

LITERATURE REVIEW

The focus of my literature review is oriented towards the civic republican claim that the republican theory of liberty is a form of negative liberty that provides better guarantees of liberty. This is divergent from a traditional interpretation of republican liberty, which was presumed to be primarily concerned with the liberty to participate in government, a form of positive, not negative, liberty. The claim addresses two branches of political philosophy that deal with liberty, contemporary negative liberty theorists and civic republicans. An evaluation of the civic republican claim requires grounding in both branches. Because the civic republicans argue that their liberty fits in the family of negative liberty, an overview of the recent negative liberty literature is obligatory. By claiming to be a form of negative liberty, civic republicans tacitly align themselves in the negative and positive liberty discourse. No reflection of negative liberty would be complete without briefly considering positive liberty. I will then transition to the civic republicans, focusing primarily on Quentin Skinner, who originally put forth the claim, and Philip Pettit, who offers the most comprehensive extension of civic republicanism.

I. Groundwork of Negative Liberty Theory

A. Interferences on Liberty

C. Positive Liberty, In Light of Berlin and MacCallum

II. A New Way: Republican Revival

A. The Republican Problem of Virtù

B. Republicanism

C. Pettit and Skinner, a Unified Concept

III. Specifically: Law

I. The Groundwork of Negative Liberty

Isaiah Berlin's *Two Concepts of Liberty*¹ establishes a distinction between negative and positive liberty, with a strong advocacy for the negative form of liberty. Berlin is an idealist in the sense that to understand the great historical movements and conflicts, one must understand the ideas and involved in them.² Berlin was heavily influenced by Benjamin Constant's division between liberty of the ancients and that of the moderns.³ For the ancients, liberty was the ability to actively participate in the governance of the polis, while liberty of the moderns corresponds more closely to our conceptions of individual civil liberties, for example freedom of religion, freedom from arbitrary arrest, freedom of speech and opinions.⁴ Reflecting on the excesses of the 1789 French Revolution, Constant emphasized that the two different concepts should not be confused. The French Revolution was mistaken by trying to implement ancient liberties in an attempt to gain modern liberty. Berlin agrees that the individual liberty is a comparatively modern doctrine and notes the absence of its discussion in the ancient world.

In the same way that we must be able to parse out the important ideas for a historical understanding, our own ideas and opinions will remain obscure if we don't

¹ Berlin, Isaiah. "Two Concepts of Liberty." *Four Essays on Liberty*. Oxford: Oxford University Press, 1969.

² Berlin, Two Concepts of Liberty." 392.

³ Constant, Benjamin. "Liberty of the Ancients Compared With That of the Moderns." *Constant: Political Writings*. Ed. and trans. Biancamaria Fontana. Cambridge: Cambridge University Press, 1988.

⁴ MacPherson notes that positive liberty is indeed a modern concept, "authoritarianism is as old as Plato, but it was not until modern [bourgeois] world that such authoritarianism was called liberty." see MacPherson, C.B. "Berlin's Division of Liberty." *Democratic Theory: Essays in Retrieval*. Oxford: Clarendon Press, 1973. 115.

identify the dominant issues of the current world. With an orientation towards individual liberty, the issue Berlin is most concerned with is obedience and coercion. Negative and positive liberty both ask different questions oriented towards obedience and coercion. Negative liberty asks, “what is the area within which the subject—a person or group of persons—is or should be left to do or be what he is able to do or be, without interference by other persons?” and positive liberty asks, “What or who, is the source of control or interference that can determine someone to do, or be, this rather than that?”⁵ For Berlin, positive liberty is self-mastery and, in conjunction with Constant’s liberty of the ancients, participation in governance. It is the desire for one’s life and decisions to depend on oneself.⁶ When the requisite connotations of rationality are added, liberty quickly dissolves into concerns with developing the ideal, rational-self, one must be universal and harmonious.⁷

Political liberty in the negative sense is the area that an individual can act free from the obstruction of others. “If I am prevented by others from doing what I could otherwise do, I am to that degree unfree.”⁸ Liberty is constrained by the deliberate interference of other human beings within the area an individual would otherwise be able to act, with an emphasis on the direct prevention from other human beings. The wider an individual’s area of non-interference, the larger their share of freedom.⁹ We must always maintain a degree of this private autonomy. “Jefferson, Burke, Paine, Mill, compiled different catalogues of individual liberties, but the argument for keeping authority at bay

⁵ Berlin. “Two Concepts.” 392.

⁶ Berlin. “Two Concepts.” 397.

⁷ Berlin. “Two Concepts.” 398.

⁸ Berlin. “Two Concepts.” 393.

⁹ *Ibid.*

is always substantially the same. We must preserve a minimum area of personal freedom if we are not to ‘degrade or deny our nature.’”¹⁰ David Miller notes that Isaiah Berlin makes the safeguarding of a minimum area of negative liberty essential to human wellbeing, and that under no pretexts should this liberty be taken away.¹¹

In relation to a guaranteed area of individual autonomy, Berlin places great importance on value pluralism. An individual must be permitted to pursue his or her own chosen end in life. Quoting Mill with approval, Berlin posits, “the only freedom which deserves the name is that of pursuing our own good in our own way.”¹² For Berlin, political philosophy is a moral endeavor that, “starts from the discovery, or application, of moral notions in the sphere of political relations.”¹³ Berlin does not believe that morality can be reduced to a single, unitary, conception to be applied to everyone at all times. Ryan Alan examines the influences of Machiavelli on Berlin’s thought. Through Machiavelli, Berlin extracts that, “there is no overarching harmony in this world, that different moral universes and different cultural attachments are compelling, even equally compelling, but irreconcilable.”¹⁴ If value pluralism is the desired state of society, Berlin fails to clearly articulate what constraints and interferences we should relieve in order to ensure pluralism.¹⁵

¹⁰ Berlin. “Two Concepts.” 395.

¹¹ Miller, David. “Introduction.” *Liberty*. Ed. David Miller. Oxford: Oxford University Press, 1991. 12.

¹² Berlin. “Two Concepts.” 395.

¹³ Berlin. “Two Concepts.” 392.

¹⁴ Ryan, Alan. “Isaiah Berlin: Political Theory and Liberal Culture.” *Annual Review of Political Science*. Vol. 2 (June 1999): pp. 345-362. 352.

¹⁵ Miller astutely places two contradictory quotes from Berlin’s “Two Concepts” next to one another in order to demonstrate the ambiguity: “coercion implies the deliberate interference of other human beings within the area in which I could otherwise act” and “the criterion of oppression is the part that I believe to be played by other human beings,

A. Interference

Gerald MacCallum claims that Berlin's dichotomous positive and negative liberty is arbitrary and not useful.¹⁶ MacCallum regards all freedom as a triadic relation. Freedom is always *of, from, to*; that is, *of* something (agent or agents), *from* something, *to* do, not do, become or not become something. Or, to reiterate in a logic equation: X is (or is not) free from Y to do (or not do, become or not become) Z. X ranges over all concepts of agents, Y ranges over 'preventing conditions,' the constraints or interferences, and Z ranges over actions or conditions of character.¹⁷ Confusion arises when the theorist fails to clarify a term, or terms, in the structure of their concept of freedom. A theorist may neglect to mention the agent (variable X), fail to specify the preventing conditions (variable Y), or leave the action or condition term ambiguous (variable Z).¹⁸ MacCallum renders Berlin's positive liberty as an agent made free *by means of* some external influence. Where the agent is made free to do as he wishes, or would wish if he had the capacity to wish for the correct Z term. MacCallum posits that those who maintain a distinction between positive and negative liberty would suggest that the positive concept of liberty does not include a Y term proposal. Yet MacCallum points out that the positive concept of liberty implies, *prima facie*, that the agent is not free to do something, which entails a restraint that can be classified as a Y term. Thus there are not two concepts of liberty, but one. The one concept has an infinite number of variations. Negative theorists agree that liberty is the freedom of the individual to do as

directly or indirectly, with or without the intention of doing so, in frustrating my wishes." see Miller, "Constraints on Freedom." *Ethics*. Vol. 94, No. 1 (October 1983) pp. 66-86.

