To Anna Howton Laborde and Kaja Bakken Maynor
who were born as this book was being prepared
and Elia Bakken Maynor
who was there from the start

Republicanism and Political Theory

edited by
Cécile Laborde and John Maynor
Chapter 4

Freedom as the Absence of Arbitrary Power

Quentin Skinner

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I have seen principal aims in this chapter, the first of which is to

reach a historical sketch of what has come to be known as the ("epo-

kan") theory of freedom. This terminology is owed to Philip Pettit,

who has done more than anyone to make republicanism a living force

in contemporary political philosophy (Pettit 1997, 2001, 2002). Like

Pettit, to whom I owe a famous debt, I was originally motivated to

consider the republican theory in part because it seemed to me to offer

a corrective to the Millard assumptions underlying current dis-

cussions of negative liberty (Skinner 1998 and 2002). This suggestion

has since been further explored in a number of reliable works, but

the view that republicanism has anything distinctive to contribute

to the analysis of freedom has at the same time been largely contested.

The attack has come from several different quarters, but perhaps

the most challenging questions have been raised by Ian Carter and

Matthew Kramer. Both have seen their duties in major books on the

discussion of freedom, and both have criticized and extended their critiques

in their contributions to the present volume. My second aim in what

follows will accordingly be to try to assess how far they have succeeded

in elaborating that, as they maintain, the feature taken by Mill and

trend to be distinguished of the republican understanding of freedom can

all be accommodated within the framework of their own rival theory


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Before embarking on my historical sketch, I need to stress that I speak of the "republican" theory solely in order to remain in line with the

In my previous writings, I have touched on the idea of democracy, its origins, and the challenges it faces. The concept of democracy has evolved over centuries, influenced by various thinkers and historical events. In this section, I aim to explore the republican theory, particularly in the context of English politics and society.

Within Anglo-Saxon political discourse, the republican theory was not new, but rather an adaptation of classical and medieval ideas. The concept of liberty and the protection of individual rights became central to political thought, especially during the 17th and 18th centuries. The Glorious Revolution of 1688 marked a significant shift in political power from the monarchy to the parliament, emphasizing the importance of constitutionalism and the rule of law.

The principle of liberty was central to the development of democratic ideals, and it was through the lens of these principles that the foundations of modern democracy were laid. The idea of the separation of powers was also a key component, as it sought to prevent any one branch of government from becoming too powerful, thus safeguarding liberty.

In the context of English politics, the republican theory was not just about politics but also about education and the role of citizens. The Enlightenment thinkers, such as John Locke, emphasized the importance of individual rights and the role of education in fostering a democratic society. Locke's ideas were influential in shaping the American Declaration of Independence and the Constitution of the United States.

As we continue to navigate through these complex historical narratives, it becomes evident that the pursuit of liberty and democratic ideals remains a constant struggle. The lessons learned from the past can guide us in making informed decisions and ensuring that the principles of democracy are upheld in our current political landscape.
Quoted Directly

defined as someone who is subject to the arbitrary power of a dominer or master. The master’s power is said to be arbitrary in the sense that it is always open to him to govern his own, with impunity, according to his own advice, his own will, and desires. Correspondingly, the condition of slaves is said to be that they are considered to be mere in people, "within the power" and consequently dependent on the will of the master to which they remain subject at all times (Dart 1885, 16:1, p. 39).

It is this understanding of slavery that we encounter again among the defenders of republican liberty. If we look, for example, to the early opponents of the Stuart monarchy, such as John Locke in his Second Treatise of 1649, we already come upon a systematic exposition of the theme. What Locke means by "freedom" is "freedom and slavery." Freedom consists, it is said, of "freely" making their wills under the law, that is, to be at their own pleasure and will in all things, as they see fit or not, to live and die as they shall deliberate" (Godwin 1848: 45:7, 9). John Locke first provided a definition of the term "commonwealth" as a state in his Second Treatise. Like any other term, according to Locke's summary, it is to be "under an absolute, arbitrary, despotic power, and to be in subjection to a master, whose will is law to him" (Second Treatise, p. 203).

If we return to the legal tradition, we can see the continuing concept of the law as the same as that of the state. To be a free man, according to the Epicureans, is not to be in subjection, within the power of a master. It is to be one's own, to be able to act according to one's own will, to be free from being obliged to obey the will of another (Dart 1885, 16:1, p. 18). It is consequently a matter of being "be something, capable of acting in your own state, and hence in your own right." (Dart 1885, 16:1, p. 10).

