

## *Freedom Fit for a Feminist?*

### *On the Feminist Potential of Quentin Skinner's Conception of Republican Freedom*

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#### **Abstract**

The aim of this paper is to make it credible that there are feminist reasons for being a republican about freedom. In focus is Quentin Skinner's conception of republican, or "neo-Roman", freedom. Republican theory in history has not excelled in making poverty, gender hierarchy, and racism within the republic into main sources of concern. So can there be a radical republican theory of liberty fit for a feminist, to make sense of arbitrary power in the every day life of work, households, and local communities, where power is vague and unorganized? Proceeding from three questions – What does freedom mean? Under what circumstances does the issue arise? Why should we care? – I argue that in a feminist republicanism the lived experience of the unfree will have primary and not, as Skinner now suggests, secondary importance. A feminist republican will be particularly concerned not only with what unfreedom is but with what it is *like*.

Keywords: Feminism, republicanism, freedom, institutional circumstance, lived experience, arbitrary power, citizen, Quentin Skinner

An aim in this paper is to make it credible that there are good feminist reasons for being a republican about freedom. I will not assess in general terms whether feminism has anything to gain by going republican; my concerns are much more limited and specific. I will focus on some of the components in Quentin Skinner's conception of what he prefers to call "neo-Roman" freedom. On this conception, a restriction on freedom can be quite intangible; the very fact that I am under the arbitrary power of another, someone who could restrain and coerce me without being contested, makes me unfree, even if that power is never exercised. I offer three questions that a theory of freedom needs to address and attempt to answer them in a way that makes republicanism feminist. Republican theory, with its focus on institutions of law, forms of government, and rules

of representation, has not excelled in making the debilitating effects of poverty, gender hierarchy, and racism within the republic into main sources of concern. This is curious, one might think, since the republican concept of freedom – harbouring as it does the important distinction between a free act (which is about scope) and acting freely (which is about status) – looks like promising material for developing a radical critique of hierarchy. Can there be a radical republican theory of liberty to make sense of effects of dependence and arbitrariness in the day-to-day, in the mundane social life of work, households, and local communities, where power is vague and unorganized? I will suggest that for a feminist republicanism the lived experience or phenomenological content of being unfree will move centre stage. A feminist republican will consider of equal importance the questions of what unfreedom is and what it is like.

### **Theorizing about freedom: Three questions**

Let me initially say a few things about the enterprise of theorizing about freedom. A full theory of freedom needs to address and answer adequately a number of questions. One of them is: What do freedom and unfreedom mean (within this theory, that is, the theory that one is developing or the theory that one is concerned with interpreting or criticising) or: How is freedom and unfreedom used (in this theory)? I treat these formulations as functionally equivalent. Another question is: What are the circumstances within which the issue of freedom (the way it is here used) arise? Otherwise put, what has to be the case for it to make sense to ask of a person whether she is free or not (in this sense)? A third question is: Why should we care?

When philosophers say things like “Liberty, or Freedom signifieth (properly) the absence of opposition (by opposition, I mean external impediments of motion)” (Hobbes 1996: 145), or “If I am prevented by others from doing what I could otherwise do, I am to that degree unfree” (Isaiah Berlin 1969: 122), or “Men *are* free – as distinguished from their possessing the gift for freedom – as long as they act, neither before nor after; for to *be* free and to act are the same” (Hannah Arendt “What is freedom?” 2006: 151), or “agents will be free persons to the extent that they have the ratiocinative capacity for discourse and the relational capacity that goes with enjoying discourse-friendly linkages with others” (Philip Pettit 2001: 72f), then they are in effect giving a more or less complicated answer to the first question, the one about meaning and use. Each such answer, however, needs unpacking and by unpacking them we will be alerted to other questions, explicitly or implicitly addressed or, perhaps, neglected, but which explain more or less well why the answer to the question about meaning looks the way it does.

