



Three errors about republicanism: a reply to jafarov and huseynli

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ABSTRACT

In their paper, ‘Republican Freedom, Domination, and Ignorability,’ Jafarov and Huseynli argue that our analysis of republican freedom in terms of an ignorability test fails to distinguish republicanism from liberalism. In this reply, we defend our view, showing that their argument rests on three common errors about republicanism: first, that republicanism must distinguish itself from liberalism to succeed; second, that republicans cannot admit probabilistic reasoning; and third, that republican liberty and pure negative liberty generate equivalent judgments about freedom.

KEYWORDS

Republicanism; liberalism; freedom; domination; probability; ignorability

In many ways, John Stuart Mill’s *Subjection of Women* is a remarkable feminist treatise. It delivers an extraordinarily perceptive analysis of the patriarchal social, legal, and political institutions of its day. For all its merits, however, *The Subjection* never presents what might seem the most obvious criticism of those institutions – namely, that they render wives unfree because they set up husbands as their masters.¹ Mary Wollstonecraft, in contrast, felt no hesitation many decades earlier asserting that very claim. ‘Would men but generously snap our chains, and be content with rational fellowship instead of slavish obedience,’ she writes, ‘they would find us’ not only ‘more faithful wives’ and ‘more reasonable mothers,’ but indeed ‘better citizens’ (Wollstonecraft [1792] 1995, p. 240). That Mill found himself unable to adopt the stance so natural and obvious to Wollstonecraft was no doubt due in part to the strong influence of his mentor, Jeremy Bentham. On Bentham’s conception of freedom, we are unfree only in those choices that are actually or are likely to be frustrated by others, and since many women had benevolent husbands who rarely frustrated their choices, it was simply not true as a general matter that married women were as such unfree.

Contemporary republicans are committed to many claims. Some of these concern the history of ideas, while others concern better or worse forms of political and social organization. But republicans are most centrally devoted to a straightforward proposition

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{note to editor from MH: This is a reply to the paper by Jafarov and Huseynli, in the same issue of JOPP, issue 2. So, the citation in yellow refer to that paper, and the page numbers will have to be supplied once the pagination is formalized in issue 2. Can you please do that? Thanks Mark}

about the nature of freedom, namely, that Wollstonecraft was right and Bentham wrong. Other things equal, republicans claim, the person subject to a benevolent (or indifferent) master is no more free than the person subject to a malevolent one.²

Though intuitively simple, expressing this central republican claim with analytical rigor has proved more challenging than perhaps expected. A considerable and increasingly sophisticated debate has arisen between republicans and their critics, to which the article by Jafarov and Huseynli and this reply represent further contributions. Far from being a cause for complaint, the existence of this debate should be seen as a cause for celebration. It has led to an astonishing improvement in our understanding of the nature of freedom over the past few decades, and this is the very definition of progress. Here, we welcome the opportunity to further improve that understanding, if we can, while recognizing of course that this exchange is not likely to be the final word on either side.

Our discussion will be organized around three common errors (as we see them) made by the critics of republicanism, each of which appear in this article.³ The first is the notion that if there is a liberal conception of freedom that can be shown to accommodate the central republican thesis, republicanism will thereby stand defeated. The second is the notion that republicans are committed to an absolute rejection of probabilistic analyses of freedom. And the third is that the republican conception of freedom and the so-called ‘pure negative liberty’ view generate equivalent judgments as to the degrees of freedom individuals enjoy in all or nearly all particular cases.

1. Liberalism and Republicanism

The central republican thesis about freedom, to reiterate, is that the subject of a benevolent master is no more free, other things equal, than the subject of a malevolent master. This claim is central, for example, to Wollstonecraft’s view that the prevailing institutions and conventions of her day render wives systematically unfree, not merely contingently unfree in those instances where their husbands happen to be malevolent. This specific claim about the nature of freedom was denied by many thinkers – most explicitly by Hobbes, Bentham, and, in more recent times, Isaiah Berlin.⁴ Many other classical liberals implicitly adopted the same position, though with varying degrees of appreciation for its full implications. Contemporary republicans want to insist that the classical liberals were wrong, and that Wollstonecraft – together with her classical republican forebearers such as Machiavelli, Harrington, and Sidney, as well as contemporary allies such as her friend Richard Price – were ultimately correct about the nature of freedom.

But what if some new and improved liberal conception of freedom can capture this central republican thesis? What if ‘the republican conception of freedom . . . can be fully accommodated with the liberal account’ as Jafarov and Huseynli suggest (2022, p. 3)? Does that amount to a defeat for republicanism? Surely not! Whether liberals are willing to accommodate the central republican thesis is after all up to the liberals, not the republicans. If contemporary liberals ultimately settle on an understanding of freedom that agrees with the central republican thesis, this amounts to victory not defeat. It would mean that both sides now agree the republicans were right all along – i.e., that the subject of a benevolent master does indeed remain unfree, contrary to the position explicitly adopted by Hobbes, Bentham, and Berlin.

