom cannot be won by adaptation, so it cannot be won by ingratiation.

The Anti-ingratiation Assumption

Berlin's theory of freedom as noninterference entails that ingratiation is a possible means of liberation in the same way that Hobbes's theory of freedom as nonfrustration entails that adaptation is a possible means of liberation. And this entailment argues against the Berlinian theory, as the corresponding entailment argues against the Hobbesian. Let the antiadaptation assumption be granted and Hobbes's theory must fail; let the anti-ingratiation assumption be granted and Berlin's must fail. The problem is not that adaptation or ingratiation in the relevant contexts is intuitively objectionable, as it surely is, or even that it will occur very often, which it may not do. The problem, rather, is that neither adaptation nor ingratiation counts as a possible means of liberation, and any theory that entails that it can serve a liberating role has to be inadequate.

Where the antiadaptation assumption is that all the options in a free choice must be open, the anti-ingratiation claim is that not any old way of opening them will do. You may be free in a choice between A and B insofar as the accessibility of those options derives from natural obstacles to my interference—or anyone else's—or from other agencies that protect you from my interference, or from your power of retaliating against my interference, or from the fact that such interference will have various social or even psychological costs. But the anti-ingratiation assumption is that you will certainly not be free if it remains just a matter of will or taste or favor, as it will remain in the wake of the most successful ingratiation, that I leave the options open and up to you.³³

33. What if you were close to certain that I would not be put off by any line you took in the choice between A and B, or in any other choice of that kind? What if you were so sure of my favorable attitude toward you that you had no fear of alienating me and

The point is not that it would be a solecism to say that you were free to take either option in such a case—in suitable contexts, it would be perfectly good English to say this—but rather that the sort of latitude enjoyed does not rule out subjection to my will and does not live up to the more demanding connotations of freedom. In particular, it does not live up to the connotation whereby you are free in a given choice only to the extent that you are not subject to the will of another as to how you should choose. According to Berlin, you will be subject to my will in a choice between A and B just in the event of my deliberately interfering—presumably without your license—with the option you actually choose, A, or with the option you might have chosen, B. But you will also be subject to my will if it is a mere artifact of taste or inclination, not the product of any constraint, that I am happy for you to choose as you wish between A and B. When I grant you the favor of choosing as you wish, it remains the case that should my will change, then I will interfere with one or the other option. You depend on my will remaining the favorable way it is, therefore, for having the choice between A and B. You have an open choice between those options only because it is my will that you should have that choice.

In discussing adaptation, I mentioned that while it is not a possible means of liberation in a choice between given options, there is a related sort of context where it may serve a useful role. In the illustration given, you might work on your preferences in order to induce an attachment to hiking and make yourself into an acceptable weekend companion of mine. And you might thereby give yourself a choice on one or another weekend between going hiking with me or staying at home. As this is true for adaptation, so it is clearly true for ingratiation; you might also make yourself into an acceptable weekend companion by using your charms and wiles to win me over. Adaptation and ingratiation may be sensible ways of making me or any other person willing to participate in some joint activity, and they can serve in this role to give you more options and more choices. But that is entirely consistent with the claim that in a choice between given

triggering interference? Would there still be a sense in which your choice was subject to my will? The right response to this query is that you could not think of me as such a mechanically predetermined entity—and certainly could not manifest that view—while continuing to see and treat me as an agent. Suppose that you are disposed to hold me responsible as an agent for whatever I turn out to do in a given choice that affects your interests, so that you will feel gratitude or resentment at the decision I take. You must then think of me, before the decision is made, as being in a position to take one or another course, depending on my will. And that attitude rules out the sort of certainty envisaged here. For such a viewpoint, see the work of a contemporary and colleague of Berlin's: Peter Strawson, *Freedom and Resentment and Other Essays* (London: Methuen, 1962).

options, neither initiative counts as a possible means of liberation: a way of giving yourself freedom in that very choice.

