

## The social bases of freedom

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### Abstract

I argue social and political freedom is not primarily about the absence of constraints, whether those constraints be in the form of interference or domination. Instead, social freedom is centrally about what makes us free. That is, the question of social freedom is first and foremost about determining the positive preconditions of being a free person within society. Social freedom is about what I call the social bases of freedom, or those features of our social world that we have a reason to rely on in making plans or going about our business.

### Keywords

Freedom; liberty; republicanism; status

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## Introduction

Defenders of republican freedom often begin with the claim that freedom as non-interference fails to capture an important element of social freedom. Even if one is free from interference to take a walk, for example, the republican tells us this sort of freedom is not central to the ideal of the free society. Republicans use the case of a slave with a benevolent master to make this point. Yes, a slave with a benevolent master may be able to take a walk free of interference, but to say that such a slave is free in a socially important sense misidentifies a paradigmatic case of unfreedom: *Slavery*.

One way republicans respond to cases such as *Slavery* goes as follows: What leads non-interference astray is that it misunderstands the nature of the free choice. The free choice is not a choice free from interference, but rather a choice free from domination. This take on republican freedom shares in common with freedom as non-interference the idea that social freedom is *negative*. Freedom primarily concerns the *absence* of some constraint on choice: if not non-interference, then non-domination.

This paper advances an alternative, positive interpretation of republican freedom. I argue social and political freedom is not primarily about the absence of constraints, whether those constraints be in the form of interference or domination. Instead, social freedom is centrally about what makes us free. That is, the question of social freedom is first and foremost about determining the positive preconditions of being a free person within society. As I will put it later, social freedom is about what I call *the social bases of freedom*, or those features of our social world we have a reason to rely on in making plans or going about our business.

I believe the social bases of freedom capture the idea common in the republican literature that freedom is best thought of as a status held by persons rather than as a property of choices (e.g. Pettit, 2007; Skinner, 2008). Unfortunately, when it comes to describing what it means to take freedom as a status, republicans tend to resort to the language of non-dominated choices. The social bases of freedom fill in the lacuna left by the idea of status by describing how certain features of our social world make us free in a way that is not reducible to the question of whether or not our choices face certain constraints. Status is not naturally understood as the absence of various evils in one's particular social relations, but as a positive property a person holds that travels among that person's relations in society at large. Where my society has institutions in place that give me a reason to believe I am free in my relations, I am free regardless of the specific people I have those relationships with. In this way, I intend to push away from a negative republicanism that focuses on the absence of domination and instead embrace what we might call a positive republicanism that focuses on what has to be present in a society for its members to count themselves as free.

I will suggest the advantage of such an approach is two-fold. First, my view evades a constant worry surrounding republican freedom. Many critics worry that freedom as non-domination, with its focus on power and the capacity to interfere, condemns mundane everyday dealings as invasions of freedom (e.g. Gaus, 2003, pp. 69-70; Goodin and Jackson, 2007, pp. 250-255). By shifting attention from the free choice to the free person, my view avoids the implication that republican freedom requires rendering infelicitous interference impossible in some sense, raising these sorts of

worries.<sup>1</sup> Focusing on the social conditions of freedom allows space for an account of social freedom that respects core republican intuitions while avoiding the implication that we must render certain forms of interference impossible. Second, republicans tend to focus on how various institutions constrain the power of would-be dominators. A positive approach, however, is not limited to constraining power as a way of advancing freedom, but also how various norms motivate people to act in particular ways as well as how design elements of a society construct a person's status.

The structure of my argument is as follows. 'The free choice and its limits' briefly describes the move from freedom as non-interference to a particular interpretation of freedom as non-domination that focuses on the modality of interference with a given choice. I end that section by noting a problem with this choice-oriented approach to republican freedom. 'What makes us free' suggests that, rather than focus on the idea of the free choice, republicans would be wise to keep true to their roots and focus on the idea of freedom as a status. 'The social bases of freedom' introduces and explains the social bases of freedom as a way of fleshing out what it means to have the status of a free person. Finally, 'A remaining issue and its implications' considers a lingering worry, which suggests how my approach expands the analysis of freedom compared to more traditional approaches.

### The free choice and its limits

This section provides a brief overview of the debate over the nature of the free choice, beginning with freedom as non-interference and ending with a particular interpretation as freedom as non-domination, freedom as *robust* non-interference. The

value of dealing with this debate and some of its details at this juncture is that it helps show the limits of a choice-centered approach to republican freedom, and how appreciating these limits reveals the contours of the status-centered approach to freedom I advocate.