One question to which we are alerted is “What is ‘X’ in the proposition ‘X is free?’”. Here are a few examples. Hobbes’s conception of freedom refers to motion; a body that moves in space is free or not free depending on whether its motion is externally impeded. Consequently, on Hobbes’s theory X can be anything from an apple falling from a tree or a river flowing within its banks, to a horse walking across a field or a driver being stopped by traffic police (see Halldenius 2012). Berlin’s definition of freedom is virtually the same as Hobbes’s<sup>1</sup> – an X is free to the extent that there is no external intervention – with the difference that Berlin explicitly restricts the sphere of application to wilful action, implying that we make a mistake if we ask of the apple whether it is free or not in its fall from the tree. The apple is the wrong kind of X; it is moving but it is not doing anything.

Arendt and Pettit restrict, or rather set conditions for, X even further. For Pettit, an act can be free in the sense of not being forced while the person performing the act still is unfree as person, if, say, she acts in a hostile or manipulative social environment. X, then, is not merely a human agent, but a socially situated human agent and it is as such that X is free to act or not. Arendt’s conception is active in a stronger sense than the others used as examples here; to be free is to act, not (merely) to have the capacity to act. Moreover, Arendt treats action as a particular thing, the creation of something new, referring to the human capacity to begin again, which in its turn requires plurality or togetherness of distinct individuals. For both Pettit and Arendt, then, it does not really make sense to talk of an individual person as free or not in isolation from the person’s social or political context.

The fleshing out of who X is in the proposition “X is free when...” alerts us to this question: What are the circumstances within which the issue of freedom (the way it is here used) arise? Otherwise put, what has to be the case for it to make sense to ask of a person whether she is free or not (in this sense)?

A belief that as a theorist of freedom one needs to address explicitly only the question about meaning is likely to be linked to the mistaken belief that one’s account of liberty can ever be independent, or understood independently of one’s larger political theoretical commitment, or of the function one sees liberty serving in our understanding of political life. Let’s use Isaiah Berlin again as our example.

When Berlin answers the question about meaning by saying that to be unfree is to be “prevented by others from doing what I could otherwise do” (1969: 122) he quite rightly tips his hat to Hobbes, because it is, as we just noted, Hobbes’s definition as applied to the freedom of persons (rather than apples or rivers). One could expect that the Hobbesianism of this would have given Berlin reason to pause for a bit, since we might like to ask what the circumstances are wherein this definition made good sense to Hobbes. Skinner has shown the importance for Hobbes of opposing, indeed ridiculing, those

“Democraticall writers” (Hobbes 1996: 226), who thought that a person could retain her freedom while living under government, if only her government were fairly constituted (see Skinner 2008a, chapter 5). Hobbes’s stern point is that no one is free under government, no matter how it is constituted, republican or totalitarian. Berlin, however, took it for granted that his concept of freedom is anti-totalitarian; by endorsing it you endorse value pluralism and democracy as if by fiat. But how can Berlin think that he can have Hobbes’s definition of freedom without the view of society and government that gives it political sense? And if he thinks, as he seems to, that freedom conceived in this way is an antidote to totalitarian politics, how can he also claim that “[e]verything is what it is: liberty is liberty, not equality or fairness or justice” (1969: 125)? If freedom is conceptually unconnected to equality and fairness, then surely it could tell us nothing about the constitution of society.

The point I would like to emphasise is that we choose and articulate principles because they seem to us conducive to ends that we want to promote. Any favoured principle or definition of freedom can for that reason not be right or wrong *simpliciter*, but can only serve more or less well within a larger political-moral concern and has to be assessed in relation to that context. Our answers to the questions that I have outlined will be part of an elaboration of our moral and political commitments. The answers, if they are good ones, will both be functional to and presuppose the overall theory within which we use it.

This brings us to the third question: Why should we care about freedom? What is the work that we want “freedom” to do for us? This question has been famously explored by Elizabeth Anderson in relation to equality. The point of equality, Anderson claims, is to end oppression. One has a reason to care about equality, thus understood, to the extent that one shares the political goal of a community in which people stand in non-oppressive relationships to others (1999: 289). This suggests that Anderson’s concerns are not the issues of moral luck or of policing the distinction between outcome and opportunity, which have occupied many philosophers of equality, unless those things serve in the larger political concern of securing non-oppressive relationships.