Freedom as Nondomination

The upshot of this discussion is that insofar as I have the resources to interfere without cost in a choice of yours—insofar as I have the power and knowledge required—your ability to make the choice is dependent on my will as to what you should do, and you are in that sense subject to my will. To the extent that I have a power of interfering without cost in your choice, I count as dominating you; I am in a position associated iconically with a master or dominus.³⁴ And so the endorsement of the anti-ingratiation assumption, and of the argument in which it figures, leads to replacing the conception of freedom as noninterference with the conception of freedom as nondomination. The price that has to be paid for denying that ingratiation is a possible means of liberation is to take freedom to require nondomination.³⁵

Domination is a pervasive phenomenon and to hold that freedom rules it out is to make freedom into quite a demanding ideal. The domination whereby I take away your freedom in a choice between A and B may not manifest itself in my frustrating that choice or even in my interfering in the choice without frustrating it: that is, in interfering with a nonpreferred option. It may just consist in my having the power to interfere more or less without cost, should my will incline that way.³⁶ And it may consist in the possession of such power,

34. Pettit, *Republicanism*, chap. 2.

35. Inevitably, this presentation of freedom as nondomination is not as cautious as it might be. Two points of caution, in particular, should be registered. One is that you do not depend on the will of another in the relevant sense just in virtue of your options being dependent on what they, perhaps in ignorance of your existence, choose to do; in that case, you do not depend on their will as to what you should do: they may have no wishes about what you should do. And another is that you do not depend on the will of others just in virtue of the fact that a majority in your society might coalesce and take against you; short of coalescing or incorporating, they do not constitute an existent agency that dominates you, and the possibility of such a development testifies only to possible, not actual, domination.

36. Indeed, the varieties of domination are even richer than this suggests. I may interfere with you, as explained earlier, by removing or replacing an option, by denying you information about the options, or by undermining your capacity to reason properly about them. But this means that I may have the power to interfere with you in a given choice, should my will incline that way—i.e., I may dominate you—not just in virtue of superior resources, intuitively understood, but even in virtue of your believing that I have such resources. If you do believe that I have those resources, then I will have the power to deceive you in the choice: say, by making a bluff threat to stop you doing one or another option. All of this illustrates Hobbes's remark that "reputation of power is power." See Hobbes, *Leviathan*, chap. 10.5.

even when domination is the last thing I seek. If the power of interference is one that I cannot abjure or contain—if I enjoy it, for example, by grace of the superior legal standing that husbands used to have over wives, masters over servants—then I cannot unmake the fact that whether or not you are to suffer my interference depends on the state of my will. It is the existence of my power of relatively costless interference, not its exercise—not even its exercise against a nonpreferred option—that makes you unfree. The ideal of freedom as nondomination would argue, then, for quite dramatic limitations on the power that one person or group of persons may have of imposing their will on another.

This ideal has deep roots in the history of thought. There is a long tradition of thinking that if the options in a choice are open only by virtue of the goodwill of the powerful, then the agent is not free in making that choice. The tradition goes back to at least the Roman republican way of thinking about freedom, and it survived through the Renaissance and the English republic—Hobbes notwithstanding—to become a centerpiece of political thought in the eighteenth century. You are not free in any choice, to quote the eighteenth-century republican Richard Price, if your access to the options depends on an “indulgence” on my part, or an “accidental mildness.”³⁷ Freedom, as Algernon Sidney had put it in the 1680, is “independency upon the will of another.”³⁸ In the words of *Cato’s Letters*, a popular tract of the eighteenth century, “Liberty is, to live upon one’s own terms; slavery is, to live at the mere mercy of another.”³⁹

Modeling and Illustrating This Freedom

The republican idea is made vivid in the traditional image of the free horse. Does the horse that is given free or loose rein enjoy freedom of choice in virtue of the implied permission to go in this direction or that? It may do so if freedom requires merely that the relevant options be open; after all, the horse can go in any direction it likes. But it will not enjoy freedom of choice, if the accessibility of the options cannot depend on the will of another. For whether the horse can go in one direction or another depends on the will of the rider. As republicans see it, the horse will be unfree just in virtue of having someone in the saddle; free rein is not enough for free choice.

But the republican idea can also be expressed with the help of

37. Richard Price, *Political Writings* (Cambridge: Cambridge University Press, 1991), 26.

38. Algernon Sidney, *Discourses concerning Government* (Indianapolis: Liberty Classics, 1990), 17.

39. John Trenchard and Thomas Gordon, *Cato’s Letters* (New York: Da Capo, 1971), 2:249–50.

the open-doors metaphor on which Berlin relies. Are you free just insofar as both doors are open in the choice between A and B? Not necessarily. What freedom ideally requires in the republican book is not just that the doors be open but that there be no doorkeeper who can close a door—or jam it, or conceal it—more or less without cost; there is no doorkeeper on whose goodwill you depend for one or another of the doors remaining open. If I am in the position of such a doorkeeper, therefore, your access to the A and B options is not supported in the manner that freedom of choice strictly requires.