To begin: I took a walk today. No one stopped me or threatened to stop me. Nor was I coerced into taking the walk. Was I free to take that walk? On a straightforward freedom as non-interference view, I was free to take a walk. We can formalize as follows:

*Freedom as Non-Interference:* An agent A is free to  $\phi$  if and only if no agent B interferes with A's  $\phi$ -ing.

This account only refers to an absence of constraints in the actual world. The only modality of concern here is that it should be possible to  $\phi$  in the actual world.

Many worry that freedom as non-interference will not suffice in critical political reflection. The main concern is that freedom as non-interference is insensitive to the ways power constrains our choices even when such power is not exercised (e.g. List and Valentini, 2016, p. 1052; Pettit, 1997, p. 22-23). To see this, consider the following: Suppose in the walking example it turns out that I am a slave with a benevolent master who permitted me to take my walk. Now, it may be true that I took my walk free of interference, but it would seem odd to suggest I was free to take the walk in a politically important sense. This is because I took my walk at the pleasure of my master. I remain vulnerable to his interference even if he did not actually interfere. To call me 'free' in such a scenario involves misidentifying a paradigmatic case of unfreedom: *Slavery*.

The point of *Slavery* is to push the point that a slave is categorically unfree, no matter how benevolent or permissive his master is in refraining from interfering with him. There is a question as to whether freedom as non-interference can accommodate this case through the introduction of probability judgments (Carter, 1999, section 8.1; Kramer, 2003, Chapter 2). Regardless, I only bring up freedom as non-interference as a way of motivating a modally-demanding, choice-centered interpretation of republican freedom. My goal in this paper is not to refute freedom as non-interference, but rather to describe an alternative account of republican freedom that shifts republican freedom away from a negative choice-based approach to a more positive status-based approach. As I will suggest later, this shift does not only respond to common objections to republican freedom, but also generates some productive avenues of inquiry for theorists of freedom.

As noted, the case of *Slavery* looms large in the literature on republican freedom. For republicans, freedom is understood as non-domination rather than as non-interference (Lovett and Pettit, 2009, pp. 13-18). While there is dispute among republican theorists about how to properly understand domination, we can generally say that an agent A is unfree when A is subject to the arbitrary power of another agent B. I will return to the more general idea of republican freedom later. For now, it is worth spending some time on an interpretation of freedom as non-domination advanced by Philip Pettit.<sup>2</sup> Pettit's account is instructive, as it is the genesis of an account of the free choice recently defended by Christian List and Laura Valentini (List, 2006; List and Valentini, 2016; see also Southwood, 2015, pp. 508-511).

As an alternative way of understanding freedom as non-domination, Pettit often uses the idea that freedom requires 'robust non-interference' (2015, pp. 2-3).<sup>3</sup> The basic idea of freedom as robust non-interference is that interference should not be readily accessible to other agents. Where interference is readily accessible, we find persons in relations of unfreedom. To illustrate this idea, consider again *Slavery*. The benevolent master may not interfere with his slave's walk in *this* world, but the slave is nonetheless subject to interference in 'readily accessible worlds' (Pettit, 1997, p. 24) or in 'nearby possible worlds' (List and Valentini, 2016, p. 1052). Were the master to change his mind about the slave's walk, the master would be in a position to prevent such a walk. The distance between the world where the master's disposition is benevolent and where it is not so benevolent is not so far.

We can formalize as follows:

*Freedom as Robust Non-Interference:* An agent A is free to  $\phi$  if and only if no agent B interferes with A's  $\phi$ -ing in the actual world as well as in nearby possible worlds.

Freedom as robust non-interference succeeds in capturing the core republican intuition that a slave with a benevolent master is unfree. If there is a nearby possible world where the master interferes with the slave's action, the slave is unfree to perform that action.

Freedom as robust non-interference faces a serious problem. Consider the following case:

*Barbershop*: You go to your local barber for a shave. You ask for a close one. With the barber's razor at your neck, the thought crosses your mind that you are completely vulnerable to the barber in this moment. It would not take much from the barber to end your life. To this extent, the barber holds a real power over you. However, you quickly expunge the thought from your mind. Only a pathologically paranoid person would plan for such a gruesome and shocking possibility. You blame having recently watched *Sweeney Todd* for placing such thoughts in your head. Your shave ends and you pay your barber for a job well done.

