

Freedom with Honor: A Republican Ideal

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THE decent society, as Avishai Margalit (1996) defines it for us, is one in which the institutions do not humiliate people. They do not deprive a person of honor. Specifically, they do not undermine or jeopardize a person's reasons for self-respect. More specifically still, they do not signal the rejection of the person from the human commonwealth: they do not cast the person as less than fully adult or human.

Decency is a crucial value in a society, because honor in the sense in question here is of the first importance to human beings. To be deprived of honor is to be cut out of conversation with your fellows. It is to be denied a voice or to be refused an ear: it is not to be allowed to talk or not to be treated as ever worth hearing (Pettit and Smith, 1996). People differ, topic by topic, in how far they are thought worth listening to; they enjoy lower and higher grades of esteem. But to be deprived of honor is to be denied the possibility of ever figuring in the esteem stakes; it is to be refused the chance to play in the esteem-seeking game.

According to a certain stoic attitude, the prospect of not having a conversational entree to others is not so very bad. After all, it may be said, you can always provide your own company, you can always find consolation in the community of your soul with itself. But this attitude is shallow. Being a person is intimately tied up with enjoying a certain status in communion with others, and perhaps the best marker of the required status is that your voice is authorized by those others.

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Your reports and remarks, your complaints and your quips, your gossip and your jokes are recognized as a contribution to a shared conversation. You are not ignored, you are not ridiculed, and you are not dismissed. You are a somebody, not a nobody.

Let us grant, then, that honor is a basic human good and that decency is a social value of the first importance; let us endorse the basic message of Avishai Margalit's book. Starting from that assumption, what I wish to show is that the orthodox, liberal, and libertarian conceptualization of freedom is consistent with a serious lack of decency and that this argues for returning to what I think of as an older, republican way of understanding freedom. If we are to make something important of the value of decency in our political thinking, as I believe we should, then we need to reappropriate the republican approach to politics that was sidelined by classical liberalism in the early nineteenth century (Pettit, 1997).

The paper is divided into three sections. In the first section, I show that under the orthodox understanding of the ideal, freedom is consistent with a lack of honor; it is possible for someone to be fully free in this sense, it is possible even to have a constitutional arrangement supporting the person's freedom, without their enjoying much honor. Liberation in the modern sense is consistent with humiliation, in particular with humiliation by the society's institutions. In the second section, I argue that under the older, republican way of construing freedom—under a construal of freedom as nondomination rather than noninterference—the ideal is not consistent in this way with humiliation and a lack of honor; some plausible assumptions ensure that if people enjoy freedom as nondomination, then they will also enjoy honor. At least so far as its citizens are concerned—and that will be my focus here—the free republic is bound to be a decent society. In the third and final section, I offer some historical reflections on the shift from the republican way of thinking about freedom and politics to the classical liberal approach and I speculate about a

connection between that shift and a diminished concern with honor and decency.

Honor under Freedom as Noninterference

Since the word *liberalism* was introduced in the early nineteenth century, it has been used in a great variety of senses and with connotations that vary wildly from extremes of political minimalism to endorsement of the welfare state. But with only a few salient exceptions, such as the “modern liberalism” of T. H. Green and his disciples, almost all brands of liberalism endorse a conception of liberty as the absence of interference. This is the concept of *negative liberty*, in Isaiah Berlin’s (1958) phrasing, or the liberty of the moderns as Benjamin Constant (1988) had described it in 1818.

The various approaches that claim an affiliation with nineteenth-century liberalism differ on many questions related to liberty. Some treat negative liberty as an axiomatic value, others as a value whose worth appears only in a deeper perspective. Some treat it as an intrinsic value, others as a value that is wholly instrumental in character. Some treat it as the only value that is relevant in politics, others see it as one in a wider set of political values, which may include related values such as autonomy and distinct values such as equality and the removal of poverty. Finally, some treat negative liberty as a constraint that binds the hands of any moral agent—a constraint that cannot be breached even for the sake of its more general satisfaction—while others see it as a goal for overall maximization.

But whatever their differences in these respects, I think it is fair to say that almost all contemporary descendants of nineteenth-century liberalism agree on the equation of liberty with negative liberty. All agree that I am free “to the degree to which no human being interferes with my activity” (Berlin, 1958, p. 7). All agree that freedom entails nothing more and

nothing less than the absence of interference; freedom just is noninterference. Such thinkers take interference to be intentional or at least quasi-intentional: interference is something done by people, and done with at least some degree of intentionality, not something imposed by things. A minority think that interference means nothing more than physical obstruction of choice, but most extend it to include also the frustration of choice by the imposition of penalties or by the threat of imposing penalties: they extend it to include coercion of the will as well as coercion of the body. In what follows I go along with that majority view.