This concept was likewise adopted by the defenders of republican liberty. They do not deny, of course, that the liberty of free men within civil associations must be regulated if such associations are to survive in security and peace. What it means to be a free man under such an association is only that your liberty is never curtailed by arbitrary power; it is only ever limited by laws which you have given your consent to. They concede that, when you submit to a law,
I managed to contribute to the misunderstanding myself when I initially took him to be saying that republicans theorists reverse the position that it may be possible to render someone free by means of coercing them (Klosterman 1998: 83.2). More seriously, Carter in his contribution to the present volume confusingly confounds Pettit's position when he has him be suggesting that any restrictions imposed on us for our own good ought not to count as instances of interference. He concludes that Pettit must be defending what he describes as a "minded" account of constraint.

It is certainly true that some early-modern theorists of republicans liberty emphasized just such an account. John Locke, for example, goes as far as to say that the idea of provocative rights is strongly emphasized in his own Treatise. While he allows that rates who would such rights may appear to have "some Title to Arbitrary Power," he adds that in this instance such appearances are deceptive. The reason is that "provocative is nothing but the Power of doing publick good without a Raison" and consequently escapes the charge of arbitrary (Locke 1689: II, 344, 4: 345, pp. 317-8; cf. Agricola 2000: 283-284).

Pettit makes it abundantly clear in his chapter that he has no wish to endorse such a mireded view of constraint. To avoid this misunderstanding, however, it might have been better to leave the six-page distinction between enjoying our specific liberties as free-cor and exercising them as a manner compatible with slavery, as we have seen, according to this way of framing the argument we remain clear if we enjoy our liberties only by the grace of someone with arbitrary power; but equally, we remain free-cor if our liberties can be accounted only with our own consent. Citizens who are imprisoned for falling foul of laws to which they have given that consent can therefore be said to retain, even while in prison, their underlying status as free-cor, although they have obviously been deprived of one of their civil liberties. The apparent paradox about the compatibility of freedom and imprisonment is thereby resolved, but without offering anything that could be mistaken for a mireded view of constraint.

The essence of the theory of the intermediate, however, is that if we are subject to arbitrary power, then we are a slave, but if you are a slave, then or implied you are no longer in possession of your liberty. We might well be inclined to object, however, that this is hardly a very illuminating sentence. What is it, we will want to know, about the main fact of your living in subject to arbitrary power that is supposed to have the effect of taking away your freedom of action?

It is arguable that in the recent revival of the republican theory, this issue has not always been addressed with sufficient discussion. If we essay, however, to the leading proponents of the theory in its heyday, we find them taking and answering the question with a single stroke. To have freedom of action, they argue, is to be able to choose between options (or at least alternatives); it is to be able to do so freely, it will, in act according to your own will and desire. Althusser's position in his Discourse on the Science of State sees the same in freedom of action, "to be free is to be guided by one's own will," it is "to be able to act so freed from being imposed, as we think best" (Derrida 1991: 26-27).

Given this analysis, it is easy to see why these matters insist that, if you become subject to the arbitrary power of someone else, you thereby losing your liberty. The reason is that you are no longer able to do or act freely according to your own will and desire. No action of yours can as principle have that character. When you are act, you always do so by the force and hence with the implicit permission of the master or ruler under whose power you live. As Sidney observes in his Discourse, you are only ever able to act by "the grace of the prince, which he may revoke whenever he pleases" (Sidney 1999: 17). But as Sidney has already said, liberty consists in having an independent will, so that anyone "who can neither do what he permits not goods, but enjoys all at the will of his master" must be living in servitude (Sidney 1999: 27).

The merits of the republican theory can thus be expressed by saying that it discourages the possession of freedom from the imposition of constraint. The lack of freedom suffered by those is not basically due to their being constrained or interfered with in the exercise of any of their specific choices. Those whose choices happen to fail out of conformity with the will of their masters may be able to act without the loss of freedom. They may therefore appear, paradoxically to be in full possession of their freedom, since none of their actions will ever
be possessed or possessed. Such cases nevertheless remain wholly
benefit of liberty. They remain subject to the will of their masters, unable
are according to their own initiative, as is at any rate. They act
in other words, not agents at all. They have no control over their lives,
are Hamiltonian in spirit, and consequently inclined to live in a state of
lowly citizens, and a life of citizen is, to those who can live it, a continued state of uncertainty and
490, 490: 30). It is of course true that, should the master decide to transfer the slave's
conveying, the slave becomes free. A master or ruler with absolute
power who agrees to make it utterly impossible for
power over to be emancipated freely emancipates his subjects from
narrative of slavery as it is presented in the case of
in the condition of
and thereby deprived of their liberty. It is the same pattern of
the rule that comes to bear about this result.