Anyone who agrees with Anderson that the point of equality is to end “oppression” (a complex phenomenon, if there ever was one) would, I imagine, struggle to see how a commitment to equality could be separate from a commitment to freedom. Berlin could, and probably did, agree that the point of freedom is to serve as a bulwark against oppression and despotism. My point is that if you do agree to this – if this is your answer to the third question, the question of why we should care – there are repercussions for the kind of answers you can reasonably give to the first two. There will certainly be reasons to doubt Berlin’s dictum that “everything is what it is”, as well as the reasonableness of a definition of freedom which equates it with non-coercion, as we will see.

As long as freedom is allowed to remain in the grip of a Berlinian binary between absence of coercion and presence of self-mastery, a binary that looks like a trap for feminists, equality will look like the more promising concept if you are concerned with the subtleties of oppression rather than the crudeness of force.<sup>2</sup> In order to understand well how republican freedom – freedom from dependence or subjection – relates to this binary, and its potential for unlocking the feminist trap, we need to remind ourselves why the distinction between negative and positive freedom mattered so much to Berlin or rather in what way it mattered. If positive liberty is self-mastery, as he claimed, with the individual person as source of control, it is initially hard to see why we have reason to fear, as Berlin did, that this concept of liberty would serve as a hand-maid for despotism. We understand this fear only if we remember that Berlin took it almost for granted that the argument for positive liberty is a rationalist one, to the effect that if only everyone were rational enough they would converge on matters of value (Berlin 1969: 132-3). That is why positive liberty is politically treacherous and it is this that Berlin feared, not the idea of self-mastery as such but the value monism that in his view underpins it. He regarded the absence of coercion as politically non-treacherous because he took it equally for granted that the moral argument for freedom understood in this way is value pluralism. On this negative concept there is, importantly, no positive job for freedom to do; instead freedom is supposed to be an enabling circumstance. For feminists however, the enabling circumstance of not being coerced is treacherous in a different way.

From a feminist perspective there is no reason to dispute that coercion makes you unfree, but there is good reason to dispute that lack of coercion is enough for freedom. Gendered norms, expectations of female goodness and inoffensiveness, low or no pay, and sheer misogyny need involve no coercion at all but still be very effective impairing contingencies. Put this way the affinity that I see between feminist concerns and the republican notion of freedom will, I think, begin to make itself known, but we can't take it on faith. Republicans have been no strangers to using exactly these means – gendered norms of goodness and inoffensiveness – to declare women politically irrelevant. But there is a promise worth exploring.

## **Feminism and republican freedom**

Against this background, what do I take republican freedom to mean, what is its feminist appeal and what does a feminist eye do to it? I will hint at republican answers to the three questions of freedom in a way that makes this conception useful for feminist concerns. On a republican conception of liberty, the

way I use it here, a person is free to the extent that she is not subjected to arbitrary power; republican liberty is constituted by the absence of asymmetrical relations of dependence, not, as on the Berlinian “liberal” concept with which it is often contrasted, by the absence of acts of interference or actual coercion. Pettit has put it this way:

The grievance I have in mind is that of having to live at the mercy of another, having to live in a manner that leaves you vulnerable to some ill that the other is in a position arbitrarily to impose; [...to] live in the shadow of the other’s presence, even if no arm is raised against them. (Pettit 1997: 4-5).

Under certain conditions a person can therefore be correctly described as unfree in the republican sense, even if no one is coercing her. If she is under someone’s power in the sense that she is vulnerable to coercion and without resources to counter or avert coercion or perhaps even to make a complaint, then she is in a subjected state and unfree because of it, even if the power is not made manifest in coercive action. Conversely, and perhaps more controversially, a person may remain as free as before even though a course of action has been closed as a result of external interference, if the interference is in some proper sense non-arbitrary. Republican liberty, you might say, is more concerned with the nature of relationships, than with explicit predicates of action. There is a long tradition of thinking about freedom in this way. Quentin Skinner refers to it as neo-Roman. In the early modern period we find it in the writings even of thinkers whom we now tend to slot into other strands of thought than republicanism. An example is John Locke.

