

## The Limits of Freedom as Non-Domination

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**Abstrat:** In recent years, there has been an increasing interest on the notion of freedom as non-domination, according to which a subject is free to the extent that no agent has the capacity to arbitrarily interfere on his actions. Now, the most common way of interpreting the notion of freedom as non-domination restricts its applicability to cases where particular agents can intentionally and arbitrarily interfere on a subject's affairs. In this paper, I present an argument which shows that the standard conception of freedom as non-domination is too restrictive, and that this notion can be extended so as to ground a critical point of view on economic and social inequalities.

**Keywords:** republican freedom, freedom as non-interference, negative freedom, positive freedom, responsibility, interference, intentional action

### POSITIVE, NEGATIVE AND REPUBLICAN FREEDOM

#### INTRODUCTION

Nowadays, the prevailing characterization of freedom<sup>2</sup> is the one deriving from Isaiah Berlin's (Berlin, 1969). On Berlin's perspective, there are two concepts of liberty, a positive and a negative one. A subject is *negatively* free if, and only if he has the capacity to do whatever he chooses to do. In other words, negative liberty is the absence of obstacles, barriers or constraints (Cohen, 1995). When freedom is understood negatively, a subject is free only when he is not interfered in performing whatever action he intends. This is why this notion is also call liberty as 'non-interference'. In contrast, whether a subject is *positively* free depends on whether she is in a certain privileged position when choosing what to do. Positive liberty is the liberty of acting in such a way as to take control of one's life and realize one's fundamental purposes (Berlin, 1969; Carter, 2007).

These two definitions of liberty have predominated in the XXth century. However, recently a third concept of liberty has gained importance in the debate: liberty as non-domination (Lovett, 2010; Pettit, 1989, 1996, 1997, 2001;). Liberty as non-domination has been vindicated as the concept of freedom that was historically defended by the republican tradition, and for this reason people often refer to it as 'Republican notion of Freedom' (Dagger, 2006; Lovett, 2010; Pettit, 1997). The goal of this paper is to explore the concept of liberty as non-domination.

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<sup>2</sup> In what follows I will use 'freedom' and 'liberty' indistinguishably.

First, I want to defend that this notion is a very powerful contribution to the political theory, and that it should be regarded as an alternative notion of freedom not reducible either to positive or to negative liberty. Secondly, I will argue that the republican notion of freedom entails (a certain degree) of material and social egalitarianism, in a way that has been overlooked by most people.

#### FREEDOM AS NON-DOMINATION

The notion of freedom as non-domination can be better spelled out in contrast to the notion of freedom as non-interference (or negative freedom), which has been the predominant notion in recent times (see, for instance, Nozick, 1974). While, according to the concept of negative freedom, a subject is free to the extent there is no actual obstacle to carrying out his intentions, freedom as non-domination (or republican freedom) is not concerned by the actual obstacles that obtain, but by what would happen in certain non-actual cases. In other words, on the republican understanding of freedom, a subject is free to the extent that *in the relevant set of nearby possible worlds, no one can arbitrarily interfere* on one's actions (Pettit, 1989, 1996, 1997, 2001). Let me elaborate on these ideas

Let us first present the notion of liberty as non-domination in an intuitive way,<sup>3</sup> and then I will provide a more formal definition. Imagine you are inside a room and there are two closed doors. Further, suppose that you choose to leave the room through one of the doors, which happens to be unlocked. According to the negative concept of freedom, in this situation you are free, because nothing interferes in carrying out your intended action. In fact, according to the standard understanding of negative freedom, you are free even if the door that you did not choose was actually locked. The degree of negative freedom that you possess only depends on whether you actually carried out your chosen action without interference.

While some philosophers have historically accepted this notion of freedom (e.g. Hobbes), some people think that this is too weak a notion of liberty. Suppose that one of the doors were actually locked, but that you (by mere luck) happened to choose the door that was unlocked. Some people might feel that in this situation you were not free in an important sense; certainly, in fact you carried out whatever action you intended to, but if you had chosen otherwise, you would have been interfered. Those who share this intuition and think that this non-actual condition is important, hold a *stronger* definition of negative freedom, according to which, a subject is free to the extent that (a) he is actually not interfered in performing whatever activity he intends to, and (b) *he would have not been interfered had he chosen to do otherwise*.