In *Barbershop*, it is certainly possible that the shave turns gruesome for you, the customer. However, it appears odd to therefore claim that you are made unfree to enjoy your shave without a gruesome ending by the presence of a possible world where the gruesome ending occurs.

Critics of republican freedom seize on cases like *Barbershop* to argue that republican freedom is impossible. The basic idea is that, if freedom is modally demanding in the way suggested by Pettit and List and Valentini, there is no social arrangement that avoids unfreedom. There is always some possibility that some individual or group of individuals either already has the power to frustrate our choices, or is able to acquire the power to frustrate our choices (Simpson, 2017; Carter and Shnayderman, 2019; cf. Lovett and Pettit, 2019). Because these possible threats can never



reasonably be eliminated, a modally demanding view of freedom seems to imply that no one is ever free, nor could they ever be free.

The partisan of freedom as robust non-interference has a possible response at this juncture. The problem with these responses is that they assume that robustness is 'infinitely modally demanding' (Southwood, 2015, p. 510). That is, robust non-interference does not require reducing the probability of interference to zero (this would imply that interference is strictly speaking impossible). Recall that the motivation for freedom as robust non-interference is the idea that a free choice ought not be overly sensitive to changes of hearts. This does require eliminating all possibilities of interference. All this means is we seek to minimize the *conditional* probability of interference given another person's hostility (or lack thereof) (Pettit, 2012, pp. 67-69). So, in *Barbershop*, the idea is that whether the customer is free or not does not depend on a remote possibility, but rather whether or not *should* the barber become unfriendly, does this significantly impact the customer's choice. As Christian List argues, an important element of the rule of law is that it keeps options insulated from such changes of heart (List, 2006, pp. 208-209).

Whether or not you find this response compelling, I do want to raise a question here about this strategy of interpreting republican freedom. Consider the following case:

*Demon Barber:* You go to your local barber for a shave. You ask for a close one. With the barber's razor at your neck, the thought crosses your mind that you are completely vulnerable to the barber in this

moment. It would not take much from the barber to end your life.

To this extent, the barber holds a real power over you. Suppose the barber is, in fact, Sweeney Todd. And Sweeney, driven by his lust for revenge, does not care about the law, being thrown in jail, or any social norms. And, it turns out, that Sweeney has it out for you.

The customer, I believe, would be right to be worried about interference in this case.

The question is: Is the customer free in *Demon Barber*? The customer's likely to be interfered with by Sweeney. Because of this, both freedom as non-interference and freedom as robust non-interference would seem to imply that the customer is unfree in *Demon Barber*. That being said, there is a case to be made that, for a republican theorist of freedom, the customer remains as free in *Demon Barber* as he was in *Barbershop*.

It is true that *Demon Barber* involves a non-negligible probability of interference. But we can flip the usual republican script against inferring from this fact that the customer is unfree. The usual republican script is that is that a slave, no matter how good the will of his master, is unfree. One reading of *Slavery* is that the relationship between a master and slave is an unfree one *regardless* of the specific character traits or attitudes of the people involved in that relationship. Thus, we might conclude that, if a customer in a barbershop is unfree in the republican sense, it has to be because of some feature of the relationship, not the specific character traits and attitudes of the barber. The flipped republican script: Assuming the right background institutions, a customer, no matter how *ill* the will of his barber, is free.

A possible worry with flipping the script might be as follows. It seems counter-intuitive that the customer is not free in *Demon Barber*. If the customer faces interference, it does seem peculiar to say that the customer is free. Because of this, we might be tempted to posit an asymmetry between cases like *Slavery* and *Demon Barber*. On this view, it is true that the character or attitude of a person with power over another is insufficient to establishing the freedom of the person subject to that power, but the character or attitude of person with power over another is sufficient to establishing the *unfreedom* of the person subject to that power. To put this objection another way: Unfreedom does not need to be robust in the same that freedom does. Or so this objection goes.

The problem with positing this asymmetry between *Slavery* and *Demon Barber* is that it loses sight of the goal for the political theorist of freedom: providing an account of freedom as a *political* ideal (Wall, 2003, pp. 307-311; see also Lovett, 2018, p. 106). If you were to say that the barber's customer is unfree in *Demon Barber* this implies that whether or not a barber's customer is free in his society depends on the idiosyncratic character of the barber. For most barbers, the possibility of interference is negligible, but, if your barber is Sweeney, then the possibility is not negligible. If freedom is supposed to be a *political* ideal that we judge societies by, this sensitivity to the extreme idiosyncrasies of individual persons seems ill-fitting.