¹⁶ MacCallum, G.C. "Negative and Positive Freedom." *Liberty*. Ed. David Miller. Oxford: Oxford University Press. 1991. 312-34.

¹⁷ MacCallum. "Negative and Positive Freedom." 312-2.

¹⁸ MacCallum. "Negative and Positive Freedom." 313-315.

they please, to seek whatever end they desire, so agree on the X and Z term. Consequently, all arguments are reduced to identifying the obstacles we wish to be free from, the interference to our liberty.¹⁹

Felix Oppenheim and Ian Carter subscribe to a concept of pure negative freedom where an individual is “free to the extent that he is not physically prevent (intentionally or unintentionally by other humans) from performing actions.”²⁰ Coercive threats on an individuals action does not constituted a constraint on freedom, it merely makes the action less desirable. Once interventions like threats are considered to be constraints on freedom, the scope of constrains is infinitely large and a quantitative approach is rendered futile. Oppenheim warns us not to confuse the “degree of an actor’s freedom with the degree of value he attaches to his freedom.”²¹ Individual desire for a particular action, whether available or unavailable, is irrelevant, as it does not affect his quantitative total freedom.²² The addition of desirability makes no reference to the set of possible actions open to the individual. Their quantitative approach allows for the measurement of

¹⁹ Alan Ryan criticizes McCallum and Gray, who proposes liberty as a dyadic concept, on this very point. Ryan observes that “not all obstacles from which we may wish to be free are obstacles to freedom, and it only deflects the argument onto the question whether a purported obstacle really is an obstacle.” see Ryan, Alan. The Idea of Freedom. Oxford: Oxford University Press, 1979. 352. Gray argues that the Z term is not necessary, evoking Berlin’s example of the slave struggling only against his chains, to for some greater end. see Gray, John. Isaiah Berlin. Princeton, NJ: Princeton University Press, 1996.

²⁰ Carter, I. “The Measurement of Pure Negative Freedom.” Political Studies. Vol 40, No.1 (March 1992): pp. 38-50. 38.

²¹ Oppenheim, F.E. Political Conceptions: A Reconstruction. Oxford: Blackwell. 1981. For a another take on quantitative negative liberty, see Steiner, Hillel. “How Free: Computing Personal Liberty.” Philosophy (London, England). Suppl. 15 (1983): pp. 73-89. Steiner measures freedom by assigning all potential actions a value-free variable. The number of actions available to the individual, minus the actions unavailable to the individual, is that individuals sum freedom. Steiner’s *bean counting* method is reproached by Taylor in “What’s Wrong With Negative Liberty.”

²² Carter, I. “The Measurement of Pure Negative Freedom.” 39

freedom, which Carter and Oppenheim consider necessary for theories that support ideas of equal liberty,²³ or the maximization of liberty.²⁴

C.B. MacPherson agrees that liberty is the absence of human imposed impediments, which include interference by other individuals and interference with individual acts by state or society, but he adds lack of equal access to means of life and labour as a form of constraint.²⁵ When it is impossible for an individual to obtain education of a certain kind or a particular good because of inequalities in wealth and opportunity distribution, we must consider if these count as constraints on freedom. Interferences such as legal obstacles or direct physical constraint of the kind proposed by Oppenheim and Carter have no special status. MacPherson posits that any formulation of interference that does not account for class-imposed impediments, whether deliberate or unintentional, is inadequate.²⁶

David Miller proposes a concept of interference that returns to Berlin's emphasis of political philosophy as a branch of moral philosophy.²⁷ In distinguishing between restrictions on negative liberty and other kinds of obstructions that prevent us from doing what we may like, Miller introduces a notion of moral responsibility into the argument. "Constraints on freedom are those obstacles for which other human beings can be held morally responsible; either because they have created them, deliberately or negligently, or because they have failed to remove them, despite being under an obligation to do

²³ Berlin addresses the importance of equal liberty in "Two Concepts" 394.

²⁴ Carter claims his method would be useful for Rawls' difference principle.

²⁵ MacPherson. "Berlin's Division of Liberty." 96.

²⁶ MacPherson. "Berlin's Division of Liberty." David Miller notes Friedrich Hayek takes a similar position to MacPherson, see Hayek's "Equality, Value and Merit."

²⁷ Miller. Liberty and "Constraints on Freedom."

so.”²⁸ When we describe an individual as unfree, we imply that an obstacle exists that prevents freedom. Because we distinguish between necessary restrictions, such as law, and unnecessary restrictions, we must attempt to justify the obstacle.²⁹ The process of justifying constraints requires determining and articulating roles of social obligation. Miller effectively incorporates MacPherson’s concerns of the inadequacies of interference, and he also rejects the Oppenheim, Carter, and Steiner rendition of interference because it is too restrictive. This explains why people who share the liberal view of freedom continue to argue so much among themselves about its application: they cannot agree about where the bounds of social obligation lie.³⁰

B. Positive Liberty, In Light of Berlin and MacCallum

MacPherson criticizes Berlin for implicitly collapsing three distinct concepts into positive liberty.

MacPherson’s Separation of Berlin

Positive Liberty #1: Desire of the individual to obtain self-mastery

Positive Liberty #2: Rational self-mastery, liberty with as coercion through fully rational self

Positive Liberty #3: Right to participate in the process by which individuals life is to be controlled³¹

The villainous concept is the second one, which assumes there to be a single true solution, the rational-self concept that Berlin is worried easily leads to totalitarianism. But MacPherson argues that there is nothing inherent in the first iteration of positive liberty that leads to the second. Positive liberty does not necessarily have a monist character. The assumption that all rational beings must be harmonious and universal for

²⁸ Miller. Liberty. 16.

²⁹ Miller. Constraints on Freedom. 72.

³⁰ Miller. Liberty Introduction. 17.

³¹ MacPherson. “Berlin’s Division of Liberty.” 108.

all individuals, and that all conflict is due to clash of reason with irrationality is not necessary for positive liberty and is in direct contradiction with the first iteration of positive liberty.³² MacPherson narrows Berlin's positive liberty by proposing exclusive use of the first iteration of positive liberty.

Thomas Baldwin refutes MacCallum's argument that all forms of freedom can be reduced to a univocal triadic relation by demonstrating that T.H. Green's moral freedom is a form of positive freedom that requires contribution to the common good. In Baldwin's reading of Green, moral freedom does not entail an opportunity-set, but instead is an achievement, "an agent who is free does not merely have an opportunity for virtue, he must be virtuous."³³ His moral freedom is the attainment of that condition in which we are not only what we should be, but what we really are, "human nature includes the commitment to some moral ideals. This is a form of ethical naturalism that Baldwin insists arises out of response to the moral skeptics or the Thrasymachuses of the world, "it is our interest to be moral because we are moral beings."³⁴ For Green, freedom is in the achievement the moral condition, the Z term. As a result, there is no *freedom from* Y term to complete a MacCallum formula. Baldwin concludes that concepts of negative freedom are generic and do fit into MacCallum's formula, but that positive freedom is specific because it is the concept of a particular condition. Further, positive freedom is often connected with politics because moral freedom cannot be achieved in private, but requires active commitment to the welfare of one's society.³⁵

³² MacPherson. "Berlin's Division of Liberty." 111.