Of course, this is not yet the republican notion of freedom, but this stronger definition points at two important features. First, that the notion of liberty as non-interference might be too weak for several purposes; in some cases, we are negatively free and nevertheless we might think we are still not free in some impor-

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<sup>3</sup> This is how Pettit himself presents the republican notion of freedom in several papers, books and talks.

tant sense. The second crucial lesson is that whether a subject is or not free should be determined not only by what actually happens, but also by what *would happen* if she *had chosen* otherwise. In other words, this example reveals that counterfactual conditions (situations that are merely possible) might be relevant in order to determine whether a subject is or not free.

The notion of freedom as non-domination takes these two points on board, but develops them still a bit further. Certainly, it assumes that the notion of freedom as non-interference is too weak a notion; a person can be negatively free and he might still be unfree in an important sense. In order to strengthen this notion, the notion of republican freedom takes into consideration counterfactual situations, that is, what would happen in circumstances that are not actual. As we intuitively just saw, it seems obvious that circumstances that are not actual should also have an important influence on the notion of liberty (Pettit, 2001).

In order to present the republican notion of freedom we need to consider the following scenario. Suppose that, as in the case depicted above, a subject is inside a room with two doors, but in this case the two doors are unlocked. Since the subject can do whatever he chooses to do, he is free in the weak and the strong concept of negative freedom presented above. However, imagine that there is a third subject outside the room that has the door keys, and suppose that he has the power to lock the door if chooses to. In the case depicted, whether the door is locked or unlocked depends on what this subject outside the room desires. In the actual situation, he did not lock the door, but he could have chosen to lock the door if he had wanted to. The republican notion of freedom is based on the intuition that there is an important sense in which the subject inside the room is not free. Certainly, if he wants to leave through the right door, he can do so, and it is also true that if he had chosen to use the left door, he would not have been interfered either. But still, it seems that whether he can leave the room or not utterly depends on the arbitrary will of the subject with the keys. And, the republican contends, that shows that the subject in the room is not free in an important sense.

The example of the room and the doors can easily be translated into a real case, namely slavery. Suppose a slave happens to have a very kind master; imagine the master is so nice that he never interferes in what the slave wants to do. Even if the slave is never interfered, there is an important sense in which the slave is not free. Here is where the notion of freedom as non-domination becomes relevant: the slave is not free because, even if he can do whatever he chooses to (so, even if he is free in the sense of non-interference), he is utterly subject to the will of another agent (Pettit, 1997). He happens to be non-interfered, but can always be arbitrarily interfered by another agent.

Crucially, the fact that the classical republican tradition (for instance, Sidney, Harrington, or Price) had very often expressed their ideal of freedom by contrasting it with the idea of slavery, lends some support to the idea that the notion of freedom as non-domination is precisely the notion that the republican tradition had historically in mind (Pettit, 1997, ch.1).

## FREEDOM AS NON-DOMINATION AND FREEDOM AS NON-INTERFERENCE

Some people have denied that the republican notion freedom actually points at a new kind of freedom (Goodin 2003; Carter 2008; Kramer 2008). For instance, one might think that the subject that is non-dominated is free only because his non-being dominated is a way of ensuring that he will not be interfered in the future. In other words, ensuring non-domination just is a very strong way of defending not being interfered in the future by another agent.

However, there are two sorts of considerations suggesting that freedom as non-domination is non-reducible to freedom as non-interference. First, one can be free in the sense of non-interference and being unfree in the sense of non-domination. Similarly, it is possible to be free in the sense of non-domination but unfree in the sense of interference. Let me present an example that illustrates these two different cases (Pettit, 1997).

We have already considered a case where one of the two conditions holds. If a slave has a very gentle master, he may be free in the sense of non-interference; we can even imagine that it is very improbable that the master actually interferes in the slave's actions. Nevertheless, he is not free in the sense of non-domination, because there is a master that can arbitrarily act upon him.