In *The Second Treatise of Government* (1689) Locke discusses how being free relates to living under law. In this discussion he specifies what freedom in society is. Freedom, he insists, is not to do whatever one has a wish to do, but to dispose of one’s person and property as the law allows and within that allowance “not to be subject to the inconstant, uncertain, unknown, Arbitrary Will of another Man”. In an aside he adds: “For who could be free, when every other Man’s Humour might domineer over him?”<sup>3</sup>

These passages – in chapters significantly entitled “Of slavery” and “Of paternal power” – express certain features of republican thinking on freedom.<sup>4</sup> One such is that the very existence of law does not restrict freedom; law protects freedom provided that it is properly constituted, but there is more to it. The existence of law as an institution – a legal condition or a legal mode of life – does not merely work on the level of regulation. It is logically prior to that. A legal mode of life or, if you prefer, the existence of civil institutions, is a condition that has to obtain for the issue of freedom, in the republican sense, to arise at all. Without it a person is neither free nor unfree under this conception. Institutions are one of the circumstances of republican freedom, that is,

one of the things that need to be in place for judgements about freedom to make sense.<sup>5</sup>

One feature of a republican approach to freedom on which we do well to linger for a bit, is that the extent to which a person is free cannot be determined simply by the level or extent of constraint, regulation, or actual coercion she is under; there is also a modal component to being free. A person who is under no actual constraint and who is for purely practical purposes, free to act, may still be in a subjected state and be unfree in terms of status, regardless of what strictly factual opportunities for action that lay within her reach. I refer to this lack of status as living in an unfree *mode*. You may be able to do many of the things that you wish to do, but you cannot do them freely, in the free mode, if, as Pettit puts it, you “live at the mercy of another”, unprotected from and vulnerable to constraint and violence. This is what is meant by Locke’s rhetorical question “who could be free if every other Man’s Humour *might* domineer over him?”<sup>6</sup> The republican point is that this vulnerability – this subjection to arbitrary power – constitutes unfreedom; it is a disabling circumstance in itself.

Berlin favoured freedom as the absence of coercion because he took it for granted that lack of coercion enables action and being able to act uncoerced is to be free. Circularity aside, feminists have reason to side with the republicans here, in regarding the enabling circumstance of not being coerced as problematic and insufficient. There are feminist reasons to be appealed by a conception of freedom that focuses on the social and legal position of being dependent, denied status, where the very fact that I am under the arbitrary power of another, without means of contestation, makes me unfree.

The body of literature on feminism and republicanism is still scant.<sup>7</sup> There seems to be an unease among feminists towards republicanism which, perhaps, has more to do with certain other features of the republican tradition than with the conception of freedom itself. It is to this republican tradition that I now briefly turn. I will go via the citizen in Quentin Skinner’s “neo-roman” reading of republican freedom and the scope and concerns of the public sphere, to what on Skinner’s and Pettit’s approaches make up the core conceptual claim of republican freedom. I will then suggest what we need to do to this conceptual claim in order to make it fit for a feminist; this last point will be part of my answer to the third question about freedom: Why should we care about it?

## **Citizens and public concerns**

A fact that is hard to dispute is that the possessor of civic virtue in the republican humanist tradition is practically per definition male. Female virtue is a distinct category and is not civic; it begins and ends with chastity and it lives in

the domestic sphere. In the public sphere it cannot live; it can only die there, at the hand of an unforgiving public opinion. Quite understandably then, as feminists, we need to relate critically to the identification in the tradition of the republican citizen with the possession of civic virtue, embodied in the male figure of the virtuous person, the *vir* (Skinner 1978: 88-101).

On this subject and insisting that the freedom with which he is concerned is Roman in origin and character, Quentin Skinner urges us to consider the relevance of the fact that in Roman law the citizen is primarily defined in terms of status, not virtue (Skinner 2006). The citizen is a *liber homo*, a free person; and *homo* can refer to man or woman or, if you will, to man in the generic sense of a human being. A *liber homo*, a person enjoying the status of being free, is in legal parlance *sui iuris*, a legal subject, a person in their own right in relation to the law and other institutions, capable of acting independently in public and, as it were, representing themselves (Skinner 2001: p. 248-9, 2008: 86-7). Whether a person is granted this status or not (and if they're not, they're slaves) is a matter of and contingent upon institutional arrangement, not of inherent or ascribed personal attributes. With this in mind, the notion of a female citizen is not as paradoxical as many republicans in history would have liked. This does not take anything away from the sexism in republican history, but let's grant Skinner the point that there is at least a potentially non-sexist language available in the foundation of republican thought on the citizen. And frankly, if feminists would be deterred by sexism in the history of philosophical or political thought they have no option but to walk away from the history not only of republicanism, but of human thinking altogether.