The basic claim of the republican theorists is that the presence of
power may even state that anyone could be a slave for
without coming to appreciate the implications of this predicament.
As a result, a number of republicans went so far as to argue
about the lack of liberty suffered by these continued to
survive. Suppose, they go on, you choose to recognize with full self,
consideration, that you have a master who possesses the power to
believe toward you, with impunity, in any way he may choose. This
awaits the effects of laying bare the more specific
consequences of your freedom of action. You will now be inclined to
shape and adapt your behavior in just such a way as to try to minimize
the risk that your master will intervene in your life in a domesticated
way.

This argument makes its case in much the same way as
the one I have so far been considering. It is a careful
examination of the power that is taken to have the effect of
exercising your freedom of action. Rather your reflections on your predicament are used to give
rise to these additional constraints. But in contrast to the

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is the same as before. There is no implication, that is, that these fur
ther restrictions need be due to any inattention on the part of your
master, nor even any desire of humiliation. Your further loss of liberty
is taken to be wholly the product of your own self-scrutiny.

By no means every exponent of the republican theory is concerned
with this further reflection. John Locke, for example, displays almost no interest in what it might feel like to live in subjection to
the arbitrary power of sovereignty (Ibid., 203). If we turn, however,
the Roman orators and historians who first articulated the theory,
not only find them much preoccupied with the psychological
implications of slavery, we also find their thought much developed by
a number of early-modern theorists whose concern was with the value
as well as the meaning of individual liberty.

The Roman writers are interested in two distinct ways in which the
experience of servitude can be best understood and contrasted our
behavior. One suggestion, originally put forward by Solon, is that a
community living under arbitrary governments will find itself growing
for lack of energy and initiative, and marred above all in its range of
economic activities. Among early-modern defenders of republican liberty,
Thucydides and Grotius place particular emphasis on the argument in
Cato's Letters, developing a self-congratulatory contrast between the com-
mercial success of free states such as Greece and Rome and the poverty
of arbitrary regimes such as Turkey and France.

The essence of Thucydides and Grotius's argument is that "where there
is liberty, there are no restrictions to labor, because people know
for themselves and to one can take them the acquisitions which
they make, whereas in arbitrary countries, men are made for
to be owners, but are not. men are expected to be owners, but are not
able to enjoy the fruits of their labors. This is the case with
slaveholders, who are compelled to use their goods in order to
moral constraint. You will be unlikely to think it worthwhile to
abuse the slaves and harry them, compel-
ing and confining their various powers until nothing of note
in any of the arts or sciences can be expected of them. As Thucy-

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As Tacitus frequently insists, however, those living in subjection will always have the strongest motives for playing safe, in consequence of which we can hardly expect them to do anything better than avoid disaster. Drawing on Tacitus's authority, John Morson in his Realist and Realist Myths traces the ingrained tradition of the English monarchy as a route to just such a condition of servitude, and points a horrified parent of the servile to come. There are deeply engrained forms of condescension, he fine electrons, that those living in slavery find it almost impossible to resist. Not knowing what may happen to them, and desiring to avoid the tyrant's anger, they tend to behave in appearing and ingenuously save, becoming "a servile crew" engaging in "sacrifices and preparations" depicting "the perpetual brevity and graving of an object people" (Morson 1980: 427, 426, 428). At the same time, there are various forms of conduct that they find almost impossible to resist. We can never expect them to say "notable words and actions," any willingness to speak truth to power, any readiness to offer frank judgments and be prepared to act on them (Morson 1980: 429).

My own previous discussion of the republican theory of liberty have tended to focus on the different ways in which the experience of servitude may be said to generate these patterns of self-censorship. It is important for me to add, however, that I have mainly emphasized these considerations for political purposes. We are frequently told that liberty can be taken away only by acts of overt violence. I have tended to insist that this is not the case, and that this response can readily be dismantled by considering the behavior of those who become fully aware of their predicament. On the one hand, we can ignore events to oversaw their conduct, and if they do so we can properly describe them as losing their own freedom of action. But on the other hand, these limitations need not be due to anyone having interfered with them or even threatened them with interference. Pierre is his Chapitre L'homme le main emphasis on the phenomenon of self-censorship. If we were to see, however, both of us have perhaps placed too much weight on this argument. From the perspective of the republican analysis of subordination it is of secondary importance, and to weight it may serve to distract attention from the bold conceptual claim that the expansions of the republican theorist want to make. Perhaps it will be helpful to bring this historiographic sketch to a close by considering what I take to be its central point. They agree that anyone who rejects on their own volition will probably come to
The problem lies in the nature of the concept of free will and the role of the individual in determining their actions. When an individual acts, they are seen as having free will, but this belief is often called into question. The question of whether the individual truly has free will is a complex one, and there are many different perspectives on the matter. Some argue that free will is an illusion, while others believe that it is a real and important concept.