But we can also find a case where there is interference but non-domination. This is the case, for instance, when there are certain just laws that restrict our actions. In this case, I am interfered, in the sense that I cannot perform whatever activity I intend to, and nevertheless, if the laws are just, I can be completely free in the sense of non-domination, because no one *arbitrarily* restricts my actions. So I think the notion of freedom as non-domination is really a *sui generis* kind of freedom, and, as the example of slavery and the room shows, it is *prima facie* a goal worth pursuing.<sup>4</sup>

## THE LIMITS OF FREEDOM AS NON-DOMINATION

One of the properties of the republican notion of freedom is that one's freedom depends on the capacity of another agent to interfere in one's affairs. There are many interesting questions suggested by this definition. For instance, one might worry about what an arbitrary power is or how strong the modality involved is. Here I want to focus on the notion of an agent, which, according to Pettit (1997) is a central feature of the standard republican definition of freedom.

On the republican view, whether I am free or not depends on the capacity of interference by another agent. For instance, slavery is a clear case where I can be interfered by my master. In a parallel fashion, a dictatorship is a case where someone can act at will upon me. Situations where women can be beaten or threatened by their husband are also clear cases of lack of freedom and we could also include those cases where the employer has complete power over his workers. These are

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<sup>4</sup> Pettit (1997) goes farther and says freedom as non-domination is a primary good, in the Rawlsian sense. This discussion lays beyond the scope of this essay.

readily intuitive examples where the notion of freedom as non-domination predicts that subjects are not free. The fact that these results are in agreement with our intuitions lends strong support to the republican notion of freedom.

However, there are other cases that cannot be easily dealt with such a definition. For instance, situations where the domination is non-intentional (there is no agent exerting the domination) are left outside the scope of the definition. For instance, arbitrary powers that can interfere in one's decisions like economic welfare, social background, fashion and many others do not make a subject unfree in the standard understanding of the republican notion of freedom, because there is no intentional agent with the capacity to interfere. On this standard interpretation, the fact that I cannot buy certain things and other subjects can, do not make you freer than me. Of course, republicans are well aware that these aspects are left out; Pettit, for instance, explicitly denies that the republican notion of freedom has any important bearing on material inequalities (Pettit, 1997, ch. 5). However, they provide an argument that is supposed to justify why freedom as non-domination should be restricted to cases where another *agent* can possibly interfere. This is the topic of the next section.

#### NON-DOMINATION AND INTENTIONAL ACTION

Why do defenders of the republican notion of freedom exclude cases where the interference is not caused by an agent? Pettit (1997, p. 52-3) reasons as follows:

The worsening that interference involves always has to be more or less intentional in character: it cannot occur by accident, of example as when I fall in your path or happen to compete with you for scarce goods; it must be at least the sort of action in the doing of which we can sensibly allege negligence (Miller 1990, p.35). Were non-intentional forms of obstruction also to count as interference, that would be to lose the distinction between securing people against the natural effects of chance and incapacity and scarcity and securing them against things that they may try to do to one another.

The argument for excluding non-intentional actions from the definition of freedom as non-domination is that if we included non-intentional obstructions into the definition, then we would lose the important distinction between natural interferences (like diseases, accidents, etc...) and political interferences. By restricting the scope of the domination to intentional actions, republicans intend to consider only political interference and exclude natural obstacles from the definition of liberty as non-domination.

Thus, interference in the relevant sense includes coercion of the body, coercion of the will (as in punishment or threat of punishment) and manipulation, but excludes natural limitations like effects of chance or diseases. So, when a subject is in position to arbitrarily and intentionally interfere on another's affairs in one of these ways, we should say one is not free in the sense of non-domination (Pettit, 1997, p. 53).

Of course, in order for this distinction to be full compelling, we need a satisfactory definition of non-intentional action. Intentional and non-intentional actions are very controversial notions and, reasonably enough, most republicans assume that a definition of this concept could be provided, even if it is not easy to obtain. Unfortunately, by leaving this notion undefined we are left without a clear criterion for determining where freedom as non-domination obtains only when there is a person exerting the interference or could be extended beyond this limitation.