Now, of course, the full implications of such an agreement would remain subject to further negotiation. With respect to some issues, perhaps, liberals would be willing to revise long-standing positions on political, social, or economic institutions and policies so as to bring them into closer alignment with republican views. With respect to other issues, however, differences between liberals and republicans might persist due to disagreements about the relative weight or priority that should be assigned to freedom as against other values. Obviously, however, these topics are beyond the scope of present discussion.

2. Possibility and Probability

That first point is relatively basic, though often unappreciated. The second is rather more sophisticated. Republicans have consistently maintained that one is not free in a choice so long as some other agent has the uncontrolled ability to frustrate that choice: the *probability* that the agent in question might exercise that ability is neither here nor there.⁵ Thus, while a particular benevolent husband might be very unlikely to frustrate his wife in her choice whether to seek employment outside the home, republicans insist that the wife is not free in her choice so long as her husband retains the *ability* to frustrate that choice, unless that ability is suitably constrained. Jafarov and Huseynli quote our earlier paper on this point as follows: ‘it would be false to say,’ we said, ‘that what determines . . . whether *A* dominates *B* is the probability that *A* will wish to intervene’ in *B*’s choice (Ingham and Lovett 2019, p. 779).

Many critics of republicanism infer from this, however, that republicans are committed to a far more general claim, namely, ‘that freedom is not determined by the probability of interference’ and thus ‘cannot be accommodated’ in ‘probabilistic terms’ at all (Jafarov and Huseynli 2022, p. 8). But this is not at all the same thing, and republicans are in no way committed to any such sweeping rejection of probabilistic reasoning. Whether the republican conception of freedom can ultimately be articulated in probabilistic terms remains to be seen. But even if it can, this would not mean defeat for the republican conception of freedom, *provided the specific and narrow claim to which republicans are centrally committed remains*: namely, that whatever a person’s freedom may or may not depend on, it does not depend on the benevolence of the potentially dominating agent. So long as that point stands, Wollstonecraft is vindicated.

The discussion in Jafarov and Huseynli is extremely helpful in clarifying this point. Consider whether the wife under traditional patriarchal social arrangements is free to seek employment outside the home. We argue she is not, even in the case where her husband is benevolent and she knows perfectly well that he is benevolent. This is because potential employers, for instance, do not know her husband is benevolent: what they *do* know is that he has the *ability* to frustrate her choice to work outside the home. Since the latter fact is common knowledge while the former is not, they might very well decline to offer her a job. Here, Jafarov and Huseynli observe that this is only to say that *the probability her choice will be frustrated* (by someone or other) is greater than it would otherwise be, i.e., if her husband did not have this ability. Perhaps so. But republicans can concede this point, provided it is acknowledged that this is not the same as *the probability that her husband* (in particular) *will frustrate her choice*.⁶

In Gerald MacCallum's (1967) classic formal analysis, claims about freedom are always tripartite claims of the form x is free from y to z . Jafarov and Huseynli suggest that republicans are confused about the y term: who is it, on the republican view, that hinders the wife's freedom of choice, her husband or her potential employer? But there is no such confusion, for republicans have consistently maintained that it is *domination* that makes us unfree, not particular agents at all. In other words, neither the husband nor the potential employer render the wife unfree, strictly speaking, but rather the basic structure of society insofar as (in this case) it grants her husband unconstrained abilities to frustrate her choices – whether or not he wants to have those abilities, and whether or not he is likely to exercise them.⁷

How and why this *fact* of domination – that is, the fact that the basic structure of society grants the husband an unconstrained ability to frustrate his wife's choices – deprives the wife of freedom is a further question for more detailed social analysis. Republicans may hold somewhat different views about this matter. It might turn out that the best and most complete explanation ultimately resolves into some complex function of the probability that those choices will be frustrated by various other social agents.