Perhaps the main reason for the wide consensus on the understanding of liberty is that it has been customary since the time of Constant to think that there is only one broad alternative to the negative construal of liberty. This alternative is the positive conception of liberty under which I must be master of myself, in particular master of my lower or partial selves, in order to be free. I am positively free, Berlin (1958, p. 19) says, to the extent that I achieve "self-mastery, with its suggestion of a man divided against himself." On the most hallowed interpretation, I am positively free to the extent that I achieve the self-mastery implicit in having a voice in the self-determining decisions of my community; this form of positive freedom is what Constant described as the freedom of the ancients, contrasting it with the negative freedom of the moderns.

If the choice is between negative and positive freedom, in particular between negative freedom and the participatory freedom that Constant ascribed to the ancients, then most will side with modern liberal approaches in endorsing the negative understanding of liberty and in giving primacy, at least for purposes of politics, to this value. Most will go along with Berlin in thinking that, while negative liberty holds out possibilities of individuality and initiative for citizens, positive liberty represents the specter of a highly interventionist, even tyrannical state: the specter of a state that may feel obliged, in Rousseau's famous phrase, to force its citizens to be free.

Despite the attractions that negative liberty displays against the foil of positive freedom, however, it has a downside that too often escapes notice. We shall be in a position to appreciate that downside fully only when we consider the republican conception of freedom that the negative/positive dichotomy serves to put out of the picture. But even at this stage we can derive the results advertised in my introduction. We can see that negative freedom is conceptually and constitutionally consistent with a lack of honor; it can be realized, even under a constitution for the overall advancement of freedom, in the presence of serious institutional humiliation.

The conceptual consistency of negative freedom with institutional humiliation is readily established. To be negatively free is to enjoy the absence of interference. To be humiliated institutionally is to live under institutions that undermine or jeopardize your grounds for self-respect. But it is clear that institutions may undermine or jeopardize someone's grounds for self-respect without actually interfering with the person's choices and without even allowing others to interfere with those choices. The institutions may represent the person as a second-class citizen in other respects, for example, while working actively for their freedom as noninterference. Thus it should be clear that negative freedom is quite consistent with humiliation.

Isaiah Berlin (p. 43) is explicit on the point. While admitting the propriety of speaking about freedom from servility and fear, for example, he insists that the value in question—ultimately the value of not being subject to humiliation—is distinct from the value of negative, or indeed positive, freedom.

When I demand to be liberated from, let us say, the status of political or social dependence, what I demand is an alteration of the attitude towards me of those whose opinions and behavior help to determine my own image of myself. . . . Yet it is not with liberty, in either the “negative” or in the “positive” senses of the word, that this desire for status and recognition can easily be identified.

Like Berlin, many devotees of negative liberty worry about the good involved in freedom from servility and fear, but the point is that they have to think of that good as something detachable and detached from the good of liberty itself, as that is properly understood (Weinstein, 1965, pp. 156–57; Shklar, 1989, p. 28; but see Holmes, 1995, p. 245). Thus they have to admit that it is possible to have negative liberty without yet having that other good; they have to admit that it is possible to get rid of interference without yet getting rid of humiliation, even humiliation that is institutionally based.

So much for the claim that negative liberty is conceptually consistent with institutional humiliation. My other claim is that negative liberty is also constitutionally consistent with such humiliation. Despite the conceptual consistency, it might be the case that the best scheme for establishing freedom as noninterference overall would be more or less bound to rule out institutional humiliation. It might be that, though the two are conceptually consistent, they are not constitutionally consistent. My second claim is that this is not so: that the cause of negative liberty is separable from the cause of decency, not just in logic, but also under plausible constitutional initiatives.

Suppose you are given the task of devising a constitution for the regulation of people's relationships with one another—a constitution in a broad and informal sense—and that you are instructed to look for an arrangement in which people's expected enjoyment of freedom as noninterference is maximized. The task envisaged has a distinctively consequentialist cast, since the expected enjoyment of freedom as noninterference is presented as a goal to be maximized. But this is no reason to object. The task would not be greatly different if it were cast in a nonconsequentialist fashion: say, as the task of adopting those rights-respecting initiatives that promise to minimize conflicts between rights to noninterference and to maximize the overall enjoyment of such rights.