I do not take these concerns to be fully decisive in the debate over the nature of the free choice, but I do think they raise difficult questions for the theorist of freedom who goes down this path. I suggest this gives the republican theorist good reason to

avoid making the free choice central to the idea of freedom as a public ideal. My drawing a symmetry between *Slavery* and *Demon Barber* suggests an alternative path for the republican theorist of freedom that sets aside concerns with the modality of interference and all the difficulties these concerns raise. Further, I believe this alternative path remains truer to the republican tradition.

### What makes us free

A common republican motif is that what leads non-interference astray is a focus on the free choice as opposed to the free person or the free citizen. Using Pettit's analogy, much like the idea of a healthy person informs our understanding of a healthy meal, we should use the idea of the free person to inform our understanding of a free choice (and not the other way around) (2007, p. 710). But, of course, the question we face now is the following: What makes the free person a *free* person?

As a start, consider Gerald MacCallum's (1967) triadic account of freedom: an agent X is free from obstacle Y to pursue some action Z. Pettit proposes an alternative formulation to capture the idea of the free person. Rather than freedom as a triadic relation, Pettit suggests we should understand freedom as a *quadratic* relation: An agent X is free from obstacle Y to do Z *in virtue of* W (2007, p. 718). Most contemporary theories of freedom ignore W. For Pettit and other republicans, W is the central variable. To understand whether or not an agent is free from the republican point of view is to understand the basis upon which one enjoys one's freedom of action. This is what W draws our attention to.

Despite its significance in the republican theory of freedom, *W* is poorly understood in contrast with the other variables. While plenty of literature discusses agents, constraints, and actions, the bases upon which we enjoy our freedom has evaded the same degree of analysis. But it is nonetheless an important element of these debates, as implicit in the republican account of freedom is that not all values of *W* will succeed in grounding our freedom. For example, the good will of a benevolent master will not suffice. The idea that only certain values of *W* will suffice points to what I will call *the social bases of freedom* in the next section.

This understanding of the concept of a free person redirects our attention from the impossibility of interference to the presence of something that renders that interference irrelevant. In this way, the formulation of non-domination as resilient or robust non-interference leads us down a dead-end. What distinguishes worlds where I am subject to arbitrary power from those where I am not is not best captured by a modality of interference. Instead, what matters is the *presence* of some feature within our world that allows us to make our own choices in some manner that is independent from the wills of others. The question is not what counts as a constraint on our freedom, but rather what makes us free.

If the question is what makes us free, notice that this reverses the usual order of explanation for the republican theorist of freedom. Someone like Pettit starts with asking the following question: Is a person dominated? If so, they are unfree. If not, they are free. On this traditional view, you remove domination to make a person free. In contrast, the view on offer here begins the following question Is a person *free*? That is,

do they have the right sort of status? If not, *then* they are dominated. It is by making a person free that you remove the domination, not the other way around. It is in *this* way that the sort of republicanism I offer is positive. It is positive because of the priority given to status in understanding whether a person is free. In contrast, a negative approach to freedom gives priority to domination in understanding whether a person is free.

### The social bases of freedom

To take stock: An agent X is free from obstacle Y to perform some action Z in virtue of W. Focus on the ideal of the free person as opposed to the free choice places W as the central variable to understanding whether or not an agent is free as such. An important element of a quadratic account is that not all possible values of W will do for an ideal of social and political freedom. Take *Slavery*. In that scenario, I am free to take a walk in virtue of my master's good will. But this does not mean I can count myself as free.

A natural question to ask is: *Why* do some values of W make us free while others do not? Why is the benevolence of the master in *Slavery* insufficient? Answering these questions will give us an account of what I call *the social bases of freedom*. My main claim is that the social bases of freedom are those features of a social landscape that you can rely upon in preserving your sphere of choice against others. While there is much to be said about its constitutive components, this claim captures the basic idea. The rest of this section is dedicated to developing the basic idea.

Though often maligned as unclear (e.g. List and Valentini, 2016, p. 1059; Wendt, 2011, pp. 187-190), I believe it is helpful to begin with Pettit's distinction between vitiations of freedom and invasions of freedom (2012, pp. 35-49).<sup>4</sup> An important feature of the republican view is that not all interference invades freedom. This does not mean that such interference does not impact an agent's freedom. Instead, Pettit claims that non-arbitrary interference vitiates, rather than invades, an agent's freedom. This is the case when, for example, the interference is subject to the agent's control. The distinction tries to capture the idea that not all interference affects freedom in ways that trigger the same degree of moral and political concern. In some ways, the vitiation/invasion distinction for freedom is analogous to the infringement/violation distinction one finds in the literature on rights.