³³ Baldwin, Tom. "MacCallum and the Two Concepts of Freedom." Ratio Vol. 26, No. 2 (1984): pp. 125-142. 135.

³⁴ Baldwin. "MacCallum and the Two Concepts of Freedom." 140.

³⁵ Baldwin. "MacCallum and the Two Concepts of Freedom." 142.

II. A New Way: Reviving Republicanism

Quentin Skinner proposes a re-examination of the republican political theory, focusing primarily on the works of Machiavelli.³⁶ Skinner suggests that republican theory is able to maintain negative liberty, while at also providing the best guarantee of liberty. It is better to understand liberty as relying on the structural relationship existing between persons or groups, rather than as a contingent outcome of any structure. Consider, for example, the relationship between a slave and master. If the master is lenient with the slave, imposing little interference on the slave's action, then with a strictly negative liberty reading we must conclude that the slave has some degree of liberty. This corresponds to Berlin's conclusion that particular forms of governance are not the concern of liberty and that a benevolent dictatorship may permit as much liberty as a democracy.³⁷

Skinner wants us to reconsider this conclusion of negative liberty by reviving an argument embedded in the Roman republican theory of citizenship. Skinner is concerned with political liberty and "the extent of the freedom or liberty of action available to individual agents within the confines imposed on them by their membership of political

With Baldwin as a foundation, there has lately been a bit of a resurgence in T.H. Green's philosophy, as construed as a positive concept. For example, see: Dimova-Cookson, Maria. "A New Scheme of Positive and Negative Freedom: Reconstructing T.H. Green on Freedom." *Political Theory*. Vol. 31, No. 3 (August 2003), pp. 508-532 and Simhony, Avital. "On Forcing individuals to Be Free: T.H. Green's Liberal Theory of Positive Freedom." *Political Studies*. Vol. 39 (1991): pp. 103-20.

³⁶ Machiavelli. *Discourse on Livy*. Trans. Harvey Mansfield and Nathan Tarcov. Chicago: University of Chicago Press. 1996.

³⁷ Berlin *Two Concepts* 395

society.”³⁸ Skinner agrees liberty is essentially a negative concept, “marked by the absence of something else; specifically, by the absence of some element of constraint that inhibits the agent concerned from being able to act independently in pursuit of his chosen ends.”³⁹ Skinner demonstrates that in Machiavelli’s republicanism, all classes of people are free in the sense of being unobstructed in the pursuit of whatever ends they may choose to set themselves.⁴⁰ This theory was popular in the Renaissance before being eclipsed by the individualist Hobbes, who became the forefather for many subsequent contractarian liberals.⁴¹ The *grandi*, the rich and powerful citizens, are able to pursue their interests in increasing their wealth and power, while the *popolo*, the common public, maintain a guaranteed degree of freedom from the *grandi*’s inclinations towards subjugation. Both classes are free from paralyzing interference to pursue their own ends and both classes have a guaranteed degree of political liberty.

Republicanism relies on the free city or state. The *res* (government) *publica* (for or by the community as a whole)⁴² is a free city or state, “not subject to the control of anyone else, and is thus able, in virtue of be unconstrained, to govern itself according to its own will and act in pursuit of its chosen ends.”⁴³ Note that the freedom of the state is the same as the freedom of the individual. For Skinner’s account, free states are better at

³⁸ Skinner, Quentin. “The Idea of Negative Liberty: Philosophical and Historical Perspectives.” *Philosophy in History*. Ed. Rorty, Schneewind, and Skinner. Cambridge: Cambridge University Press, 1984. 194.

³⁹ *Ibid.*

⁴⁰ Skinner. “The Idea of Negative Liberty.” 205.

⁴¹ Skinner. “The Idea of Negative Liberty.” 203.

⁴² Skinner, Quentin. “The Paradoxes of Political Liberty.” *Liberty*. Ed David Miller. Oxford: Oxford University Press, 1991. 196.

⁴³ Skinner. “The Idea of Negative Liberty.” 206.

guaranteeing the personal liberties of their citizens than unfree ones.⁴⁴ Both city and citizens have a form negative liberty.

A. The Problem of Virtù

The liberty of the citizens and state exist in a reciprocal relation. The freedom of the city faces external and internal threats that can only be addressed by the virtue of the citizenry. Ambitious neighbor states, interested in increasing their own power, are always a potential menace. Similarly, internal threats arise from the *grandi*'s desire to increase their power. They may increase their power by continually holding public office, use their wealth to purchase the support of the *popolo*, or use their high standing to persuade fellow citizens, again primarily the *popolo*, to adopt their own self-interested policies.⁴⁵ The problems stemming from both the internal and external threats are protected by the citizens' virtuous characteristics. Defense from external enemies is only possible if the citizens are willing to defend their policy themselves. "A readiness to volunteer for active service, to join the armed services, to perform one's military services, constitutes a condition of maintaining one's own individual freedom from servitude."⁴⁶ Similarly, is necessary for citizens to be engaged in the political process, for negligence allows the naturally self-interested *grandi* the opportunity the turn the free state into a corrupt one.

⁴⁴ Skinner, Quentin. "The Republican Ideal of Political Liberty." Machiavelli and Republicanism. Ed. Bock, Skinner, and Viroli. Cambridge: Cambridge University Press, 1990. 301.

⁴⁵ Skinner. "The Idea of Negative Liberty." 208.

⁴⁶ Skinner. "The Idea of Negative Liberty." 213.

But, as Skinner observes through Machiavelli, “we are generally reluctant to cultivate the qualities that enable us to serve the common good,”⁴⁷ and that, “corruption is simply a failure of rationality, an inability to recognize that our own liberty depends on committing ourselves to a life of virtue and public service.”⁴⁸ Free states easily break down into unfree states when the populace is negligent or indifferent towards their duty.⁴⁹ The state must have means to ensure that its populace has a sufficient amount of virtue. Virtue denotes the range of capacities that each citizen needs to possess, “capacities that enable us willing to serve the common good, thereby to uphold the freedom of our community.”⁵⁰ Skinner suggests that this can be done through institutional means, such as law and civic education, where we train ourselves to act in a way virtuous for the common good. It is necessary to inculcate citizens with the proper attitudes because virtue is a necessary condition for the maintenance one’s own individual freedom from servitude.⁵¹

An important aspect of Skinner’s republicanism is that virtue is not a constitutive, but instead is instrumental. Active citizenship is essential to the maintenance of a free city and contributes to the realization of negative liberty and avoidance of coercion.⁵² In contrast to the Aristotelian *eudaimonia*, virtue is not an end in itself to be valued. Instead, it is an instrumental means to the end of negative liberty. Skinner argues, “the writers I am considering never suggest that there are certain specific goals we need to

⁴⁷ Skinner. “The Paradoxes of Political Liberty.” 198.

⁴⁸ Skinner. “The Paradoxes of Political Liberty.” 198-9.

⁴⁹ Skinner. “The Republican Ideal of Political Liberty.” 301.

⁵⁰ Skinner. “The Paradoxes of Political Liberty.” 197.