As you consider the task you have been assigned, two things are bound to strike you. The first is that everything you allow

the state to do in preventing people from interfering with one another will itself constitute a form of interference: the state will tax people in order to facilitate its activities, it will coerce people into obeying relevant laws, and it will punish those who break those laws. And the second is that even where one person has the power of interfering with another, that imbalance of power—that imbalance in accessibility to interference—need not be objectionable so long as the probability of interference is not particularly high: it will not be objectionable, for example, if the person's interests or general dispositions argue against their being likely to exercise their power of interference.

These two observations will impact on the view you take of the best arrangement for regulating certain relations: say, the relations between husbands and wives or between employers and employees. The first observation will give you a presumption against state initiatives for preventing or reducing interference in these forums, even initiatives to provide welfare for unfairly dismissed employees or abused wives. You will need to have strong evidence that state interference will do more good than harm; you will need to be assured that the perpetration of state interference—the interference, for example, inherent in taxation—will be outbalanced by an expected reduction in the perpetration of interference by husbands in the affairs of their wives or by employers in the affairs of their employees.

When combined with the second observation, this presumption is very likely to ensure that you will decide on doing nothing: you will decide on a *laissez faire* policy. You may concede that many husbands have the physical and cultural power of interfering with impunity in the affairs of their wives or that a number of employers have this power in relation to their employees. But that will not worry you if the lesson of the second observation applies and it seems, as indeed it often will, that the general interests and dispositions of husbands and employers argue against any serious degree of interference.

Sure, you recognize that there will be exceptions. But you are very likely to think that the probability of systematic interference in these forums is not high and that in any case it is not high enough to justify interference by the state: it is not high enough even to justify providing a safety net for dismissed employees or security for battered wives.

And so to my claim about the constitutional consistency of freedom as noninterference with institutional humiliation. For the lesson of our reflections is that if the task is to promote negative liberty overall then the best constitutional arrangement for doing that may involve leaving some people with a certain power of interfering in the lives of others. But if some people have such a power of interfering with others then, cases of covert manipulation apart, it will generally be salient to relevant parties that they have that power: everyone is going to be interested, after all, in whether some people dominate others in this way and it will usually be evident from the allocation of resources that they do or do not exercise such domination (Pettit, 1997, ch. 2). And where it is salient to all that *a* dominates *b*, then it will equally be salient that if *b* does anything in the domain of *a*'s power, then *b* does that by the implicit leave—by the grace and favor—of *a*. There may not be much actual interference practiced in the relationship but it will still be the case, and it will still be saliently the case, that *b* acts and lives at the mercy of *a*.

With such manifest domination, of course, humiliation routinely follows. The subordinate party has to look out for the moods and feelings of the dominating person. They have to make sure that they stay on their best side. They will naturally seek to ingratiate themselves with their superior, if that is possible, and they may even find themselves inclined to bow and scrape. The subordinate party will live in a position where their grounds for self-respect are severely compromised; they will be forced to accept a considerable measure of humiliation.

I earlier associated the absence of humiliation with enjoying

a voice and being given an ear. The connection between domination and humiliation comes out nicely in the loss of voice that domination entails. The dominated person is obliged to watch what they say, having an eye to what will please their dominators; they have to impress their dominators, wherever that is possible, and try to win a higher ranking in their opinion. But such a person will naturally be presumed to lack an independent voice, at least in the area where domination is relevant. They will fail to make the most basic claim on the attention of the more powerful, for they will easily be seen as attention-seekers: they will easily be seen in the way that adults often see precocious children. They may happen to receive attention but they will not command attention; they may happen to receive respect but they will not command respect.

The picture that I am painting is not one of just my own imagining. Think of the way Mary Wollstonecraft (1982, p. 359) deplores the “littlenesses” and “sly tricks” and “cunning” to which women are driven, in her view, because of their vulnerability in relation to their husbands.

It is vain to expect virtue from women till they are, in some degree, independent of man; nay, it is vain to expect that strength of natural affection, which would make them good wives and mothers. Whilst they are absolutely dependent on their husbands they will be cunning, mean, and selfish (p. 299; cf p. 309).