As the plausibility of the antiadaptation assumption argues that all the doors in a free choice must be open, so the plausibility of the anti-ingratiation assumption argues that there must be no dependence on the good graces of a doorkeeper. When you ingratiate yourself with me and I let you go by a door that I would otherwise have closed, you do not cease to be subject to my will. You have not escaped the constraint that made you unfree in the first place, nor done anything to reduce the effectiveness of the constraint, say by raising the assured or expected costs, physical or psychological, of my acting against you. While continuing to operate under the yoke of my will, you have merely adjusted so as to make your life more comfortable. You have done exactly the sort of thing that the prisoner does in adjusting to life behind bars.

Where the image of the prisoner illustrates the illusion of freedom by adaptation, there are many images available to illustrate the illusion of freedom by ingratiation. One of the most vivid is presented in Mary Wollstonecraft's description of the subjection of women in her time.⁴⁰ The woman who lives under the will of a husband may rely on mincing steps and beguiling smiles to keep her husband sweet and to get her way in a variety of choice. But she doesn't succeed thereby in getting out from under his will, escaping the constraint that it represents. She may delude herself that she is free in those choices, as the adaptive prisoner may delude himself about his freedom, but no one should be deceived. Certainly Wollstonecraft is quite clear. However kindly or gullible, however much he is a pushover, the husband remains a master. And to live under the will or power of a master—to live *in potestate domini*—is not to be free.

Modal Robustness

The lesson can be formulated with the help of the probabilistic language employed earlier. On the Hobbesian approach, you can make yourself free in a choice between A and B—you can reduce the sum,

40. Mary Wollstonecraft, *A Vindication of the Rights of Women* (New York: Whitston, 1982).

$P(A)P(\text{Int if } A) + P(B)P(\text{Int if } B)$ —by setting either $P(A)$ or $P(B)$ to zero, that is, by adapting so as to choose the option with the lesser prospect of interference on my part or on the part of any other. On the Berlinian approach, you cannot give yourself freedom in the A-B choice by means of self-censorship, but you can do so, aiming at the reduction of the same sum, by ingratiating yourself with me and other relevant powers in the hope of lowering $P(\text{Int if } A)$, $P(\text{Int if } B)$, or both.

The Berlinian revision of Hobbes requires that interference should remain improbable—ideally, absent—whether you choose A or choose B; things must be such that the prospect of interference is low in both possible worlds, so that noninterference is modally robust. The republican revision of Berlin requires that this should indeed be so but in a way that is independent of my goodwill or that of others. $P(\text{Int if } A)$ and $P(\text{Int if } B)$ have to remain low, whether I and other powers in your life are friendly or hostile, so that noninterference becomes more robust still. Writing “F” for friendly and “H” for hostile, there are four possible ways the world may be, and in each scenario, the probability of interference has to be low. It must be low in the presence of A and F: that is, when you choose A and we others are friendly. And it must also be low in the presence of A and H, B and F, and B and H. You must enjoy such protection or empowerment in the actual world that interference is unlikely under each of those scenarios.⁴¹

The considerations rehearsed show, I believe, that as we should be moved by Berlin’s argument against Hobbes on free choice—against the conception of freedom as nonfrustration—so we should be moved by analogous arguments against the conception of freedom as noninterference. We should embrace the idea that a choice is free to the extent that it is not made under conditions of dependency on

41. Imagine, then, that you face a choice between options A and B. By Berlin’s lights it must be the case that you avoid interference both in the A-scenario—the world where you choose A—and in the B-scenario. By republican lights, you should avoid interference in the corresponding four scenarios, described as A-F, A-H, B-F, and B-H. But this description of the positions raises a natural question parallel to one raised in an earlier footnote on Berlin. How encompassing should the A-F scenario be—and the A-H, B-F, and B-H scenarios? At a minimum, it might reduce to a singleton—the nearest possible world, as we say, in which A-F holds; and I have written, implicitly, as if this is the way to think: it fits with the standard reading of the counterfactual conditional. At a maximum, it might encompass all those possible worlds where A-F holds true, including outlandishly unlikely worlds where, say, a more powerful, extragalactic species invades earth. On the most plausible understanding, however, it should probably be taken to refer us to a range of possible worlds, salient on the basis of a background, contextually sensitive understanding, where you choose A and others are friendly. I cannot discuss the question further in this context.

the goodwill of others and so not in the presence of a power of interference on the part of others. The un-freedom of choice suffered as a result of domination may be made worse if there is interference or frustration as well. But if it is to be replaced by freedom, then it is essential that there be no domination; the absence of frustration and interference is not enough on its own to guarantee that result.