On the other hand, even if the exact definition of intentional notion is left unexplained, we have some cues that might be used in order to distinguish the relevant sense in which interference is or is not intentional. Crucially, in the last quotation, Pettit appeals to the fact that an intentional action usually carries with it moral responsibility. That is, the kind of interference that gives rise to domination must be subject to moral evaluation, such that 'we can sensibly allege negligence' (Pettit, 1997, p.53). Indeed, that looks like a sensible claim, since it is standard assumption that only intentional actions can be the object of moral assessment. I am not usually responsible for actions I do not intentionally perform. So I think a natural suggestion is the following: the fact that a subject can be held morally responsible should be considered the criterion for determining when we can find an interference that is intentional in the relevant sense, and hence a capacity of interference that constitutes domination.

Therefore, I think we can reasonably claim that, according to the republican notion of freedom, a subject S is not free to the extent that there is an agent such that (a) he has the capacity to arbitrarily interfere in S's affairs (b) he can be held morally responsible for that interference. Let us call this definition of Republican Freedom 'RF'.

Now that we have a rather complete definition of freedom as non-domination, let me use the tools I have presented so far in order to argue that elements that are not obviously intentional like economic situation, social status, or fashion can also compromise one's freedom in the sense of non-domination.

#### EXTENDING FREEDOM AS NON-DOMINATION

In what follows, I will argue that economic welfare, social status and many other elements that are not intentionally caused by particular agents should nevertheless be considered dominating agents. My strategy will be to present an example where I think the subject is not free, and certain conditions that are relevantly similar to economic welfare and social status obtain and are (partially) responsible for it.

But, before proceeding, I think it is important to stress that any approach to freedom has to satisfy an important desideratum that derives from Pettit's argument: it has to keep the distinction between natural and non-natural interferences. Any political theory must appropriately distinguish political from non-political actions and situations. This is important because, if the way of ensuring that that economic or social inequalities be considered cases of political domination were merely to stipulate that any kind of obstacle whatsoever should be politically relevant, the proposal would be self-defeating. Such a proposal would make

any interference a cause of lack of liberty, and hence it would empty the notion of freedom. If we want to include social and economical affairs into the picture, we have to do it in a refined way, such that other natural obstacles can be excluded from political considerations. I think this is an important challenge.

In what follows, I will argue that it is possible to find an argument in favor of the claim that economic inequalities and social constraints like fashion or advertisements are sources of domination, while excluding other kinds of obstacles that we would be inclined to call 'natural'. Let me first present my argument in an intuitive way, and then I will spell it out in more detail.

#### DOORS AND ROBOTS I

Suppose that, as before, there is a subject in a room with two doors. The difference with the previous example is that now, instead of there being an agent outside the room with the door keys that can lock and unlock the door at will, the agent outside the room has designed a robot that he commands through a remote control. In other words, this is a situation where instead of the first agent outside the room directly locking and unlocking the door, he can arbitrary order his robot to lock and unlock the door.

Certainly, this case does not seem to be very different in terms of domination from the first depicted. Since the agent with the remote control has complete power over the robot and hence over the door being locked or unlocked, the robot should be considered an extension of his own body. Nothing essential has changed from the case where the agent himself had the keys and could lock and unlocked the door and thus, that seems to be a case where the agent is completely responsible and the subject inside the room is not free in the sense of non-domination.

Notice that this case cannot be extrapolated to the social and economic world, because there is a crucial disanalogy between the two: on the robot's example I presented, the robot is intentionally created by the designer and the agent intentionally locks and unlocks the door through the robot's activities, while *ex hypothesi* in the social world we are assuming that economical welfare and social status not directly and intentionally caused by anyone. Indeed, the problem we are trying to address is how inequalities can be considered sources of domination, given that they are not intentionally created by any subject. So this example is not yet the kind of argument we need. Nonetheless, it is an important step forward in the right direction.