Pettit sometimes uses the case of Ulysses and the sirens to illustrate this point. When Ulysses's sailors tie him to the mast, this is interference. But, because Ulysses authorizes this interference, the sailors' actions vitiate, but do not invade, his freedom according to Pettit (2001, p. 75). If the sailors simply tied Ulysses to the mast against his will, *then* his freedom would be invaded. Ulysses' direct control over his sailors gives Ulysses a good reason to consider himself a free person *despite* the interference of his sailors. Importantly, the freedom in this situation is *social*, not some sort of autonomy or freedom of the will. Ulysses is free in relation to his sailors. This is true even if he is not free to leave the mast because of his sailors' actions.

Looking merely at the personal relationship between Ulysses and the sailors without reference to the social situation they find themselves in will not capture the full

picture of Ulysses's freedom. That is, what matters for Ulysses's social and political freedom is that he is in a social situation that grants him some control over potential interferers. A different social situation gives us a different evaluation of Ulysses's freedom. Suppose that Ulysses has *no* control over his sailors' actions – perhaps he is no longer captain. Suppose then they tie him to the mast. Even if we keep constant people's desires (e.g. Ulysses *wants* to be tied to the mast to hear the sirens' song), it nonetheless seems odd to describe Ulysses as free in relation to the sailors. This is because the social context Ulysses and his sailors find themselves has changed from one where Ulysses has potential control over interferers to one where he does not.

While I wish to preserve the basic insight that we are looking for a property of one's social situation, control as a category is simultaneously too coarse and too fine to play this role. Control is too coarse because it includes cases where having control is perfectly compatible with situations of unfreedom. Take the case of a wife adept at emotionally manipulating her husband in a patriarchal society. While the wife in such a situation has control, the control in such a situation is not the sort fitting of a free society. Control is too fine because it is not obvious why *only* control ought to count for one's freedom. What explains the connection between (at least some forms of) control and freedom? Why does Ulysses' control over his sailors give him good reason to consider himself free? We could take such control as primitive to the social bases of freedom, but this would not only be unsatisfying, but also inadvisable. Limiting the social bases of freedom to such control prejudices the case against other possible bases. Fortunately, we do know that not just any way promoting or providing choice will



suffice. For example, we know that benevolence is not enough, as the case of *Slavery* suggests. We can leverage *Slavery* in contrast with Ulysses-type cases to find an explanation for why certain forms of control suffice, while benevolence does not.

Frank Lovett and Pettit diagnose *Slavery* as involving two ills that an ideal of freedom ought to avoid: self-censorship and ingratiation (2009, p. 19). In regard to self-censorship, the dominated agent understands his position relative to his dominator. A dominator, no matter how benevolent, wields power over the dominated's course of action. If the dominated acts in a way contrary to the dominator's wishes, the dominated is aware this could trigger a change of heart and subsequent interference. Given his position, the dominated censors himself and does not act in ways he knows contrary to those of his dominators. Self-ingratiation is similar, but perhaps more degrading. The idea is that the dominated has to 'fawn or toady or flatter' to keep himself in favor with the dominator (Pettit 1997, p. 5). This is not so much a change in preferences, but rather the adoption of a strategy or tactic to appease a powerful agent.

As I have pointed out elsewhere, there are problems with this sort of republican argument in favor of freedom as non-domination (Frye 2018, p. 301). For one, it is not obvious that self-censorship and ingratiation are inherently bad things. Civil discourse often depends on self-censorship, and we often ingratiate ourselves with our friends. Nonetheless, I believe focusing on these features of *Slavery* is helpful because it draws attention to where I think we will find an account of the social bases of freedom: the idea that social and political freedom relates to our practical deliberations over what to

do given the presence of other agents, and how these deliberations are structured in part by a background set of social institutions.