One way to understand the concept of free will is to consider the idea of determinism. Determinism is the belief that all events are caused by preceding events and that there is no such thing as free will. This idea is often associated with the idea of determinism being the only possible explanation for the universe. However, there are other perspectives on the matter, and it is important to consider these when discussing the concept of free will.

The concept of free will is important in many areas of life, including moral and ethical decision-making. When making decisions, it is important to consider the potential consequences of those decisions and to make choices that align with one's values and principles. This is a complex process, and it is important to approach it with care and thoughtfulness.

In conclusion, the concept of free will is a complex and important one that has implications for many aspects of life. It is important to consider the different perspectives on the matter and to approach the concept with careful consideration and thoughtfulness.
only in the expense of standing ever ready. The significance of these considerations is that Kantian's unrequited consent that the situation is one in which its freedom is reduced, but without any act of interference taking place, appears not to hold good. There is no act of interference, for if an opinion previously available to you has been replaced, you may now be in a situation where interference need not occur.

There is no means for republicans to reject the idea of a constitution that would limit freedom of action. Actually they do not believe, as liberal theorists are inclined to do, that such an act of interference represents the fundamental principle to liberty. For republicans, the fundamental emphasis is always on the autonomy of a unitary power. Nevertheless, they agree that, while someone cannot be forced to act, even if they are not free, they still cannot be free by means of force or credible threats, such interventions have the direct effect of curtailing your patterns of choices, and may therefore be said to constitute a further means of curtailing your freedom to exercise your powers as will.

I want finally to reach on the chief difficulty I find in Carver's and Kant's case. They assumed that the allegedly inessential characterizations of the American theory of liberty can be fully accomplished within their own purely American society. But does anything to suggest, in this sense, that they must not be free to act.

These assumptions misunderstand the essential condition of the slave as envisaged by the Republican theorists I have discussed. As we have seen, they consider a slave to be someone whose nature is subject to the will of someone else, that of a master or arbitrary rule at whose mercy they are obliged to act. Here we are not free, because they are never free of their master's will, their actions are irrevocably predetermined.

by the laws and with the grace of numerous sides. As a result, a slave's pattern of consents is nothing other than a reflection of what the master is willing to believe. That is, in sum, that even if Carver's is almost no probability that such laws will be subjected to interference in the exercise of their power, their fundamental condition of servitude stands wholly unaltered.
in the predicament I have just described are not due to an defective, but 

it is not necessary for the case, that is, that they will find it 

impossible to escape the predicament of being necessarily and 

make use of such freedom will amount to the loss of their liberty.

As in the first case, the freedom of slaves is limited to the 

say that they are not free to engage in an uncontrolled manner of behavior. It is "necessary that "somebody who makes use of such freedom will amount to the loss of their liberty."

of expressing the idea of indefensible safety in terms of impossibility. They are willing to say that the mere presence of slaves is being stopped or prevented for failing to act with sufficient obedience to the law to amount to an additional nuisance or to their liberty. To which they are willing to add that the observable tendency of slaves to behave disgracefully appears to offer strong confirmation of this argument.

The republican tradition is chiefly concerned, however, with the further and deeper sense in which any slave in the predicament I have been discussing is unfree. According to the republican tradition, the lack of liberty suffered by slaves is not only due to their being various courses of action they may feel compelled to follow or avoid. To make this consideration primary, as Carver and Kramen have done, is to confuse the external conditions of slavery with the predicaments in which slaves find themselves. If slaves are to be considered as free in their own right, the basic conditions in which slaves find themselves are not that some of their particular actions may be under some degree of pressure or else, it is that they are constrained to live wholly at the mercy of those master's arbitrary power. As Fein now wants to put it, they are made exercising control, and it is this constraint that leaves them bound of liberty.

The main empirical claim on which Carver and Kramen take their stand is that their pure negative theory fully encompasses the allegedly distinctive features of republican liberty. As I have tried to show, however, the two lines of argument are not related in kind. According to the republican tradition, the mere existence of arbitrary
One and this of alternating counsel, serves to undermine freedom of
New according to the pure negative theory the most that can
be done is to produce the best. In such cases power
involves the conception of an object of choice
One is then, in the situation described by
Camer's and Kramp's, certain actual objects of choice are also replaced;
the other is that their analysis in any case misses the point that shows that
this basic way in which freedom is controlled by psychotics. I conclude then,
despite Camer's and Kramp's conclusions and for a rephrasing
between the two theories, and despite their belief that they have mani-
nered to effect for such a rephrasing, the republicans and the pure
negative theories of liberty remains mutually distinct.

NOTES
1. For a contrasting an earlier study of this chapter I am deeply indebted to Kluck

2. I am grateful to the brilliant insights and the fine articles of The Chicago


BIBLIOGRAPHY