⁵¹ Skinner. “The Idea of Negative Liberty.” 213.

⁵² Skinner. “The Idea of Negative Liberty.” 217.

realize in order to count as being fully or truly in possession of our liberty.”⁵³ Virtue is the means by which particular results are obtained, “the means, as we still say, by virtue of which they are achieved.”⁵⁴

The goal of Skinner’s republican project is not to educate us on how to construct and real republic, but is to convey a warning of the importance of duty in ensuring our rights: “unless we place our duties before our rights, we must expect to find our rights themselves undermined.”⁵⁵ This aspect, Skinner is aware, diverges with traditional theorists of negative liberty such as Thomas Hobbes. Hobbes argues that the maximizing of our social freedom depended upon our capacity to maximize the area within which we are able to claim “immunity from the service of the common wealth.”⁵⁶ The more contemporary Felix Oppenheim argues, “freedom presupposes the absence of any such obligations or constraints,” to speak of freedom to participate in the political process is simply confused. To suggest that someone will be “‘forced to be free’ is no longer to speak of freedom at all but its opposite.”⁵⁷

B. Philip Pettit’s Republicanism

Phillip Petit has done more than any other theories to provide the most comprehensive extension of Skinner’s republican argument. Petit provides a variation on the negative liberty, freedom from interference or coercion concept. Petit defines liberty as non-domination instead of non-interference. An agent has dominating power over

⁵³ Skinner. “The Paradoxes of Political Liberty.” 195.

⁵⁴ Skinner. “The Idea of Negative Liberty.” 216.

⁵⁵ Skinner. “The Paradoxes of Political Liberty.” 205.

⁵⁶ Hobbes. *Leviathan*. Ed C.B. MacPherson. Harmondsworth: Penguin Books, 1968. II 21, 266, as quoted by Skinner in “The Paradoxes of Political Liberty” 187.

⁵⁷ Oppenheim, *Political Concepts* p 164, as quoted in Skinner *The Paradoxes of Political Liberty*”188

another to the extent that “1. they have the capacity of interfere / 2. on an arbitrary basis / 3. in certain choices that the other is in a position to make.”⁵⁸ It is obligatory to provide a little more substance to the three clauses, interference must entail making things worse for the dominated.⁵⁹ Following Miller, interference has to be more or less intentional or in an action we can allege negligence. Interference includes coercion on body, will, punishment or threat of punishment, or in some contexts an act of omission.⁶⁰ The second clause of arbitrariness entails the decision or judgment of interference, which is made at the pleasure of the dominator, without considering the interests of the dominated agent. Non-arbitrary state power must be exercised in a way that tracks the welfare and world-view of the public. To clarify the world-view of the public requires opportunities for public discussion in which people speak for themselves and their group. “Every interest and every idea that guides the action of a state must be open to challenge from every corner of the society.”⁶¹ Power is arbitrary to the extent that it is not externally constrained by effective rules, procedures, or goals that are common knowledge to all persons or groups concerned. The importance of the third clause is that it demonstrates domination is not necessarily all pervasive. An agent may dominate over a certain domain of choice without doing so in all, “the husband may dominate the wife in the home, the employer dominate the employee in the workplace.”⁶² Pettit’s liberty as non-domination maintains a negative sense of liberty. One does not need to exercise self-

⁵⁸ Pettit, Philip. Republicanism: A Theory of Freedom and Government. Oxford: Oxford University Press, 1997. 52.

⁵⁹ *Ibid.*

⁶⁰ Pettit. Republicanism. 53.

⁶¹ Pettit. Republicanism. 54.

⁶² Pettit. Republicanism. 58.

mastery or control in order to reach an ideal end, liberty as non-domination requires the absence of dependence of arbitrary power.

Pettit makes a distinction between factors that compromise liberty and factors that condition it. Pettit argues that with conceptions of freedom as non-interference, factors that condition freedom are excluded to the natural obstacles that we are unable to alleviate. Recall Berlin's example of man inability to jump ten feet as not counting towards a restriction on freedom.⁶³ For liberty as non-domination, "intentional interferences that are non-arbitrary are similar to natural obstacles in conditions but not compromising freedom."⁶⁴ For example, state interference on liberty that is non-arbitrary does not compromise freedom, but conditions it.

C. The Reunion of Pettit and Skinner

The distinction between conditioning and compromising liberty plays a central role in Pettit's argument that his non-domination is superior but minimally divergent from, Skinner's republicanism as non-interference.⁶⁵ The arguments put forth in Pettit's *Keeping Republican Freedom Simple* are important because they addresses the "one remaining difference between Quentin Skinner's construal of republican liberty"⁶⁶ and

⁶³ Berlin. "Two Concepts." 393.

⁶⁴ Pettit. *Republicanism*. 77.

⁶⁵ Pettit, Philip. "Keeping Republican Freedom Simple: On a Difference with Quentin Skinner." *Political Theory*. Vol. 30, No. 3 (June 2001), pp. 339-356.

Despite its title, this is a rather maddening article to read. Pettit has a habit of attaching *non-* to every force noun, leading to many sentences with double or triple negatives. His erroneous use of antonym does not help either, "Whereas he [Skinner] contrasts freedom with a composite antonym of *non-domination* and *non-interference*, I contrast it with a single antonym of *non-domination*" (italics and brackets mine, p. 352). Surely Pettit intends to convey that Skinner's freedom requires the absence of domination and interference, if not, I must completely fail to understand the entire civic republican literature.

⁶⁶ Pettit. "Keeping Republican Freedom Simple." 352.

Pettit's understanding of republicanism. Whereas Skinner places equal value on non-domination and non-interference in republican liberty, Pettit wishes to maintain that non-domination is the most precise understanding of republican liberty. Skinner claims that republicans were not only concerned with non-interference, but also with establishing and maintaining a condition free from dependency.⁶⁷ As Eric Nelson notes of Skinner, "the psychological impact of dependence itself counts as a constraint on action."⁶⁸ Pettit argues that a condition of dependency corresponds to the condition of potential domination, "being dominated involves occupying a position where another can interfere on an arbitrary basis in your life."⁶⁹ Ultimately, Pettit marginalizes the difference between the two interpretations, "even if interference does not necessarily involve domination, it has the effect—like non-intentional obstructions—of restricting the range in which an agent can enjoy undominated choice."⁷⁰

III. Law and Civic Virtù

Isaiah Berlin recognizes the importance of limiting the free action of men by means of law.⁷¹ Through law, government secures freedom by imposing laws and directives backed up by the threat of force.⁷² Quentin Skinner notes of Thomas Hobbes and John Locke, that law preserves our liberty essentially by coercing other people. Law

⁶⁷ Skinner, Quentin. Liberty Before Liberalism. Cambridge: Cambridge University Press, 1997. 50.

Skinner considers the United States Declaration of Independence to be just that, a declaration of the 13 colonies to end their dependence, and thus their slavery too, the British crown.

⁶⁸ Nelson, Eric. "Liberty: One Concept Too Many?" Political Theory. Vol. 33, No. 1 (Feb 2005) pp. 58-78. 73.

⁶⁹ Pettit. "Keeping Republican Freedom Simple." 341.

⁷⁰ Pettit. "Keeping Republican Freedom Simple." 352.

⁷¹ Berlin. "Two Concepts." 394.