As Wollstonecraft documents the resentment of a woman at the humiliation imposed by husbands on their wives, so many writings testify to the resentment in the traditional labor movement at the pretensions of employers. Consider these two verses from “A Bushman’s Song,” a popular ballad in which Banjo Paterson (1921) tried to catch the sentiments of a rural, Australian worker in the 1890s.

I went to Illawarra, where my brother’s got a farm;
He has to ask his landlord’s leave before he lifts his arm:

The landlord owns the country-side—man, woman, dog, and
cat,
They haven't the cheek to dare to speak without they touch
their hat.

It was shift, boys, shift, for there wasn't the slightest doubt
Their little landlord god and I would soon have fallen out,
Was I to touch my hat to him?—was I his bloomin' dog?
So I makes up for the country at the old jig-jog.

Honor under Freedom as Nondomination

But if the orthodox, liberal understanding of freedom is consistent with humiliation, there is an older way of construing the ideal that does not raise similar problems. This is the conception of liberty that we find in the long republican tradition. The republican way of thinking about freedom and government dominated European thinking down to the end of the eighteenth century, when it gave way to the new mode of conceiving of the nature of freedom, and the role of government, that came to be described as liberalism (Pocock, 1975; Skinner, 1978).

The republican tradition of thinking is the tradition associated with Cicero at the time of the Roman republic; with Machiavelli—"the divine Machiavel" of the *Discourses*—and various other writers of the Renaissance Italian republics; with James Harrington and a host of lesser figures in and after the period of the English civil war and commonwealth; and with the many theorists of republic or commonwealth—with the commonwealthmen, as they were often called—in eighteenth century England, America, and France. It was thinkers of this stamp who were responsible for the publication of texts like *Cato's Letters* and *The Federalist Papers* (see Robbins, 1959; Raab, 1965; Worden, 1991).

These eighteenth-century thinkers include less radical figures like Montesquieu and Blackstone—the author of the famous commentary on the laws of England—as well as the antimonarchists

responsible for the U.S. Constitution and for the various declarations emanating from revolutionary France. If such figures did not seek a political republic—if they were happy with a constitutional monarchy—they still espoused a conception of freedom that linked them with the republican tradition; they looked for what we might describe as a judicial republic. Thus, in an unmistakable reference to Britain, which he admired greatly, Montesquieu (1989, p. 70) could describe it as “a nation where the republic hides under the form of monarchy.”

Where the liberal tradition took the antonym of freedom to be interference—in this, as we shall see, it followed the very unliberal Thomas Hobbes—the republican tradition contrasted freedom with subjection to the will of another: specifically, with subjection to the arbitrary will of another, where arbitrary will means a will that is not constrained to track the ideas of the subject about his or her interests. The republican conception is like the positive notion of liberty in focussing on issues of mastery or power. But it is like the negative notion in requiring, not the presence of self-mastery, but the absence of mastery by another. It stipulates that the free person must not be exposed to a power of arbitrary interference on the part of another; in a phrase, he or she must not be dominated by another.

That republicans thought of freedom as nondomination comes out in the fact that for them the opposite of the free person was not someone restrained, as it was for liberals, but rather someone enslaved (see Patterson, 1991). Thus, Algernon Sydney (1990, p. 17) could write in the 1680s, “liberty solely consists in an independency upon the will of another, and by the name of slave we understand a man, who can neither dispose of his person nor goods, but enjoys all at the will of his master.” And in the following century, the authors of *Cato’s Letters* could give a characteristically forceful statement to the theme: “Liberty is, to live upon one’s own Terms; Slavery is, to live at the mere Mercy of another” (Trenchard and Gordon, 1971, vol. 2, pp. 249–50).

There are two striking differences between the liberal conception of freedom as noninterference and the republican conception of freedom as nondomination. The first is that it is possible to be unfree under the republican conception without actually being interfered with, as when you are subjected to the will of another but that other stays his or her hand: he or she does not ever interfere. As Algernon Sydney (1990, p. 441) put it, “he is a slave who serves the best and gentlest man in the world, as well as he who serves the worst.” Or as it was put by Richard Price (1991, pp. 77–78) in the eighteenth century, “Individuals in private life, while held under the power of masters, cannot be denominated free, however equitably and kindly they may be treated.”