IV. FREEDOM OF THE PERSON

Berlin's View of the Free Person

For all that has been said so far, Berlin might go along with the spirit of Hobbes's view on what it is to be a 'freeman' or free person. He might say that you are a free person only if you enjoy freedom in all your choices: among the things that you have the ability to do—perhaps on your own, perhaps in the presence of willing partners—you do not suffer the interference of others. Or he might go along with a modified version of that ideal according to which you are a free person to the extent that you are not interfered with; you enjoy such freedom in greater measure, the greater the range of choices in which you are free.

Berlin does neither of these things, however. Without commenting explicitly on the relationship between the ideal of having a free choice and the ideal of being a free person, he makes absolutely clear that on this matter too his view is very different from the Hobbesian one. In later commentary on his 1958 lecture, he says that to be free—in effect, to be a free person—is “to be accorded an area . . . in which one is one's own master”; it is to enjoy a domain where one “is not obliged to account for his activities to any man so far as this is compatible with the existence of organized society.”⁴² As he put it in the lecture itself, it is to have access to “a certain minimum area of personal freedom which must on no account be violated.”⁴³

A Republican View

It is no accident that Hobbes made it so hard for someone to count as a freeman, taking it to require the enjoyment of freedom across the full gamut of choice, and that he thereby marginalized the ideal. He would have relished that marginalization, since the republican way of thinking made the freedom of the person or citizen central to

42. Berlin, *Four Essays on Liberty*, lx.

43. *Ibid.*, 123. I abstract from the question of whether, according to Berlin, establishing this minimal area, and thereby enabling each person to be free, also requires providing for the value of that freedom in the sense discussed in an earlier footnote: i.e., also requires giving people the wherewithal to enjoy the exercise of choice in that area. I assume that at least an updated version of the republican ideal of the free person, mentioned later in this section, would require such support.

political thought. In Roman thinking, to be a free person just was to be a citizen incorporated in the matrix of protection for certain basic choices that is afforded to each—in theory, afforded equally to each—by the rule of law. Under this approach, as one commentator puts it, “full *libertas* is coterminous with *civitas*”;⁴⁴ being a free person means nothing more or less than being a citizen. By making the category of the freeman or *liber* impossible of realization, Hobbes challenged a foundational concept in the ideology of his main opposition. He struck out against those in Parliament and elsewhere who took the freedom of the freeman to be a status that all citizens ought to be able to enjoy.⁴⁵

Without connecting with the debate between Hobbes and the parliamentarians, Berlin shows that on this issue he is clearly on the republican side. He is with that tradition in recognizing that it is legal conventions, not metaphysical rights, that determine the range of choices in which people are to be equally protected; the “area of men’s free action must be limited by law,”⁴⁶ he says, and has to be “artificially carved out, if need be.”⁴⁷ And he is also on the republican side in holding that not any old way of demarcating the area is satisfactory. The “field of free choice”—the range of choices or liberties that are to be protected⁴⁸—should be available equally to each, and it should be as large as possible consistently with “the existence of organized society.”⁴⁹ Society should provide for each “a maximum degree of noninterference compatible with the minimum demands of social life.”⁵⁰

While the field of free choice envisaged by Berlin clearly includes the traditional liberties in the domain of thought, speech, association, location, occupation, ownership, and the like, these comments show that he thinks of them as liberties established and variously interpreted in the conventions and laws of particular societies. As in the republican tradition, he sees them as institutional artifacts, the legacy of a cultural and legal heritage, not as god-given, natural rights. They are the product of what he sees as “rules so long and widely accepted

44. Ch. Wirszubski, *Libertas as a Political Ideal at Rome during the Late Republic and Early Principate* (Oxford: Oxford University Press, 1968), 3.

45. Quentin Skinner, *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008).

46. Berlin, *Four Essays on Liberty*, 123.

47. *Ibid.*, lx.

48. Philip Pettit, “The Basic Liberties,” in *Essays on H. L. A. Hart*, ed. M. Kramer (Oxford: Oxford University Press, 2008), 201–24.