⁷² Miller. Liberty. 3.

enables an individual to draw a circle around himself, which others may not trespass. At the same time, preventing that individual from interfering with others.⁷³ Again, Hobbes and Locke are negative theorists, and they argue that law's claim to legitimate interference can only be justified if it can be shown that the absence of law effectively reduces the security within which our liberty is enjoyed.⁷⁴ Law is acts as interference on liberty, but it is a necessary interference.

Negative liberals are suspicious of the law, and are careful not to allow it to dominate. MacPherson writes, "while laws are certainly necessary to protect personal invasion, and thus help liberty; the state has usually been also an engine of domination of one class over others. Some laws will increase net aggregate individual liberty, others will decrease net liberty." He continues, "the reason the state interferes with me is to permit those whom it chiefly represents to get something out of me."⁷⁵ Freedom is related to the scope or extent of government, rather than its form or character.⁷⁶

For Pettit and Skinner, laws do not merely protect some freedoms at the expense of others, as on the non-interference view, but rather themselves actually introduce or enable that freedom. Skinner writes "For Machiavelli, law preserves our liberty not merely by coercing others, but also by directly coercing each on of us into action in a particular way."⁷⁷ Pettit utilizes his distinction between interference that conditions liberty and interference that compromises it. "This is important when considering law, because freedom as non-interference, the traditional forms of negative liberty, conceive

⁷³ Skinner. "Paradoxes of Political Liberty." 199.

⁷⁴ Skinner. "Paradoxes of Political Liberty." 200-1.

⁷⁵ MacPherson. Democratic Theory. 118.

⁷⁶ Miller. "Constraints on Freedom." 66. Miller also notes that liberals see freedom as beginning where politics end.

⁷⁷ Skinner. "Idea of Negative Liberty." 211.

of law as compromising liberty, while the non-domination concept holds that non-arbitrary law conditions liberty, but it does not compromise.”⁷⁸

Laws cultivate and shape a sense of civic virtue that contributes to the maintenance of a free society. In order to instill the civic virtù necessary to defend the community from external threats, Skinner cites with admiration the Roman’s use of religious law.⁷⁹ In order to make the individuals risk their lives for liberty, they were required to take an oath binding them to defend the state at all costs. This made them less frightened of fighting than of running away. By running away, they would violate a sacred pledge and anger the gods. Their fate was worse than death. In view of humans tendency towards corruption, “laws can—and must—force us to be free.”⁸⁰

Alan Patten argues that if republicans want to claim that the fulfillment of civic duties is a condition that individuals must satisfy or that agents still count as being free even when they are forced or coerced, then these are not instrumental claims about liberty.⁸¹ Patten ultimately accepts, with little examination, Skinner’s claim that civic virtue is instrumental because it contributes to the realization of negative liberty. But concludes instrumental republicanism is of little worth, “it fails to identify any philosophically interesting disagreement between the two positions.”⁸²

⁷⁸ Pettit. Republicanism. 77.

⁷⁹ Example from Skinner. “Paradoxes of Political Liberty.” 201.

⁸⁰ Skinner as quoted by Carl Shaw in “Quentin Skinner on the Proper Meaning of Republican Liberty. Politics. Vol. 23, No. 1 (2003), pp. 46-56. 47. Quote from Skinner, Quentin. “Machiavelli and the Maintenance of Liberty.” Politics. Vol. 18, No. 2 (1983), pp. 3-15. 10.

⁸¹ Patten, Alan. “The Republican Critique of Liberalism.” British Journal of Political Science. Vol. 26, No. 1 (January 1996), pp. 25-44. 30.

⁸² Patten, Alan. “The Republican Critique of Liberalism.” 36.

Carl Shaw, on the other hand, believes republicans to be positing two contradictory positions of law.⁸³ The first position is the law inspired by Machiavelli, which coerces citizens to be free. The second position attempts to maintain claims to negative liberty. Individuals are able to pursue their own self-interests, but law structured so that actions are channeled to promote general interest of the republic.⁸⁴ Shaw argues that by employing this *invisible hand* position, the ground for employing the law to force citizens to be virtuous is lost and republicanism has effectively shifted from civic virtue to government machinery.

Finally, Springboard⁸⁵ and McCormick⁸⁶ provide direct criticism of what they deem the Cambridge School (Pocock, Skinner, Viroli, and Pettit). Springboard argues that liberty as non-domination was not the defining value of republican liberty, and that positive freedom was ubiquitous in Roman Law, but concedes the value of institutional constraints. McCormick accuses Skinner and Pettit of accentuating the rule of law, common good, and liberty as non-domination in Machiavelli's political thought and republicanism in general. The Cambridge scholars also continually fail to disclose the oligarchic, class-based preferences of Machiavelli.

⁸³ Shaw. "Quentin Skinner on the Proper Meaning of Republican Liberty."

⁸⁴ Shaw. "Quentin Skinner on the Proper Meaning of Republican Liberty." 51.

⁸⁵ Springboard, Patricia. "Republicanism, Freedom From Domination, and the Cambridge Contextual Historians." Political Studies. Vol. 49, No. 5 (December 2001), pp. 851-876

⁸⁶ McCormick, J.P. "Machiavelli Against Republicanism: On the Cambridge School's 'Guicciardinian Moments.'" Political Theory. Vol. 31, No. 5 (October 2003), pp. 615-643.

Research Design

I. Introduction

One of the primary concerns in Isaiah Berlin's delineation between two concepts of liberty, negative and positive, is to ensure that at least a minimum area of personal freedom is always maintained.⁸⁷ This negative liberty establishes an area where individuals are free from deliberate interference or coercion. This permits individuals to pursue their personal ends and ideals. A plurality of ends and ideals in society is possible. However, we understand that there must be some restrictions on freedom for personal freedom to subsist. While law restricts liberty, it is a necessary restriction.

Civic republicans have a different understanding of the role of law in society.⁸⁸ These Republicans advocate a revival of classical Republican themes, and argue that personal liberty can only be guaranteed in a free state and requires institutional cultivation of civic virtue and political participation. They argue that the above-mentioned role of law, a role usually defended by negative liberal theorists, is inadequate in maintaining liberty. Laws don't just preserve liberty by coercing and preventing individuals from interfering with our personal liberty. Laws preserve liberty by coercing each of us to act in a particular way, "laws can—and must—force us to be free."⁸⁹ The law is deployed to coerce citizens to promote the public interest virtuously, which enables the preservation of personal liberty. The potential for plurality of ends and ideals is

⁸⁷ Berlin, I. *Four Essays on Liberty*. Oxford: Oxford University Press, 1970.

⁸⁸ My readings of Republican theory will concentrate primarily on the works of Quentin Skinner and Philip Pettit.

⁸⁹ Skinner as quoted by Carl Shaw in "Quentin Skinner on the Proper Meaning of Republican Liberty." *Politics*. Vol. 23, No. 1 (2003), pp. 46-56. 47. Quote from Skinner, Quentin. "Machiavelli and the Maintenance of Liberty." *Politics*. Vol. 18, No. 2 (1983), pp. 3-15. 10.

preserved. For Skinner and Pettit, active citizenship is not a good in itself, but contributes to maintain a free society, allowing for the realization of negative liberty. They argue virtue is instrumental in obtaining liberty. But when laws are employed to cultivate a sense of civic virtue, they alter the beliefs of the citizens. This seems to be a constitutive proposition and would be inconsistent with a negative conception of liberty.