The second striking difference between the two conceptions of freedom is that under the republican conception not only is it possible to be unfree while suffering no interference, equally it is possible to be free while suffering interference. You will be free in the presence of interference, just so long as the interference does not represent an exercise of a power of arbitrary interference: just so long as the interference is constrained to track your interests according to your ideas. For republicans the sort of nondominating interference that would leave you your freedom is the interference of a coercive law, when that law is formed and implemented under constitutional and democratic constraints that ensure that it is not arbitrary: it systematically tracks the ideas about your shared interests that you and other citizens—assuming you are a citizen—endorse. John Locke, a great hero of the commonwealthman tradition, exemplifies this approach when he embraces “freedom from Absolute, Arbitrary Power” as the essential thing and presents law as essentially on liberty’s side: “that ill deserves the Name of Confinement which serves to hedge us in only from Bogs and Precipices . . . the end of Law is not to abolish or restrain, but to preserve and enlarge Freedom” (Locke, 1965, pp. 325, 348). William Blackstone (1978, p. 126) represents the eighteenth-century orthodoxy

when he follows the same line: "laws, when prudently framed, are by no means subversive but rather introductive of liberty; for (as Mr Locke has well observed) where there is no law there is no freedom."

If we go along with the republican conception of freedom as nondomination, then we are no longer exposed to the argument of the last section. The grounds on which it was argued that freedom as noninterference is consistent with institutional humiliation are not available in support of a similar argument against the conception of freedom as nondomination. For as I shall now try to show, the achievement of freedom as nondomination is almost bound to mean the achievement of honor: it is almost bound to entail the absence of humiliation, at least of an institutionally based sort. It may be possible, in strict logic, to enjoy nondomination without enjoying nonhumiliation, but the possibility is ruled out in most plausible scenarios.

Two propositions support the argument from nondomination to nonhumiliation. The first is that, where someone enjoys freedom as nondomination, then that is almost certain to be a matter of more or less mutual knowledge among those involved. And the second is that, where it is a matter of such knowledge in a community that someone enjoys freedom as nondomination, then that person has firm grounds for self-respect; so far as the institutions of the society go, there is no reason why the person should think of themselves as cast out of the human commonwealth.

Suppose that measures are put in place to defeat the conditions for the domination of someone by others. Suppose that the measures help to ensure that no one has dominating power over that person. The question of whether anyone has dominating power over the person will be a salient issue; it is bound to be something that relevant parties will want to know about. And the measures taken to redress the imbalance of resources that might give others such power will almost certainly constitute a salient datum. There will be a salient

question, then, and a salient basis for answering the question. And that means, plausibly (Lewis, 1969, p. 56), that in cases where the answer is that, yes, nondomination is indeed assured, there is a basis for common knowledge that it is assured: it will be salient that the person enjoys freedom as nondomination, it will be salient that this is salient, and so on. Or at least these things will be salient when other things are equal: when there is no concerted attempt, for example, to persuade people of the opposite.

So much for the proposition that where there is nondomination there will be something approaching mutual knowledge among relevant parties that this nondomination obtains. The second proposition needed to take us from nondomination to nonhumiliation, or at least to institutional nonhumiliation, is that such knowledge of nondomination is more or less bound to ensure nonhumiliation. And that proposition is surely compelling. Where it is salient, and saliently salient, that a person is not subject to the will of any other—that the person is their own man or woman, as we say—then the institutions that underpin that status clearly testify to the acceptance of the person as a full member of the human commonwealth. They ensure, so far as institutions ever can ensure, that the person represents a voice that deserves a hearing; they give the person a standing on which they may reasonably expect to be able to claim the conversational attention of others.

The argument that enjoying freedom as nondomination means enjoying an institutional basis for self-respect—that freedom comes more or less inevitably with honor—would not have surprised anyone in the older republican tradition. For it is a recurrent motif among such writers that to be free is to be in a position where you do not have to fawn or toady; it is to be able to look others in the eye, conscious of being their equal in the stakes that matter most. You do not have to live either in fear of others or in deference to them. The noninterference you enjoy is not enjoyed by their grace and you do not live at

their mercy. You are a somebody in relation to them, not a nobody. You are a person in your own legal and social right.