But then again, it might not. Imagine, for example, that the potential employer in question happens to be good natured, and would want to hire the wife should she apply. Knowing the husband has an uncontrolled ability to frustrate her choice to whether work outside the home, however, the potential employer would consult with the husband before doing so. *Given* that her husband is in fact benevolent, and *given* that this particular employer will discover that he is after consulting with him, the overall objective probability that this particular wife's choice to work outside the home will be frustrated turns out to be very low. Nevertheless, the fact that the employer would need to consult with her husband might be humiliating for her, publicly signifying as it does the inferior dependent social position of married women in a patriarchal society. It might shape how other people perceive her relative status in society; it might inflect the character of future interactions between the wife and her husband; and so on. In other words, the full social consequences of the fact of domination need not be exhausted by its impact on the probabilities with which people's choices are likely to be frustrated. And those various consequences, whatever they turn out to be, are perfectly germane to our judgements about the extent of freedom people enjoy.⁸

But regardless of how we ultimately describe the freedom-reducing aspects of domination, the central republican point remains untouched. And that point, to reiterate, is simply that the degree of freedom the wife enjoys does *not* amount merely to the probability that *her husband* will refrain from frustrating her choices. Thus, under traditional patriarchal social arrangements, no individual wife is free merely because of the contingent fact that her specific husband happens to be benevolent, just as Wollstonecraft had said.

3. Equivalent judgment

The so-called 'pure negative liberty' conception of freedom, given a sophisticated development by Ian Carter (1999) and Matthew Kramer (2003), is roughly the view that anything which reduces our conjunctively exercisable choices reduces our freedom. So, for example, the destitute individual is less free than the prosperous one because, even if

she can afford to see a movie *or* purchase her dinner, she cannot afford to see a movie *and* purchase her dinner: the prosperous individual who can do both enjoys a wider range of conjunctively exercisable options.

Advocates of pure negative liberty, including Jafarov and Huseynli, have been keen to show that any unfreedom detected by the republican conception of freedom can also be detected by the pure negative liberty view. Just so in the case we have discussed: on the pure negative liberty view, we should regard the wife under traditional patriarchal social arrangements as less free in her choice whether to seek employment outside the home because, given those prevailing arrangements, it is an option she may be unable to exercise together with a range of conjunctive options even in the event that her husband is benevolent: she might be unable to seek employment outside the home *and* avoid public humiliation, for example. From this, some conclude that the pure negative liberty view and the republican view generate *equivalent judgments* about degrees of freedom.

To reiterate what was said earlier, this would not in any way be fatal to the republican project. On the contrary, it would constitute a victory. It would mean defeat rather for the conception of freedom advanced by Hobbes, Bentham, and Berlin, according to which the subject of a benevolent master can be as free as the person without a master: ‘I deny that there is more liberty in democracy than monarchy,’ says Hobbes, ‘for the one is as truly consistent with such a liberty as the other’ if freedom is simply a function of their being ‘few laws’ and ‘few prohibitions’ (Hobbes [1642] 1991, p. 228). Nevertheless, it is unlikely that the equivalent judgment hypothesis will ultimately prove correct.

This can be seen most easily with a simple reframing of the central republican thesis. For that thesis might alternatively be expressed as a principled commitment to a robust side-constraint on counting the benevolence of actual or potential masters as freedom-reducing. The side-constraint need not be absolute or applicable in every possible context, but republicans will want to insist on it for most practical social and political purposes.⁹ Expressing the central republican thesis in this way elegantly captures the concern with *dependency* in traditional republican writings. Above all, those authors insisted, we should avoid depending on the whim or pleasure of powerful others. Thus, Algernon Sidney says that ‘liberty solely consists in an independency upon the will of another,’ whereas ‘by the name of slave we understand a man, who can neither dispose of his person nor goods’ except ‘at the will of his master’ (Sidney [1698] 1996, p. 17).

In contrast, the pure negative liberty view recognizes no such principled side constraint: on this view, *any* increase in the set of conjunctively exercised choices represents an increase in freedom. Consider two wives living under traditional patriarchal social arrangements, and suppose that both have equally bad husbands. Both wives are relatively unfree on either the republican or the pure negative liberty view. Now suppose that one husband is educated in the ways of being a better spouse, and so becomes more benevolent. Hold everything else constant, including for example the fact that the husband’s change of heart is not common knowledge to potential employers and so forth. Both wives may continue to find potential employers reluctant to offer them jobs, and to that extent both wives will remain unfree. However, the wife fortunate enough to have a now-benevolent husband will find at least *some* choices less likely to be frustrated than before. For example, perhaps he is no longer inclined to frustrate her choices about how to decorate their home, or her choices about what to have for dinner. On the pure

negative liberty view, we must now count her as more free than before. Not so on the republican view, which bars our counting gains purely due to a given master's contingently good will.

Whether one regards this principled side constraint as normatively appropriate and fitting with common intuitions about the nature of freedom is another matter. Obviously, republicans will answer these questions affirmatively. But simply as an analytic matter, it is difficult to imagine how the two conceptions of freedom could be shown to give equivalent judgements. They would do so only in the event that the benevolence or malevolence of our potential masters turn out to have *no effect* on the overall probability that our choices will be frustrated, thus rendering the side constraint irrelevant. Surely this is unlikely, however.