The promise of an androgynous republican citizen lands the feminist with yet another obstacle however, which is the republican priority of the public over the private, or rather the seeming political irrelevance to republican thought of feminist concerns such as gender identity, equality in the workplace and in the family, and women's bodily integrity. The feminist reception of Hannah Arendt's republicanism is an example of how feminists have attempted, partly in vain, to negotiate feminism into a republican theory clearly developed so as to keep everything domestic and all matters of identity and natural life processes squarely outside of politics, in the non-political realm of the household or "the social", which to the extent that it invades the public in the form of a large scale and complex economy is dangerous for politics, since politics should be free of necessity.<sup>8</sup>

The question of public and private is a vexed one for feminism and I will only say one thing about it: The specific challenge when it comes to feminism and republicanism is not really the priority of the public over the private (all political philosophies do that), nor is it the identification of womanhood with the domestic or with non-political natural necessity (all sexist philosophy does that). The specific challenge is rather that the republican public sphere, as an idea at least, seems to be curiously empty of concerns.

The republican myth is that economic and social matters are non-political concerns of the household and therefore not part of – or should not be part of – public life. The *liber homo* has property. He is the owner of things and possibly of people; property, not virtue, is the entry ticket to public life and the civic status of the free man. Politics is not administration; the organization of property, work, and family are not concerns of the state. This leaves one wondering with what the public is supposed to be concerned. Protection against aggression, trade and not much else? This is a myth since there can obviously be no trade without property, no security without some dispersion of welfare, and no warfare unless the households are taxed. The constructive feminist approach to this is to do what Wollstonecraft did and expose the republican myth<sup>9</sup>. Property is a public institution, subject to law. Marriage is not a pre-political contract and the family is not a mini-kingdom for the *pater familias*; these are public institutions, as are rules of custody, inheritance, employment, and all other rule constituted or rule governed forms of human interaction in society. A feminist republican will inevitably insist that the domestic and the “social” are as public as anything else of common concern.

A feminist republicanism will require that we agree to this: The relegation of the female to the domestic and the domestic to the fringes of society, out of public sight, are functions of exactly that abuse of privilege which republicans should be intent on exposing and eliminating. A situation or relation becomes a public concern by the mere fact that there are people in or affected by it who are treated as or positioned as subordinate to others, in the republican sense of being denied status – of being unfree.

## **Skinner and the ball-park**

As interpreter and defender in our time of the historical and philosophical importance of freedom conceived as the freedom from arbitrary power, dependence, or subordination Quentin Skinner gets top billing together with Philip Pettit. There certainly are substantial similarities between them and they have been prone to emphasize what they have in common, perhaps because they are often lumped together by critics. They are, as Pettit has put it, in the same ball-park (Pettit, 2008). But from a feminist perspective, ball-parking it is not quite enough. We need to attend to the particulars of the various offerings in our contemporary debate, and that is what I will now proceed to do.

The recent revival of the republican conception of freedom certainly brought a much welcome relief from the Berlinian dichotomy by moving to centre stage that “third concept” of liberty, the one which Berlin apparently sensed and aimlessly gestures towards at the end of his celebrated essay “Two

Concepts of Liberty” (Berlin 1969; Skinner 2001). Peoples’ longing, neither for non-interference nor for self-mastery, but for recognition and status fell to the side of the neat dichotomy. By “confounding liberty with [...] equality and fraternity” (Berlin 1969: 154) it violates the dictum that everything is what it is and can therefore not be a concept of freedom for Berlin, only something akin to it. This is why Berlin cannot harbour the republican conception and also why republicans, even when they – like Skinner – regard republican freedom as negative in some sense – are required to deny Berlin’s dictum. There is no conceptual distinction to be made between equality and freedom conceived in terms of independence.