#### DOORS AND ROBOTS II

Imagine now we are in a similar situation from the one depicted above. There is a subject inside the room, two doors and a robot outside the room with the door keys. However, in this case, the robot has been created accidentally. We can imagine that his designer intended to produce something else (say, a coffee machine), but he made a mistake and produced the actual robot. More extremely, we can imagine that a lightning bolt struck onto a piece of metal and the robot was created

accidentally, in the same way Davidson's Swampman was produced (Davidson, 1987). Secondly (and this is the crucial feature), suppose there is an agent outside the room that has a remote control that can activate or deactivate the robot. In this case, the agent is not directly causing each of the robot's actions, but could activate or deactivate the robot by merely pressing a button. I think that, in this case, we would intuitively claim that if the agent with the remote control do not turn the robot off, he is morally responsible for the fact that the agent inside the room can be interfered in his actions. This is so even if the robot has not been intentionally created and the agent is not responsible of every action performed by the robot.

There are many reasons why I think this example is interesting, but the crucial feature is the following: the robot's particular behavior is not directly caused by the agent with the remote control and, nevertheless, we have the strong intuition that the agent outside the room is morally responsible for what happens to the subject inside the room. In other words, this is a case where the agent with the remote control has the capacity to decide whether or not the robot interferes in the decision of the agent inside the room. And, since the agent outside the room can be held morally responsible for this action, then according to the RF presented above, it complies with all conditions for being a situation where the subject inside the room is not free in the republican sense.

What can this example show us about real cases? Well, I think this case maps very well onto the obstacles caused by economic inequalities, social constraints and many others. These are situations where nobody has directly produced the situation (in the same way the robot has been accidentally created) and, secondly, the particular obstacles generated by these situations are not intentionally produced by anyone (in the same way the robot's particular actions are not produced by the agent with the remote control). Furthermore, a crucial feature of both cases is that there is an intentional agent (or group of agents) that have the capacity to block these interferences. That is, in the same way that there is an agent that can turn the machine on or off, there is a group of agents that can change the economic inequalities and social constraints. In this sense, agents that can but do not change the economic and social status should also be said to be responsible for the situation of those that suffer interferences and hence, people that suffer from economical and social prejudice should be said to be unfree in the republican sense. This is precisely the conclusion I wanted to draw: a situation that interferes in one's actions can compromise one's republican liberty, *even when no particular agent is actually exerting the domination*; it suffices if there is an agent (or group of agents) that can change the situation, so that this interference disappears. Having the capacity to interfere in an interferer might suffice for being held responsible, and hence for limiting the freedom of an agent.

Furthermore, notice that this way of arguing that economic or social inequalities makes one unfree keeps the distinction between natural and non-natural obstacles safe. Only obstacles that can be changed by some agent or agents can be said to compromise the freedom of a subject in the political sense. For instance, suffering an incurable disease or any other situation that cannot be intentionally changed by a subject do not make the subject unfree in the relevant sense. Once a

disease becomes tractable, the fact that a subject has no access to the medicine limits her freedom in a political sense. Hence, this proposal satisfies the desideratum suggested above.

Finally, notice that the kind of argument I provided is essentially the same kind of argument employed by defenders of the republican notion of freedom, namely presenting a situation where we have the intuition that the subject is not free (in the political sense) even if he might be able to do whatever he wants. The key insight of the republican conception of freedom is that it is the capacity to interfere rather than the actual interference what matters for freedom. What I have suggested is that the capacity of an agent to change a current interference on another agent is also relevant for political theory. This is the key argument for extending the limits of the freedom as non-domination.

## CONCLUSIONS

Undoubtedly, the republican notion of freedom has been an important contribution to the political theory. However, we saw that standard approaches limit the republican notion of freedom to the fact that an intentional agent has the capacity to interfere in someone else's activities. The requirement of an intentional agent intending to interfere in one's activities strongly limited the scope of the republican notion of freedom, in such a way that economic situation or social status remained largely unaffected.

I argued that we can think of some cases that support the claim that the notion of republican freedom should be extended to cases where some intentional agents have the capacity to change a situation that is actually interfering in one's affairs. To do that, I used the same kind of argument as standard expositions of republicanism. I presented a case where we intuitively think there is moral responsibility (and hence, it is a case that concerns political theory) but where the agent can only act by stopping an interferer. I hope that this argument can convincingly show that not preventing a situation that can actually interfere in one's affairs concerns political theory and should be considered a case of domination.

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