The association of freedom with having no grounds for fear goes back to Roman times (Wirszubski, 1968, p. 159). It is there even in Machiavelli, who is more tolerant of coercion and terror than most writers. "The common benefit gained from a free community," he says, "is recognized by nobody while he possesses it: namely, the power of enjoying freely his possessions without any anxiety, of feeling no fear for the honor of his women and his children, of not being afraid for himself" (1965, p. 236). Montesquieu (1989, p. 157) seems to offer a gloss on Machiavelli when he writes, over two centuries later, "Political liberty in a citizen is that tranquillity of spirit which comes from the opinion each one has of his security, and in order for him to have this liberty the government must be such that one citizen cannot fear another citizen."

Where some traditional writers stress the linkage of freedom with having no grounds for fear, others stress the complementary linkage with having no grounds for deference. "They who are greatest," John Milton says of the "free commonwealth," "walk the streets as other men, may be spoken to freely, familiarly, without adoration" (Worden, 1991, p. 457). This theme assumes rhapsodic dimensions in the writings of such defenders of the American cause of independence as Richard Price (1991, pp. 84–85) and Joseph Priestley. Here is a comment from Priestley (1993, pp. 35–36):

A sense both of political and civil slavery, makes a man think meanly of himself. The feeling of his insignificance debases his mind. . . . On the other hand, a sense of political and civil liberty, though there should be no great occasion to exert it in the course of a man's life, gives him a constant sense of his own power and importance; and is the foundation of his indulging a free, bold, and manly turn of thinking, unrestrained by the most distant idea of control. Being free from all fear, he has the most perfect enjoyment of himself, and of all the blessings of life.

The Transition from Republicanism to Liberalism

The story as to how the republican perspective gave way to the new liberal manner of thinking about freedom is complex and only imperfectly documented (Pettit, 1997, ch. 1). But it is possible to identify three important landmarks in the transition. I describe these briefly and crudely, because they will lead us to a final, interesting observation on the tie between freedom and honor.

The first landmark is the conception of liberty developed by Thomas Hobbes and used by him to defend Leviathan against republican opponents. Believing that the cause of peace required an absolutist state of the character of Leviathan, Hobbes faced the problem of how to defend such a regime against the charge of tyranny and unfreedom that it was bound to raise in the community of republican thinkers; after all, Leviathan has a power of arbitrary interference in the lives of political subjects. His solution, if we may think about it like that, was to say that freedom—the liberty of the subject—requires noninterference rather than nondomination; that being coercive and interfering, all law in itself reduces people's freedom; and that as a result we should look at what residual areas of noninterference is left people by the law—we should gauge the silence of the law—when we try to judge of the degree of freedom that they enjoy in their society. "The Liberty of a Subject, lyeth therefore only in those things, which in regulating their actions, the Sovereign hath pretermitted" (Hobbes, 1968, p. 264). Hobbes's suggestion was that, since Leviathan may leave just as many unregulated areas of behavior as a commonwealth, so it could do just as well by the reconstrued value of liberty. Thus by criticizing all law for its bad effects on freedom as noninterference—bad effects that he thought were justified by the peace that law would ideally ensure—Hobbes sought to blind his compatriots to the difference between a law that was arbitrary and a law that was not: a law that dominated people, putting someone in absolute

charge, and a law that systematically tracked the ideas of citizens about their interests.

Hobbes's ingenious move was immediately attacked by republicans, in particular by his contemporary, James Harrington, who argued that freedom from the law is nothing: the important thing is "freedom by the law," and that is served well only in a properly constituted commonwealth (Harrington, 1992, p. 20). With the exception of another absolutist, Robert Filmer, the Hobbesian idea was more or less entirely neglected over the following century or so; people stayed with the republican conception of freedom as nondomination and maintained that, depending on whether it was arbitrary, the law in itself might or might not reduce people's freedom.

The second landmark in the emergence of the notion of freedom as noninterference can be dated to the arguments against American independence that were sponsored by Lord North's government in London. The cause of American independence had been championed by commonwealthmen like Joseph Priestley and Richard Price. They had argued that, while those in the British parliament may not have laid a very heavy tax on the American colonists, they had the power—the more or less arbitrary power—of taxing them as much as they liked; not living in America, they would not themselves have to bear the burden of the tax.

By the same power, by which the people of England can compel them to pay *one penny*, they may compel them to pay the *last penny* they have. There will be nothing but arbitrary imposition on the one side, and humble petition on the other (Priestley, 1993, p. 140).