The republican depiction of *Slavery* is, in part, a story about how certain relations distort deliberations over what to do. I do not take the republican to making a straightforwardly empirical claim here. It is not that certain forms of power relations *cause* self-censorship and ingratiating. To be clear, I do not think the republican denies a causal relationship. It would be surprising if at least some empirical relationship did not hold. Rather, I take the claim to be normative. I do not mean normative in a moral sense or a social sense, but in a rational sense. What are we warranted to believe about our agency based upon *Slavery*? This is best seen in parallel with Rawls's idea of the 'social bases of self-respect,' which serves as the inspiration for my title and main concept. Notoriously, Rawls says very little about the social bases of self-respect, or what he dubs 'perhaps the most important primary good' (1999, pp. 348, 386). The social bases of self-respect are most plausibly understood not as an empirical claim about how features of our social world psychologically undermine or bolster our self-respect. Rather, the idea is best thought of as directing us to how aspects of our social world give us reason to believe certain things about ourselves (Eyal 2005, pp. 203-204). Namely, that we have self-worth. I do not intend to endorse the claim that self-respect has social bases here. My purpose in bringing Rawls's idea up is to clarify the idea of the social bases of freedom: Our social freedom (unsurprisingly) has social bases. That is, a free society is one where the presence of certain social elements gives one reason to consider one's self a free person within that society.

To give some depth to these ideas, let us reconsider *Slavery*. The question is what ought to register in a slave's deliberation over what to do.<sup>5</sup> On the one hand, he is a *slave*. This means that the legal and social rules in his society render him liable to all sorts of interference. Not just that, but also that his master has ownership rights over him, and all the powers that come along with those rights. On the other hand, he knows something about his specific master. Namely, through experience and interaction, the slave knows that his master is *benevolent* towards the slave and has never prevented him from doing what he wanted to do in the past nor has ever given the slave reason to believe his attitude will change in the future. Now, the master has a mind of his own and it is of course possible for the master to change his mind (Pettit 2012, p. 60). This ought to matter to the slave's deliberations. Thus, a slave's deliberation to  $\phi$  will have a specific shape that ought to consider both the background social institutions that structure his relationship *and* what he knows about the specific person in that relationship. It is in light of the former that the *Slave* has reason to consider himself unfree, not the latter.

Contrast *Slavery* with *Barbershop*. Assume a background set of well-functioning legal and social rules that define the relationship between customer and barber in such a way that gives the customer certain rights against the barber should things go awry (and vice versa). Further, we know that these rules are not merely formal, and actually instantiated both in enforcement and that people generally endorse and follow them (Carter, 2011). These background social facts ought to register in the customer's deliberations. But the customer also knows his specific barber, and this also matters to

his deliberations over what to do. But what determines whether or not he has reason to think of himself as free in his society is not his relationship with any specific barber, but rather the background social institutions.

This allows me to return to *Demon Barber*. Like before, assume the right set of background social institutions. In this case, the customer retains all the rights and protections offered in ordinary *Barbershop*, and takes those rights and protections to generally constrain and/or motivate barbers in the relevant way. This is something that should register in the customer's deliberations. *But* in this case the barber, Sweeney, is so driven by revenge against the customer, that these institutions do not do their normal work. In this case, the customer is right to be worried about interference. But the cause of this worry is not the relationship between customer and barber, but rather the specific person he is in that relationship with. Because of this, the institutions of the customer's society give him no reason to believe he is unfree. In fact, a well-ordered set of institutions give him reason to believe he is free *in spite of* Sweeney giving him a reason to worry about interference.

This may still remain counter-intuitive to some, so let me put this a different way. Imagine a well-ordered legal system that largely succeeds in minimizing crime. Because of such a system, every citizen in such a society has reason to consider himself or herself free. Nonetheless, in any realistic social world, there will be crime. On my view, *even if* a citizen encounters crime in this world (as will happen), that citizen still retains his or her status as a free person. It is true that such a citizen has suffered interference, but this interference tells her nothing about her status a free person in her

society *so long as the interference is idiosyncratic*. That is, so long as the interference is a property of the specific people involved, and not a general feature of relationships between persons.

When thinking about freedom as a status rather than as a property that attaches to choices, the question is *not* what sorts of reasons ought to figure in practical deliberation from the perspective of any particular agent. Rather, the question is what sorts of reasons ought to figure from the perspective of a particular social position that many agents could possibly occupy. To put this point in a slightly different way, to know whether or not someone is socially free on a status-based view requires more than just a table of probabilities attached to various interferences, we need to know the mechanisms behind those probabilities and whether those mechanisms attach to a social relation rather than to specific individuals. Only when the probabilities of interference are grounded in some general feature of society does this impact a person's status as a free person.

Based on this discussion, I can finally formalize my account of social freedom as follows:

*The Social Bases of Freedom:* An agent A is free to  $\phi$  if that agent can reasonably rely upon features of society that render interference irrelevant to a decision to  $\phi$ .