49. Berlin, *Four Essays on Liberty*, lxi.

50. *Ibid.*, 161; see also lxii.

that their observance has entered into the very conception of what it is to be a normal human being.”⁵¹

Berlin associates the ideal of living in a society that enables you to be your own master, and that extends this possibility to everyone, with “the fathers of liberalism—Mill and Constant,” but it clearly conforms closely to earlier republican thinking.⁵² The guiding insight is that “to be free to choose, and not to be chosen for, is an inalienable ingredient in what makes human beings human.”⁵³ That insight attracted special emphasis and accrued novel connotations in the liberal writers to whom Berlin refers, but it is already present in the republican image of the agents who live, as Sidney put it, “in independency upon the will of another”: the citizens, in the phrase from Roman law, who live *sui juris*, on their own terms.

A View That Requires Nondomination

But not only does Berlin rejoin the older tradition in his particular ideal of freedom in the person. What I now wish to point out is that he cannot really secure this ideal, while holding that the freedom it requires in designated choices is freedom as noninterference. Were the free person to be provided only with freedom as noninterference in the “field of free choice,” then that provision would not ensure that it is an area “in which one is one’s own master.” If I am to be free in this sense, as Berlin puts it at one point, there must be “room within which I am legally accountable to no one for my movements.”⁵⁴ But I will certainly be accountable to others if I have to depend on their goodwill for the capacity to make a choice in favor of one option or another within the designated domain. I may not be legally or morally obliged to those others, but I will be obliged in the more basic currency of prudence; I will be obliged to stay in the good books of those others, on pain of a setback to my interests. Enjoying freedom as noninterference in that domain is consistent, as we know, with such dependence. And so the freedom required in Berlin’s ideal of the free person has to be more demanding: it has to amount to something close to freedom as nondomination.

How might a society seek to promote freedom as noninterference among its members, without giving them freedom as nondomination? A legal regime that gave the relatively powerful rewards for not interfering with the relatively powerless—perhaps rewards artificially created by the law, perhaps rewards available via the gratitude of

51. *Ibid.*, 165.

52. *Ibid.*, 161.

53. *Ibid.*, lx.

54. *Ibid.*, 155.

beneficiaries—might fit the bill. It might do better by maximizing noninterference overall—in particular, noninterference in the domain of basic choice—than a regime that established defenses or deterrents for the protection of the weak. And so, for all that freedom as noninterference requires, such a regime would be a more attractive prospect.

Another regime that might do quite well by the maximization of freedom as noninterference, yet jeopardize freedom as nondomination, is the benevolent dictatorship. This would give supreme, unchallengeable power to one wholly virtuous individual or body. Being benevolent, that dictator would not perpetrate any undue interference against the citizens of the society. And being benevolent, the dictator would at the same time prevent citizens from interfering with one another. This dictatorship too might do much better by way of promoting noninterference than any system of democratically established defenses and deterrents.⁵⁵

Berlin would have found both of these regimes objectionable and repugnant on grounds of freedom alone. For under either regime it would clearly be the case that many people were obliged and accountable to others, being dependent on their continuing goodwill for the enjoyment of noninterference, even noninterference in the supposedly entrenched field of free choice. We saw earlier that his argument against freedom as nonfrustration and in favor of freedom as noninterference suggests grounds for going further still and thinking of freedom of choice as requiring nondomination. We now see that his ideal of the free person points in the same direction. That ideal requires this more radical form of freedom in the choices that are socially privileged—the basic liberties—and not merely freedom as noninterference.

CONCLUSION

Why does Berlin miss the republican direction in which many of his insights ought to have led him? The question becomes particularly telling, in view of the fact that by 1969 he had begun to articulate his image of the free person in terms that have republican connotations. “Freedom, at least in its political sense, is co-terminous,” he says, “with the absence of bullying or domination.”⁵⁶

The answer to the question, I think, is that his history of freedom let him down. The negative conception of freedom as noninterfer-

55. Perhaps this is what Berlin himself registered in saying that the “connection between democracy and individual liberty is a good deal more tenuous than it seemed to many advocates of both” (*ibid.*, 130–31).