One of the most important responses to this critique was made by Richard Lind in a pamphlet entitled *Three Letters to Dr Price* (1776). Although he does not mention Hobbes, his starting point is the central Hobbesian assumption that liberty is "nothing more or less than the absence of coercion" (p. 16), where coercion may be physical or moral; may involve physical

restraint or constraint, or the restraint or constraint associated with “the threat of some painful event” (p. 18). The Hobbesian conception of liberty leads Lind, as it led Hobbes, to maintain that all law infringes on people’s liberty. “All laws are coercive; the effect of them is either to restrain or to constrain; they either compel us to do or to forbear certain acts” (p. 24). And as Hobbes used this observation to go on and silence republican critics of Leviathan—absolutist law is no worse for freedom than the laws of commonwealths—so Lind uses it to try and silence republican critics of British colonial government in America. He maintains that, far from it being the case that Americans are in the position of slaves, subject in Price’s words to “a dreadful power” that they can in no way control, they are in exactly the same pass as people in Britain itself. “Dreadful as this power may be, let me ask you, Sir, if this same power is not exercised by the same persons over all the subjects who reside in all the other parts of this same empire?—It is” (p. 114).

Hobbes and Lind were unsuccessful in their attempts to use a revamped notion of liberty to justify, in the one case, a state with absolute power, in the other, a state with colonial control of distant dominions. But the third landmark in the development of this notion of liberty does represent a success: in fact it represents the triumph of freedom as noninterference in the annals of progressive, political thought. Two figures played a crucial part in this success: one is Jeremy Bentham, the great utilitarian reformer; and the other is a fellow utilitarian, William Paley, who was one of the most widely read authors in the English-speaking world in the course of the nineteenth century.

Bentham’s association with the notion of freedom as noninterference came early. Referring to “a very worthy and ingenious friend,” Lind (1776, p. 17) acknowledged the young Bentham as the source of the conception of freedom as the absence of restraint and constraint. He did so, indeed, as a result of a complaint from Bentham that he had failed to

mention him in an earlier article of April 1776. Douglas Long (1977, p. 54) has drawn attention to a letter from Bentham to Lind in which he asks to be recognized as the author of that conception of liberty, on the grounds that the conception is "the cornerstone of my system."

It may have been half a year or a year or more, I do not precisely recollect the time, since I communicated to you a kind of discovery I had made, that the idea of liberty, imported nothing in it that was positive: that it was merely a negative one: and that accordingly I defined it "the absence of restraint": I do not believe I then added "and constraint": that has been an addition of your own.

The fact that Bentham made the new conception of liberty the cornerstone of his system was bound to give it prominence in political thinking. He reiterated throughout his life that all law takes away liberty and that law is justified to the extent that it compensates overall for that loss: compensates, for example, by preventing even worse ravages of freedom and thereby increasing overall utility.

As against the coercion applicable by individual to individual, no liberty can be given to one man but in proportion as it is taken from another. All coercive laws, therefore . . . and in particular all laws creative of liberty, are, as far as they go, abrogative of liberty (1843, p. 503).

But if Bentham was influential in giving prominence to the conception of liberty as noninterference, William Paley may have been even more important. He sets out his view with admirable clarity in *The Principles of Moral and Political Philosophy*, first published in 1785 (Paley, 1825). Paley recognizes in this work that the usual notion of civil liberty, the one that agrees with "the usage of common discourse, as well as the example of many respectable writers" (p. 357), is that of freedom as nondomination. "This idea places liberty in security; making it to consist not merely in an actual exemption from the constraint of useless and noxious laws and acts of

dominion, but in being free from the *danger* of having such hereafter imposed or exercised” (p. 357; emphasis in original). Instead of this received notion of civil liberty, Paley defends a view that is clearly in the Benthamite camp. Personal liberty requires nothing more or less than the absence of restraint and, as a restraint of private will, law always violates it. While Paley acknowledges that law is needed for advancing such freedom overall, then, he makes quite clear that when law furthers liberty it does so despite itself taking liberty away. He argues:

1st, that restraint itself is an evil; 2ndly, that this evil ought to be overbalanced by some public advantage; 3rdly, that the proof of this advantage lies upon the legislature; 4thly, that a law being found to produce no sensible good effects, is a sufficient reason for repealing it (p. 355).

We can see why the conception of freedom as noninterference appealed to Hobbes and Lind, enabling them to legitimate dubious regimes. But why did it have appeal for the likes of Bentham and Paley? The question is important because the answer takes us back, so I believe, to the connection between freedom and honor.