There are a few things to notice about notion of reliability at work here in contrast with the idea of robustness at play in the earlier discussion of freedom as robust non-interference.

First, note that it is not that the social bases of freedom *constrain* the actions of others. Or, at least, it is not that they *merely* constrain the actions of others. In this way, my view is distinct from (though not incompatible with) Frank Lovett's (2010; 2016) own take on republican freedom. For Lovett, roughly paraphrased, one is free from domination when one is free from the unconstrained power of others. That is, one is free where there are effective and reliable constraints on the power of others, and such constraints are common knowledge (Lovett, 2016, p. 115; see also Lovett, 2010, pp. 154-156). While the social bases of freedom do include such constraints, they refer to a broader category. We can reasonably rely on rules and institutions in society not just to the extent they constrain the behavior of others, but also to the extent they help direct, motivate, and coordinate the behavior of others. Not all of these involve the use of constraints. Further, as we will see in the next section, not all features of society that implicate our freedom involve rules.

Second, reliability draws attention to how certain features of a social world register in an agent's practical deliberations. When considering the possibility of interference, part of what we think about is not just the actualization of interference, but also the various pathways of interference. Not all pathways are equal in terms of deliberative weight. For example, I may enjoy an option only because of someone else's good will. Good will obviously matter to our understanding of the specific people we know and deal with in our daily lives, but the point of the republican interpretation of cases such as *Slavery* is that good will does not ground a person's freedom. A society that relies on good will to etch out one's choices is not a free society, whatever else it

might be. In contrast, I may enjoy an option because of the presence of an effective legal system that deters others from interfering with me, or I might enjoy such an option because of a set of informal norms that structure and motivate the actions of others in my society or some combination thereof. In these circumstances, I have reason to consider myself free, even if the probability of me facing actual interference is just the same as it would be in a world where we just rely on good will.

Third, by focusing on good reasons, I am not suggesting that an agent's choice is guaranteed in a strong sense, as modally robust approaches appear to require. It may well be that one's choice in the end is frustrated by the interference of others. But just because such interference actualizes itself within such a system does not thereby vitiate a society's claim to be a free one. The important issue is whether or not this possibility should have registered in the agent's practical deliberation given her social situation. This is also why the idea of the social bases of freedom is normative rather than causal.

To take stock: The social bases of freedom are the features of the social world we use and rely upon as agents who make choices against a background of other choosing agents. We rely upon such social bases in part because they provide stable expectations that allow us to make choices in coordination with others. Beyond stable expectations, these bases give us the tools to shape our social environment in such a way that allow us to preserve our independence. These social bases do not attach to particular individuals, but instead to social positions. In a slogan: The social bases of freedom allow us to plan in coordination with, but not in subordination to, others.

## A remaining issue and its implications

I have completed my basic account of the social bases of freedom. In this section, I consider a lingering worry one might have and suggest a future avenue of research based on this worry. While I cannot answer all questions here, I hope what I have to say is sufficient in filling out at least some of the contours of the view described in the previous section.

One might worry that, by focusing on what reasons people have for reliance, the social bases of freedom may be sensitive to psychological states in a peculiar fashion. Both *Slavery* and *Barbershop* are extreme cases – they describe situations where there will be wide convergence on what is reasonable to rely upon in charting a course of action. But you might wonder about less clear cut cases.

Imagine two cyclists A & B.<sup>6</sup> Both A & B operate in the same city, take the same road at similar times of day, and are of similar skill. This road is multi-lane and does not have a bike lane. The difference between A & B is in their evaluation of their situation. A sees this situation as providing a reason to consider herself free (e.g. she focuses on the laws, regulations, and patterns of respect that guide vehicles generally) while B sees this situation as providing a reason to consider himself *unfree* (e.g. he focuses on how the design of the road predictably leads to dangerous driving behavior). Both evaluations seem like reasonable judgments in the sense that neither seem the product of excessive paranoia nor excessive naivety.

Based on this case, one might think that an implication of my view is that whether or not a person is free depends in part on their psychological profile. On this



interpretation of reasonable reliance, because both A & B are making reasonable inferences, we get the peculiar result that A is free while B is unfree despite facing identical situations. I say this is a peculiar result because it seems odd for a conception of social freedom to be indexed to psychological profiles – this implies that a person can be made socially free just by becoming less anxious about potential sources of interference.<sup>7</sup>

The problem is introduced by the ambiguities of ‘reasonableness.’ The point of reasonableness in my account of social bases of freedom is *not* to focus on a normal range of psychologies, as it sometimes is used in ordinary discourse. Instead, I mean to capture the normative character of reliance – to be free in my sense is not that one *will* rely upon features of one’s society or that one *can* rely upon these features, but rather that one has *reason* to rely on these features. This reason is independent of a person’s psychological profile. Because of this, what we ordinarily call a ‘reasonable’ person (understood as not having a pathological psychology) could be mistaken about whether or not they are free. That is, they could fail to appreciate the reason they have to consider themselves free.