Independence is inherently social since it is a function of relations in which you stand to others. Social life is not possible without rules. Indeed, social life is constituted by rules; there can be no rules of regulation without logically prior rules of constitution. Within the network of rules in which we live our social lives, freedom will be a matter of the social and political conditions for being an equal. Regarded in this way, a restriction on freedom can be quite intangible and come in the form of the dispositional power of some (physical or corporate) agent who could restrain and coerce me with impunity but perhaps never does. We can also now see that there is good sense in insisting, as Skinner has done, that republican freedom is a form of negative freedom, but not because it identifies freedom with something being absent (social life is much too complex to allow us to sort things neatly into conditions being absent or present). The good point is rather that the concern of republican freedom is to ensure enabling conditions within social and political relationships in institutional circumstances.

The bare outline of a Skinnerian conception of neo-Roman freedom involves two kinds of relations. First, a person is free only if she is not dependent on or subjected to the arbitrary will of another agent. A person is free, in this sense then, only if she has no master and this holds even if the master is benevolent and non-coercive. A person’s life will be easier (and in a practical sense freer) if her master is non-coercive, but she won’t be free *as person*; for unfreedom the very dependence on the master’s good graces is enough. So far we are concerned with relations between agents within a social world that they co-inhabit. But importantly, for Skinner, a person can be free at all only under a republican constitution; this is the second kind of relation involved and this is an inherently political conception of freedom because of it, for two different reasons. The first is one that we have already mentioned; neo-Roman freedom does not make sense outside of a system of institutions, or political society in more common parlance. Unless we are concerned with political society there would, to borrow an expression from John Rawls, be no occasion for freedom in this sense; the question does not arise. This is what I mean by the circumstances of freedom. Second, unless the constitution of the political society with

which we are concerned is a republican one – with representative institutions, democratic accountability, equality before and under the law, and a constitutional bill of rights – the answer to the question whether persons within that society are free is always *no*, regardless of what actual opportunities or liberties they – or the more fortunate among them – enjoy. Under monarchy and non-monarchical despotism everyone is a slave, literally.<sup>10</sup> This is the bare outline.

A theory of republican freedom commits us, it seems to me, to three things that are of importance to a feminist. I will mention them now and then say a bit more about each. First, the circumstances within which it makes sense to ask whether a person is free or not are *institutional* in character. Second, and closely related to the first, being unfree is to be deprived of *status*, not necessarily opportunity or choice (even though it very well might entail that as well). The third is a matter which, according to Skinner, is relevant but of secondary importance for a republican. This is the lived experience of being dependent, or what we might refer to as the phenomenological content of being unfree. What is it *like* to live at the mercy of another? What happens to a person's sense of self in such circumstances? The psychological dynamic of inequality of power and subordination has in moral philosophy and philosophy of action been treated in agency terms as a problem of self-censorship and adaptation; a slave will tend to play safe so as not to cause offence but is also likely to adapt her preferences to her situation.<sup>11</sup> Skinner has acknowledged the relevance for republican freedom of behavioural strategies, self-censorship, and preference and behaviour adaptation, but cautions us against placing too much emphasis on these phenomena, lest our attention be diverted from the "basic conceptual claim" (Skinner 2008: 90, 93) of the republican theory of liberty, which is that the mere fact of living in subjection to arbitrary makes you unfree, whether this affects your behaviour, emotions, and thoughts or not. I will suggest, however, that for republican freedom to be feminist, the experience and phenomenological content of unfreedom needs to be reaffirmed and approached in a more complex way than self-censorship and preference adaptation indicate.

First, though, a few words on the institution dependence of the republican conception of freedom and on unfreedom understood as loss of status. Republican freedom wishes to conceptualise a situation where an agent is subjected to another without necessarily being restrained by that other. Freedom is impaired by a dispositional capacity to coerce that may or not be exercised, that may never be exercised but still impairs as long as the capacity remains. Critics of republican freedom find it difficult to understand what the problem for freedom is as long as the capacity to coerce remains dispositional and is not put into use (even though it could be). Kramer, for instance, argues that the unfreedom of a person will depend, not on the "sheer fact of the domination" (Kramer 2008: 50) but on the probability of her actions being prevented.

How can I be unfree as long as in actual fact I can do all that I want to do?

If republicans follow Pettit into the territory of decision-theory and talk about republican freedom in terms of undominated choice over a range of options (e.g. Pettit 2008), then it is not terribly difficult to see the critics' point. If what we are concerned with is my range of options and my capacity to choose between them, then it really is not immediately obvious why we should be bothered by a dominator – or an “invigilator” with “alien control” in Pettit's current terminology – as long as the invigilator actually does stay away from my range of options.