Republicanism strives to alter and clarify our understanding of liberty by claiming civic virtue is necessary to provide institutional assurances for liberties maintenance. But their proposition creates difficulties. I will attempt to address the broader claims posited by republicanism by examining their arguments on a specific topic, what law can and should do in society. With consideration of the claim that civic republicanism is a form of negative liberty, what is Skinner's and Pettit's theory on the proper role of law? It unclear if their use of civic virtue through law is indeed instrumental or if it is constitutive. Furthermore, Pettit and Skinner are not merely arguing that cultivation of civic virtue through law is possible, they argue that it is essential. The second question I will ask is, do laws need to promote civic virtue in order to ensure personal freedom? The questions I am raising are important for two reasons. The first is historical. Skinner argues that we have been misreading Machiavelli and the subsequent republicans, and that his is the correct interpretation. Secondly, and more importantly for my considerations, Skinner and Pettit are proposing a particular way that we should envision and asses the proper role of law in a political system. Their argument has implications on both what limits we should set on law and what we should expect law to do for our society.

II. Method for Examining the Problem

Skinner, one of the first theorists to try to revive a republican oriented theory of liberty, justifies his historical method on the grounds that it serves to enlarge our range of beliefs and conceptions available for analysis. Initially, a historical approach must attempt to recapture the content of an argument. This requires giving an account of what the philosopher is doing, “what sort of conclusions, what course of action he was supporting or defending.”⁹⁰ It is important to examine aspects of historical philosophy that do appear to be immediately relevant to the current state of affairs. The intention of a historical approach is not to look into the past in order to reflect our own beliefs and assumptions back, as if looking in a mirror. By considering more obscure aspects, we are less likely to be able to unconsciously project our beliefs onto the work. The historical approach enlarges our perspective and challenges us to reconsider our current beliefs.

Extending the conclusions of a historical approach to an argument of contemporary relevance is a difficult task, and has left republican theorists prone to criticisms of strategic re-interpretations and modifications.⁹¹ In order to evaluate the claim that a system of law requires coercion of citizens in order to cultivate their civic virtue, I will employ a hybridized method of re-constructivism⁹² and reflective equilibrium.⁹³ The purpose of a re-constructive analysis is to establish consistent and

⁹⁰ Skinner. “The Idea of Negative Liberty: Philosophical and Historical Perspectives.” *Philosophy in History*. Richard Rorty et al eds. Cambridge: Cambridge University Press, 1984. pp. 193-221. 201.

⁹¹ Charvet, John. ‘Quentin Skinner on the Idea of Freedom’, *Studies in Political Thought*, 2 (1993), 5-16 and P.A. Rahe. ‘Quentin Skinner’s “Third Way”’, *Review of Politics* Vol. 62 No. 2 (2000).

⁹² Oppenheim, Felix. *Political Conceptions: A Reconstruction*. Oxford: Basil Blackwell, 1981.

⁹³ Rawls, John. *Theory of Justice*. Harvard: Harvard University Press. 1971. 46-53.

coherent uses of concepts, this will entail examining the primary theorists to infer consistent and coherent concepts. A re-construction articulates and clarifies the main principles of a conception. Re-constructive approaches traditionally base their process on everyday, or common, language. I am conscientiously deviating from this practice by re-constructing concepts based on the significant literature. Using an ‘everyday’ method would immediately challenge a republican historical method in a way that would prevent us from evaluating the content of the ideas. My intent in using a re-constructive approach is to determine plausible internal consistency and coherency in arguments. Evaluation of the concepts occurs in the second methodological step, that of a reflective equilibrium. If I am able to re-construct a coherent and consistent concept of republican liberty in law, then there are two conflicting concepts of law, the negative and the republican. The reflective equilibrium permits us to examine the beliefs of the republican theory against a wider system of beliefs we hold in liberty as non-interference, with an aim of seeking coherence and adjusting our beliefs until they are in equilibrium. Reducing conflict, either through adjustment of the concepts or elimination of one, will help provide practical guidance in our attitudes of law.

To put the method in practice and answer the first question posed in the above section, I will begin by attempting to re-construct a republican concept of the coercive role of law. To do so, I will focus on what I consider to be the two most important and comprehensive books on civic republicanism, Quentin Skinner’s Liberty Before Liberalism⁹⁴ and Philip Pettit’s Republicanism: A Theory of Freedom and Government.⁹⁵

⁹⁴ Skinner, Quentin. Liberty Before Liberalism. Cambridge: Cambridge University Press, 1997.

If an instrumental concept is found to be consistent and comprehensive, then the answer to the question pose above is yes, a conception of coercive law that maintains personal freedom is plausible. Beyond adding variety to our range of conceptions of laws, such a conclusion will not have a substantive effect on our ideas of liberty. I will then turn to the second question, concerning the necessity of laws that cultivate civic virtue in-order to maintain personal liberty. This question will be addressed by subjecting the re-constructed conception of republican law to a process of reflective equilibrium in opposition to a non-interference concept of law. I will use David Miller's liberty of non-interference⁹⁶ because I believe it provides the best articulation of Isaiah Berlin's negative liberty in requiring moral pluralism.

If this project turns out to still be too broad, I propose to further narrow the range by considering two topics of law commonly considered in the literature, laws of conscription and family laws. This will allow me to evaluate and compare the necessity of republican concepts of coercive law in regards to the arguments that are directly critical of coercion and the concepts of law from the more traditional negative theorists.

III. Expected Results and Thresholds

I anticipate that I will be able to infer a consistent and coherent argument of republican law that maintains personal liberty, but that this will not be enough to establish the necessity of coercive laws cultivating civic virtue. Because the first component will rely on a method re-construction, it will be easy to reject or confirm my

⁹⁵ Pettit, Philip. Republicanism: A Theory of Freedom and Government. Oxford: Oxford University Press, 1997.

⁹⁶ Miller, David. "Constraints on Freedom." Ethics. Vol. 94, No. 1 (October 1983) pp. 66-86.

hypothesis based on internal consistency and coherence. Because the second component is subject to a method of reflective equilibrium, it is more difficult to establish strict guidelines for confirming or rejecting my hypothesis. A reflective equilibrium approach is usually associated with an understanding that a theory is wrong somewhere, the reflective equilibrium is a process that helps determine how wrong a theory is and where its weaknesses are.⁹⁷ However, the republican theory makes this process easier with its condition of absolute necessity. This creates a burden for the civic republican theorists to demonstrate that such laws are absolutely necessary, anything less providing grounds for dismissal. This high, self-imposed threshold is the basis of my skepticism towards the republican endeavor.

⁹⁷ Rawls. "Theory of Justice." 52.