What does this say about our cyclists? At the very least, my view is that either both are free or both are unfree. What is interesting about this case is how it draws attention to the question of how we ought to treat *design* elements of a society in regard to a person’s freedom. Cyclist A focuses on the social and legal norms that govern traffic while ignoring the design elements. Cyclist B, in contrast, sees the design

elements as an essential part of the picture. The question to ask on my view is: Who is right?

Somewhat unsatisfactorily, I will not resolve this specific dispute here. This is not mere evasion, but because the answer hinges on a larger question about whether or not traffic planning or design more generally gives people reasons to consider themselves free (or unfree). This would require further development of the ideas here that would take us beyond the scope of this paper (recall: my purpose is to develop a positive interpretation of republican freedom as an alternative to more negative interpretations that focus on non-domination). Nonetheless, I do believe I owe the reader some reason to think that the account on offer here can help with this case. Because of this, I will provide a brief sketch here of how my account of freedom expands our understanding of social freedom.

Let me suggest that design *does* matter to our status as free persons. In this way, cyclist B is correct to be concerned about how traffic planners structure the road. This is best seen by considering cases of *defensive design*, or, as it is known by its critics, *hostile design*.<sup>8</sup> For example, park planners will place studs on edges to prevent skaters from grinding or place dividers on benches to prevent the homeless from sleeping on these benches. It is easy to see how such design elements give people reasons to consider themselves *unfree*. This is not just a matter of physically being unable to act in a particular way, but also a fact that these features were products of intentional design. In contrast, the fact that a particular patch of ground in nature is rocky so as to be

unsuitable for sleeping does not give anyone a reason to doubt his or her social freedom.

Again, this is only a suggestion, but it provides a glimpse into how thinking of freedom as a status first and foremost can expand the usual analysis of freedom. Most theorists of freedom focus on how legal and social institutions hold at bay various evils, whether interference or domination. However, thinking of freedom of status helps us see how social institutions, independent of how they constrain the choices of others, can implicate our freedom. While I have only here sketched the way design choices might do so, I could imagine other avenues of investigation that fill out such a sketch.

## Conclusion

In this paper, I argued that discussion of freedom should pay more attention to what makes us free. This does not involve a mere negative property, such as non-interference or non-domination, but requires a positive property in the form of the presence of certain features within one's social world. I called these the social bases of freedom, or those features of one's social world that one can rely on in making plans. For too long, theorists of political freedom have tried to capture all we care about freedom under the category of what counts as a constraint on freedom. It is time we asked what makes us free.

## Notes

<sup>1</sup> For interpretations of social freedom as modally demanding, see List, 2006; Pettit, 2015, pp. 2-3; Southwood, 2015, pp. 508-511; and List and Valentini, 2016.

<sup>2</sup> While Pettit in later work abandons the language of ‘arbitrary interference’ in favor of ‘uncontrolled interference,’ we can read ‘uncontrolled’ as an interpretation of arbitrary (Pettit, 2012, pp. 58-59).

<sup>3</sup> There is some question as to whether non-domination is equivalent to robust non-interference, or whether robust non-interference is a conception of freedom in its own right (e.g. List and Valentini, 2016).

<sup>4</sup> In earlier work, Pettit makes a similar distinction between conditioning and compromising (1997, pp. 75-76). It is not clear why Pettit abandons the earlier language.

<sup>5</sup> It is important to stress that we are discussing practical deliberation in a normative key as opposed to a descriptive one. The notion of ‘registering in practical deliberation’ being used here and in what follows is a normative idealization of sorts, and not an empirical description. It is about what one has reason to believe.

<sup>6</sup> I am grateful to an anonymous reviewer for raising this case.

<sup>7</sup> This would be parallel to the worry about desire-dependent accounts of freedom (e.g. you are free to the extent you are able to do the things you want to do) that you can make yourself more socially free by minimizing your desires (see Berlin, 1969, pp. xxxviii-xxxix).

<sup>8</sup> For an expanded and accessible discussion of hostile design, see Lam, 2018.

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