Although he is adamant that the rival conception of liberty is the traditional and better-established one, Paley gives a remarkable reason why we should not be moved by it and why we should take freedom as noninterference, not freedom as nondomination, to be the business of government:

those definitions of liberty ought to be rejected, which, by making that essential to civil freedom which is unattainable in experience, inflame expectations that can never be gratified, and disturb the public content with complaints, which no wisdom or benevolence of government can remove (p. 359).

Why should Paley have come to think that the traditional conception of freedom—the traditional conception, by his own lights—was actually too radical for government to espouse as

an ideal? The obvious answer is that, by the time he was writing, it had become impossible to think of restricting the direct beneficiaries of government, even indeed the citizenry, to the elite of mainstream, propertied males that monopolized the concerns of earlier thinkers. "Everybody to count for one, nobody for more than one," in the slogan attributed to Bentham by John Stuart Mill (1969, p. 257).

This new universalism made it impossible not to take servants and women into consideration, for example, as well as propertied males. But under contemporary law women and subjects were inherently subject to domination—within relevant domains masters and husbands could interfere with greater or lesser impunity in their affairs—and so there could be no question of thinking that government would be able to achieve freedom as nondomination for such classes. Women and servants might be expected to do reasonably well in regard to freedom as noninterference—this, at least, if husbands and masters proved to be kindly—but they were barred, short of a social revolution, from the enjoyment of freedom as nondomination.

The issue of women and servants was very much in the air at the time Paley was writing and this gives support to my suggestion as to why freedom as nondomination may have seemed to be too radical an ideal. John Lind unwittingly emphasizes the point when, in criticizing Richard Price's ideal of freedom as self-legislation—essentially, the ideal of not being subject to the arbitrary will or legislation of another—he argues that it would have absurd results for women and servants. Arguing that Price cannot mean women to be "degraded to slaves," he draws what seems to him to be a *reductio* of Price's position: that if they are to be free, women must legislate for themselves: "Every woman is her own legislatrix," as he puts it in a mock slogan (1776, p. 40). And in another context, he points out that for Price, absurdly, servants must count as slaves: must count as subject to the domination of their masters and governors, and therefore unfree.

“According to your own principles, what are servants but slaves?” (p. 156). What indeed?

If I am right about why the notion of freedom as noninterference replaced that of freedom as nondomination in Paley’s thinking—and no doubt more generally—then we are pointed to a deep reason why the new notion of freedom should have been divorced from the association with honor that had marked its predecessor. For the fact is that women and servants did not and could not enjoy the honor that accrued to propertied males in the sort of society that republicans and early liberals were writing about. If it was to be maintained that women and servants had access to the newly reconceived ideal of liberty, therefore, then that ideal had to be depicted as entirely separable from the enjoyment of honor.

That the servant could not enjoy honor in the required sense comes out in a casual observation by Algernon Sydney (1990, pp. 548–49). “He must serve me in my own way, or be gone if I think fit, tho he serve me never so well; and I do him no wrong in putting him away, if either I intend to keep no servant, or find that another will please me better.” And as the servant could not enjoy honor, neither could the woman. The advent of liberal thought did not fundamentally change women’s condition from that which Mary Astell had described in republican terms as a condition of slavery. “If all Men are born Free, how is it that all Women are born Slaves? As they must be, if the being subjected to the inconstant, uncertain, unknown, arbitrary Will of Men, be the perfect condition of Slavery?” (Hill, 1986, p. 76).

The title of my paper, “Freedom with Honor,” may sound a jarring note, suggesting that it is as difficult to achieve freedom with honor as it is to establish peace with honor. But the jarring has deep sources in the tradition of thinking about freedom, or so at least I want to propose. An older, elitist mode of thought fused the ideal of freedom to the enjoyment of honor but as government was cast in a more popular mode, as it was given the more encompassing concerns that were

countenanced by liberals, that ideal was dumped in favor of a less-demanding one; specifically, in favor of a conception of liberty that broke the linkage with honor.

We might have gone another way. We might have held onto the full-bodied ideal of freedom even as we expanded the constituency of political concern. Perhaps we can still go that way, marrying a republican conception of liberty with a liberal conception of political responsibility. But the fact is that, as things stand, we are stuck with a way of thinking about freedom that knows and cares nothing, in itself, about whether liberty comes with respect. Under the dominant way of conceiving liberty, the freedom of a person entails nothing about their honor and the freedom of a society says nothing about its decency.

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