ANNOTATED BIBLIOGRAPHY

- Baldwin, Tom. "MacCallum and the Two Concepts of Freedom." Ratio Vol. 26, No. 2 (1984): pp. 125-142. RECOMMENDED BY DARIUS. FOUND IN REED CATALOG JOURNAL SEARCH. Keep on coming across citations for this article whenever MacCallum was mentioned, i.e. constantly. Baldwin argues that positive liberty is indeed a distinct concept of liberty.
- Berlin, Isaiah. "Two Concepts of Liberty." Four Essays on Liberty. Oxford: Oxford University Press, 1969. INCLUDED ON THE SYLLABUS FOR CLASS "LIBERALISM AND ITS CRITICS." In many ways Berlin's negative-positive liberty dichotomy provides the foundation for my proposal and literature review. Almost without fail, all the articles in the literature reference Berlin's negative-positive distinction.
- Berlin, Isaiah. Freedom and Its Betrayal: Six Enemies of Human Liberty. Ed. Henry Hardy. Princeton, NJ: Princeton University Press, 2002. FOUND IN REED LIBRARY SEARCH: ISIAH BERLIN. Found in the early stages of my project, and did not have memorable impact on my thought. Since I've carved out a narrow niche in regards to Berlin, I don't anticipate finding it necessary to return to this work anytime soon.
- Carter, I. "The Measurement of Pure Negative Freedom." Political Studies. Vol 40, No.1 (March 1992): pp. 38-50. FOUND IN WEB OF SCIENCE CITATION IN OPPENHEIM ARTICLE. Provides clear rendition of pure negative freedom. Suffers same fate as all quantitative works, defines interference too narrowly to be useful for my project.
- Christman, John. "Liberalism and Individual Positive Freedom." Ethics: An International Journal of Social, Political, and Legal Philosophy. Vol. 101, No. 2 (January 1991): pp. 343-359. FOUND IN PHILOSOPHER'S INDEX SEARCH: NEGATIVE LIBERTY AND BERLIN. Defends positive freedom in novel way, positing 'internal minimalist rationality,' individuals should try to make their desires somewhat consistent. I really like this article, but not terribly relevant to project.
- Constant, Benjamin. "Liberty of the Ancients Compared With That of the Moderns." Constant: Political Writings. Ed. and trans. Biancamaria Fontana. Cambridge: Cambridge University Press, 1988. IN-TEXT CITATION. This material provides the foundation for Berlin's negative/positive liberty. Argues that there are two distinct concepts of liberty, ancient and modern. Warns that we should be clear which liberty we pursue.

- Gray, John. "On Negative and Positive Liberty." International Journal of Philosophical Studies. Vol. 6, No. 1 (March 1998): pp. 17-36. FOUND IN PHILOSOPHER'S INDEX SEARCH: NEGATIVE LIBERTY AND BERLIN. Berlin right to reject positive conceptions of freedom which depend on a rationalist doctrine; but mistaken in his view that all forms of positive libertarianism necessarily involve such commitments
- Lovett, Francis. "Domination: A Preliminary Analysis." Monist. Vol. 84, No. 1 (January 2001), pp. 98-112. CITATION IN STANFORD ENCYCLOPEDIA OF PHILOSOPHY'S 'REPUBLICANISM' ARTICLE. Gives a substantive analysis of domination, which he argues that Pettit captures well in Republicanism. Concept of domination construed to be 1) imbalance of power condition 2) dependency condition 3) absence-of-rules condition. Provides some insight into Pettit's work, but neither critical nor terribly helpful.
- McCormick, J.P. "Machiavelli Against Republicanism: On the Cambridge School's 'Guicciardinian Moments.'" Political Theory. Vol. 31, No. 5 (October 2003), pp. 615-643. FOUND IN WEB OF KNOWLEDGE: REPUBLICAN LAW. McCormick argues that "Cambridge School" (Pocock, Skinner, Pettit) ignore Machiavelli's preference for class conflict. Provides some useful criticism of Pettit and Skinner's republican law, but mostly a historical argument.
- Machiavelli. Discourse on Livy. Trans. Harvey Mansfield and Nathan Tarcov. Chicago: University of Chicago Press. 1996. FOUND IN SUMMIT SEARCH "MACHIAVELLI" and "DISCOURSE." Skinner's interpretation of Machiavelli focuses almost exclusively this work of Machiavelli, Skinner always cites Italian version, I found this translation Reed's catalog.
- MacPherson, C.B. Democratic Theory: Essays in Retrieval. Oxford: Clarendon Press, 1973. FOUND IN REED LIBRARY SEARCH. MacPherson provides a nice engagement with Berlin's work, specifically in specifying failings in his positive concept. Also provides interpretation on interference.
- MacCallum, G.C. "Negative and Positive Freedom." Liberty. Ed. David Miller. Oxford: Oxford University Press. 1991. SUGGESTED BY DARIUS. FOUND IN SUMMIT. MacCallum reduces all concepts of liberty to a single triadic relation. Thus, all negative theorists are concerned with defining what is interference. Extremely important article in the literature
- Megone, Christopher. "One Concept of Liberty." Political Studies. Vol. 35 (1987): pp. 611-22. FOUND IN CITATION OF CARTER ARTICLE, LOCATED THROUGH ACADEMIC SEARCH PREMIER. Defends Berlin's negative liberty from view of moral realist, a defense based on why we value freedom. But accepts commensurability and possibility of single solutions may still accept negative liberty conception. Article underwhelming.

- Miller, David. Liberty. Oxford: Oxford University Press, 1991. FOOTNOTE IN-TEXT. Not only does Miller's introduction include an extremely helpful overview of the different variations of liberty as non-interference, he provides a collection of some of the most important essays concerning liberty.
- Miller, David. "Constraints on Freedom." Ethics. Vol. 94, No. 1 (October 1983) pp. 66-86. FOOTNOTE IN-TEXT. Referenced in Miller's introduction for Liberty. Miller provides an overview of liberty as non-interference, and provides his own account when argues that how we determine freedom as non-interference has moral implications that we need to consider.
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- Nelson, Eric. "Liberty: One Concept Too Many?" Political Theory. Vol. 33, No. 1 (Feb 2005) pp. 58-78. FOUND IN SAGE PUBLICATION SEARCH FOR NEGATIVE LIBERTY AND BERLIN. Observers how since 1969, theorists have wittled away at the ideas that supposedly represent positive freedom. Argues that when we depend on negative/positive liberty distinction, we lose sight of how radically different the claims of liberty are, especially when we begin dragging them all into the negative liberty camp.
- Oppenheim, F.E. Dimensions of Freedom: An Analysis. New York: St. Martin's Press, 1961. FOUND IN BIBLIOGRAPHY OF "POSITIVE AND NEGATIVE LIBERTY" ARTICLE IN STANFORD ENCYCLOPEDIA OF PHILOSOPHY. This appears to be the first work attempting to create a quantitative approach to actually measure liberty. Interesting, but overall not terribly useful because it suffers the same characteristic I find in most of the quantitative approaches of being too narrow.
- Oppenheim, F.E. Political Conceptions: A Reconstruction. Oxford: Blackwell. 1981. FOUND IN SUMMIT SEARCH FOR OPPENHEIM. This book is important for my methods, Oppenheim provides a very descriptive way to "re-construct" conception.
- Oppenheim, Felix. "Constraints on Freedom' as a Descriptive Concept." Ethics. Vol. 95, No. 2 (January 1985), pp. 305-309. FOUND IN PHILOSOPHER'S INDEX SEARCH: OPPENHEIM. Oppenheim's response to David Miller's article. Argues that concepts of constraints on freedom can be defined without reference to moral obligation. In this same journal issue is Miller's response to Oppenheim's response. I like Miller's moral application in concepts of constraints.