4. Conclusion

We appreciate the care with which Jafarov and Huseynli have engaged our work, and we hope that this reply has not only further clarified our views but perhaps also advanced debate.

By way of conclusion, there is one further point we wish to address. Jafarov and Huseynli claim that there is a loophole, so to speak, in our account of domination, such that it will generate false negatives as well as false positives. Consider the wife who is 'terminally sick and in a deep depression,' and so has no desire to leave the home (Jafarov and Huseynli 2022, p. 13). On our view, they suggest, the types of husbands who might frustrate her choice whether to leave the home will be ignorable because it would make no practical difference if it became common knowledge that the husband is not one of those types: it would make no practical difference because the wife does not want to leave the home anyway. Since those types will be ignorable, they say, the husband's ability to frustrate her choice should on our view count as suitably constrained and thus not dominating.

We did not discuss this issue in our paper because it was not relevant for our aims on that occasion. But we should have been more clear. Importantly, on the republican view, whether the husband has an ability to frustrate his wife's choices should not depend on her preferences. Thus, as we say, the husband will have such an ability provided that, 'even when preferring' to leave the house, the wife will not leave in the event that the husband does intervene (Ingham and Lovett 2019, p. 778). This condition is obviously satisfied in the example of the deeply depressed wife: she happens not to want to leave the house, but even if she did, her husband could frustrate that choice.¹⁰ As Pettit says, security against domination must be 'invariant across relevant alterations *both in your own will* and in the will of others as to what you should do' (Pettit 2012, p. 67, emphasis added).

What we did not make clear is that this counterfactual must be carried over into the ignorability test. In asking whether a given type of husband would intervene to frustrate her choice, we should continue to imagine that the wife does indeed want to exercise the choice at issue in the absence of an intervention. So the relevant test runs as follows. *Assuming* the wife wants to leave the house, does her husband have an ability to frustrate that choice? If the answer is yes, *then* we check whether his ability is suitably constrained: *still* assuming the wife wants to leave the house, can we ignore all the types of husband who would prefer to intervene to prevent her from doing so? If the answer is no, then his ability is not suitably constrained: the husband dominates her choice, and so to that extent she is not free.

Notes

1. Here see Lovett (2008).
2. Prominent contemporary republican works advancing this central claim include Pettit (1997), Pettit (2012), and Skinner (1998).
3. Set aside or reserved for the notes are a few more technical issues unique to this particular exchange that will be of less interest to general readers.
4. ‘Just as a democracy may, in fact, deprive the individual citizen of a great many liberties which he might have in some other form of society,’ writes Berlin echoing Hobbes, ‘so it is perfectly conceivable that a liberal-minded despot would allow his subjects a large measure of personal freedom’ (Berlin 1969, p. 129).
5. Jafarov and Huseynli mistakenly believe there is an *additional* arbitrariness condition in the standard republican conception of freedom (Jafarov and Huseynli 2022, p. 2n1). In fact, ‘an ability to arbitrarily frustrate a choice’ and ‘an uncontrolled ability to frustrate a choice’ express the same republican idea: the former was simply a more traditional form of expression, which has given way to the latter more precise form in recent republican writings.
6. Are we not then simply saying that the *employer* dominates the wife because he will probably not offer her employment? Not necessarily. To determine whether the employer dominates the wife, we must set aside that probability, and ask only whether the employer has an uncontrolled ability to refuse to offer her employment. When we are examining the employer’s ability, we can admit information about the probability that the husband will frustrate her choice; when we are looking at the husband, we can admit information about the probability that the employer will decline to offer her employment. It might turn out that the wife is dominated by *both* her husband *and* her potential employer. But it might also turn out that she is not dominated by her potential employer because his ability to refuse her a job is suitably constrained, say, by the pressures of market competition.
7. Pettit writes, ‘my will may be that you are not dependent on my will,’ but given the basic structure of society in such cases, ‘whether I like it or not you are dependent and I exercise domination’ (Pettit 2012, p. 62).
8. Note that our ignorability test is designed to be agnostic on these issues: it requires that the revelation of an agent’s type have ‘no significant practical consequences’ without specifying what sorts of consequences might be relevant. They might certainly include, but need not be limited to, the aggregate probability that a given choice would be frustrated by some agent or other – the husband, the potential employer, and so on.
9. Republicans can hold a variety of views about more exotic scenarios such as the so-called ‘gentle giant’ case discussed in Kramer (2003, p. 140 ff.). These hypotheticals test the limits of the republican commitment to the side constraint without undermining the central conviction.
10. There is a possible nearby case where she is psychologically *unable* to leave the house. In this scenario she is not dominated because we cannot be dominated in choices we do not have.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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