56. *Ibid.*, lvi.

ence, though not always distinguished from nonfrustration, was the familiar ideal of classical liberal and utilitarian thought; Bentham, who took himself to be its inventor, described it as the “cornerstone” of his system.⁵⁷ Berlin identified with this tradition of thought, even as his anti-Hobbesian argument should have pushed him away. And he did so, I suspect, because of thinking that the only alternative was the positive conception of freedom, institutionally interpreted. Under this conception, your social or political freedom does not just rely on law—and perhaps, as republicanism would require, a democratic, nondominating law⁵⁸—for its realization. It consists in being the enfranchised member of a self-determining collectivity such that its will is a will in which you partake. Where the negative conception looked like the modern way of thinking about freedom, this was cast as the unique premodern alternative: the ancient conception of freedom, as Benjamin Constant had described it in 1819.⁵⁹

Far from being the only premodern alternative, this positive conception was the form that the republican conception took in the wake of Jean-Jacques Rousseau’s reconstrual of republican ideas.⁶⁰ Rousseau himself adopted the conception of freedom as nondomination—nondependency on the will of another—in line with the Italian-Atlantic tradition of republican thought: the tradition that originated in Rome, matured in Renaissance Italy, and became popularized in the eighteenth-century English-speaking world.⁶¹ But he rejected the traditional republican belief that only a mixed, contestatory constitution could further the cause of such freedom. Instead, he followed Bodin and Hobbes in arguing that the state had to be ruled by a unified sovereign and so, in the republic, by a unified assembly of citizens. Thus, he generated a new form of republicanism in which the citizens are lawmakers, and their freedom or nondomination is guaranteed by the fact that they live under laws of their own, collective making: they live under the shared general will. As this new republicanism took root, it gave rise to the idea that not only was free-

57. Douglas C. Long, *Bentham on Liberty* (Toronto: University of Toronto Press, 1977), 54.

58. Philip Pettit, “Law and Liberty,” in *Law and Republicanism*, ed. S. Besson and J. L. Marti (Oxford: Oxford University Press, 2009), 39–59.

59. Benjamin Constant, *Constant: Political Writings* (Cambridge: Cambridge University Press, 1988).

60. Jean-Jacques Rousseau, *The Social Contract and Discourses* (London: Dent, 1973). See also Philip Pettit, “Two Republican Traditions,” in *Republican Democracy: Liberty, Law and Politics*, ed. A. Niederberger and P. Schink (Edinburgh: Edinburgh University Press, forthcoming).

61. Jean-Fabien Spitz, *La liberté politique* (Paris: Presses Universitaires de France, 1995).

dom guaranteed by incorporation in collective self-government, that is what freedom means.

What Berlin missed was that while freedom is to be considered as a negative ideal, requiring the absence of some evil, there are a number of different evils in whose absence it might be taken to consist. According to the Hobbesian story, the evil that has to be absent is frustration. According to Berlin's own story, it is interference, actual or counterfactual. And according to the republican story, it is any form of subjection to the will of another—any form of domination—whether this be imposed by interference or not. If the argument of this essay is correct, then Berlin's concerns about the Hobbesian view of freedom ought to have led him toward this republican conception, as should his own ideal of the free person. If he failed to embrace the republican view, that is because he just didn't recognize that it was a genuine alternative to the positive conception that he, quite reasonably, rejected. He thought that the only alternative—or at least, given his arguments against freedom as nonfrustration, the only appealing alternative—was the conception of freedom as non-interference.

In conclusion, a caution. While I think that Berlin ought to have been moved in the direction of republican theory by his argument against the Hobbesian view, and by his attachment to the ideal of a free person, I do not say that he would have been willing to embrace all the implications of such a position. My own view is that when the republican ideal of the free person is universalized to all citizens, it supports a broadly egalitarian program of domestic policy making, a contestatory image of democracy and an ideal of undominated, well-ordered peoples in the sphere of international relations.⁶² I do not know whether Berlin could have lived with such implications. He had reason to endorse premises on the basis of which I think they can be supported, but he might have taken those implications to show that the premises require revision. My *modus ponens* might have been his *modus tollens*.

62. Frank Lovett and Philip Pettit, "Neo-Republicanism: A Normative and Institutional Research Program," *Annual Review of Political Science* 12 (2009): 11–29; Philip Pettit, "A Republican Law of Peoples," in "Republicanism and International Relations," ed. Duncan Bell, special issue, *European Journal of Political Theory* 9 (2010): 70–94. For a recent articulation of the republican theory of democracy, see Philip Pettit, *On the People's Terms* (Cambridge: Cambridge University Press, 2012).