- Patten, Alan. "The Republican Critique of Liberalism." British Journal of Political Science. Vol. 26, No. 1 (January 1996), pp. 25-44. FOUND IN J-STOR. One of the better engagements with republican law that I found. Argues that republican liberty, as instrumental, not interesting because it fails to sufficiently distinguish itself from liberal theorists like Rawls.
- Parekh, Bhikhu. "The Political Thought of Sir Isaiah Berlin." British Journal of Political Science. Vol. 12, No. 2 (April 1982): pp. 201-226. FOUND IN WEB OF SCIENCE SEARCH: POLITICAL LIBERTY AND BERLIN. Provides nice insight into the importance of value pluralism in Berlin's thought. But was still, a little too broad for my project.
- Pettit, Philip. Republicanism: A Theory of Freedom and Government. Oxford: Oxford University Press, 1997. FOUND IN STANFORD ENCYCLOPEDIA OF PHILOSOPHY: REPUBLICANISM. Pettit's largest and most comprehensive engagement with civic republicanism, seems to be his definitive work. Because of its depth, one of the most important sources of my project.
- Pettit, Philip. "Reworking Sandel's Republicanism." The Journal of Philosophy. Vol. 95, No. 2 (Feb. 1998), pp. 73-96. CLASS ASSIGNMENT, 'LIBERALISM AND ITS CRITICS.' My introduction to Pettit's liberty as non-domination. In beginning of process an important article, as my project progressed, less so.
- Pettit, Philip. "Republican Freedom and Contestatory Democratization." Democracy's Value. Ed. Ian Shapiro and Casiano Hacker-Cordón. Cambridge: Cambridge University Press, 1999. CLASS ASSIGNMENT, 'INTRO POLITICAL PHILOSOPHY.' For Pettit's republicanism, it is essential to have institutional forums to contest authority, this contestatory aspect is more important than voting for Pettit. While I very much enjoy this article, not directly pertinent to my project.
- Pettit, Philip. "Keeping Republican Freedom Simple: On a Difference with Quentin Skinner." Political Theory. Vol. 30, No. 3 (June 2001), pp. 339-356. FOUND IN CSA WORLDWIDE POLITICAL SCIENCE ABSTRACTS. Pettit argues this his liberty as non-domination is more accurate than Skinner's liberty as non-interference and non-dependence. Ultimately makes a move to converge their two projects. My project uses Skinner and Pettit concurrently and this is the article I use to justify that move.
- Pocock, J.G.A. The Machiavellian Moment: Florentine Political Theory and the Atlantic Republican Tradition. Princeton: Princeton University Press, 1975. IN-TEXT CITATION, FOUND IN REED CATALOG. Skinner's muse. Pocock's historical work has enormous influence, spurring a revival in republican thought in many fields beyond political theory. My project is not historical, so currently not of much use.

- Rawls, John. A Theory of Justice. Harvard: Harvard University Press, 1971. CLASS READING: 'REASON, JUSTICE, PEACE' AND 'LIBERALISM AND ITS CRITICS.' I use Rawls' reflective equilibrium in my methods.
- Reed, Gary. "Berlin and the Division of Liberty." Political Theory. Vol. 8, No. 3 (August 1980): pp. 365-380. FOUND IN J-STOR SEARCH: NEGATIVE LIBERTY AND BERLIN. Rejects negative/positive dichotomy as aspects of freedom, not distinct concepts. Emphasis both on status for freedom and acting accordingly to the character of freedom.
- Riley, Johnathan. "Interpreting Berlin's Liberalism." American Political Science Review. Vol, 95, No. 2 (June 2001): pp. 283-295. FOUND IN CSA WORLDWIDE POLITICAL SCIENCE ABSTRACTS: NEGATIVE LIBERTY AND BERLIN. An article that provides more oversight and analysis of the totality of Berlin's thought than I was looking for.
- Ryan, Alan. The Idea of Freedom. Oxford: Oxford University Press, 1979. FOUND IN BIBLIOGRAPHY OF BHIKHU PAREKH'S ESSAY "THE POLITICAL THOUGHT OF SIR ISAIAH BERLIN." Collection of essays on liberty. Ryan's contribution not terribly relevant to my project.
- Ryan, Alan. "Isaiah Berlin: Political Theory and Liberal Culture." Annual Review of Political Science. Vol. 2 (June 1999): pp. 345-362. ANNUAL REVIEW OF POLITICAL SCIENCE SEARCH: NEGATIVE LIBERTY AND BERLIN. Picked up in early stages of my project, most useful revelation of Machiavelli's influence on Berlin in terms of moral pluralism. Also briefly tears into MacCallum and Gray.
- Shaw, Carl. "Quentin Skinner on the Proper Meaning of Republican Liberty." Politics. Vol. 23, No. 1 (2003), pp. 46-56. FOUND IN WEB OF SCIENCE SEARCH: REPUBLICAN and SKINNER. Shaw argues that the position that Skinner holds concerning law, and in my understanding by extension Pettit, essentially contradictory. This is a very important article for my project, provides basis for a critical look at civic republican law.
- Skinner, Quentin. "The Idea of Negative Liberty: Philosophical and Historical Perspectives." Philosophy in History. Ed. Rorty, Schneewind, and Skinner. Cambridge: Cambridge University Press, 1984. CLASS ASSIGNMENT, 'LIBERALISM AND ITS CRITICS.' My introduction to Skinner, also one of his first articles on republicanism. Skinner focuses exclusively on Machiavelli, tries to argue republican civic virtue allows negative liberty.
- Skinner, Quentin. "The Republican Ideal of Political Liberty." Machiavelli and Republicanism. Ed. Bock, Skinner, and Viroli. Cambridge: Cambridge University Press, 1990. IN-TEXT CITATION, REED CATALOG. In footnote

- of introduction, Skinner states that this article an ‘extended’ version of “Paradoxes.” While there are some differences, they are minimal. Largely word-for-word the same as “Paradoxes.”
- Skinner, Quentin. “The Paradoxes of Political Liberty.” Liberty. Ed David Miller. Oxford: Oxford University Press, 1991. FOUND IN-TEXT CITATIONS. Originally published in 1986. Argues more directly that Machiavelli’s civic virtue not a form of human perfection. Instrumental republicanism really developed in this article. Also does more with roman law.
- Skinner, Quentin. Liberty Before Liberalism. Cambridge: Cambridge University Press, 1997. Skinner extends his historiographic approach beyond Machiavelli to subsequent republicans. Probably his best, most dense and elaborate work. Very important for my project.
- Springboard, P. “Republicanism, Freedom From Domination, and the Cambridge Contextual Historians.” Political Studies. Vol. 49, No. 5 (December 2001), pp. 851-876. FOUND IN WEB OF KNOWLEDGE SEARCH: REPUBLICANISM and LAW. Springboard argues that classical republicanism did not, and could not, lay claim to freedom as non-domination as a definition value, positive liberty was ubiquitous in Roman law. Very important article attacking Pettit and Skinner over use of law.
- Steiner, Hillel. “How Free: Computing Personal Liberty.” Philosophy (London, England). Suppl. 15 (1983): pp. 73-89. FOUND IN CITATION OF CARTER AND MEGONE ARTICLES. LOCATED IN REED’S LIBRARY CATELOG. Provides use of pure negative concept of liberty, a narrowly defined concept of freedom as non-interference. Not terribly useful for my project.
- Taylor, Charles. “What’s Wrong With Negative Freedom?” Contemporary Political Philosophy: An Anthology. Ed. Goodin and Pettit. Oxford: Blackwell Publications, 1997. CLASS ASSIGNMENT FOR ‘LIBERALISM AND ITS CRITICS.’ Taylor rejecting both MacCallum’s triadic understanding of liberty and Berlin’s positive conception of liberty as freedom it. Argues that positive freedom is an exercise concept we should value.
- White, DM. “Negative Liberty.” Ethics. Vol. 80, No. 3 (April 1970): pp. 185-204. FOUND IN JSTOR SEARCH FOR NEGATIVE LIBERTY AND BERLIN. Argues that MacCallum’s work should be re-examined. Makes distinction between important and unimportant deprivations of liberty, and between significant and insignificant deprivations of liberty. Should be an important article for my project, but disappoints.