If we do not want to make the psychological consequences of dependence into a necessary criterion for unfreedom, which neither Skinner nor Pettit wants, then we are required to explain of what this control at a distance, this power that may not be used, consists. The critics can be successfully averted only if we consistently insist on the inherently institutional feature of this theory. Republican freedom concerns ultimately the freedom of persons and from a political point of view persons are not physical bodies that move or not, even choose or not; being a person is an institutional position, with institutions understood as a system of rules that constitute expectations, obligations, claims, and possible contestations. The modal component of acting freely – apart from the factual component of being free to act – is dependent upon this institutional component.

There is here a structural affinity, as I have argued elsewhere (see Halldenius 2010), between republican freedom and a particular conception of human rights, where human rights are regarded as institutional facts that afford persons the equal capacity to be effective claimants within a political context. This is the status that is lost when republican freedom is lost, and this loss is a disabling circumstance. The retort to a critic who does not see a problem for freedom if, while dependent on someone's arbitrary will, I can still do “all that I want to do” is to say that I *am* effectively disabled, not possibly and later but actually and now, in the sense that I now lack the capacity to be an effective claimant or contestant. One way of articulating the basic conceptual claim of republican freedom is to say that a state of unfreedom is to lack the capacity to be an effective claimant, which is an actual denial of status.<sup>12</sup> Consequently we are not stranded with the odd sounding circumstance of a person being unfree even though nothing is being done to her. Something very definite *is* being done to her; she is denied the capacity to act as person, or as effective claimant. There may still be heaps of things that she is factually able to do. We might even say that in a practical sense she is free to do these things, but she is not able to them *freely*, in the free mode, acting as person. This is not a possible or counterfactual difference. It is a real ontological difference.

From a feminist perspective freedom conceived in terms of status seems crucially important to me. It does mean, though, that the feminist republican must embrace, in a sense, the priority of the public over the private (to the ex-

tent that the distinction makes sense), since being free, in any relation in which you might find yourself, is predicated on the public status of being a person. As an aside, let me add that it is incumbent upon a feminist republican to pick up a factor sorely overlooked by republicans in general, which is how to conceptualize the dynamics of struggle, resistance, and negotiations under conditions of unfreedom. The question of the phenomenological content of subordination is merely one part of this much larger set of questions, but I will restrict myself to that smaller challenge here.

I started out saying that a theory of freedom needs to address a number of questions. One concerns the circumstances within which issues of freedom arise. The institutional setting is a crucial part of a republican answer to that question. Another is what freedom and unfreedom mean. The answer to that is, we might say, the “basic conceptual claim”. And thirdly, why should we care? This last question raises that ontological issue of status as person that I have already addressed, as well as issues of the lived experience – the phenomenological content, the “what is it like?”-question – to which I now turn and with which I will conclude.

## **The experience of unfreedom**

We saw that Skinner worries that an emphasis on the lived experience of unfreedom and effects like self-censorship comes with the risk of obfuscating the basic conceptual claim: freedom is loss of status, whatever it feels like (Skinner 2008: 94). I argue instead that we have reason, particularly as feminists, to both emphasize and complicate the experience of unfreedom, beyond the much rehearsed matters of self-censorship and preference adaptation.

Self-censorship, in the sense that it serves us here, refers to the tendency of the unfree to trim their aspirations and behaviour, with an eye out to what might please or displease others, so as not to cause offence. This may well be a deliberate and perfectly rational strategy but it might also have psychological effects such that one’s beliefs and preferences adapt too; this is what Elster talks about in terms of a subversion of rationality. The unfree think themselves into believing that they don’t really want those things that they’d better not try to get. But talking about this in strict agency terms is too restrictive, I find. Coming to a conclusion of why we should care about freedom, requires of us that we think broadly about what it is like. Focusing exclusively on the self-censorship and preference adaptation of the unfree risks diverting attention away from a more structural problem for politics.

It is important for Skinner and Pettit that identifying relations of arbitrary power and dependence, and hence restrictions of the freedom of persons, does

not involve making moral judgements. It is a matter of identifying (social) facts. What they wish to avoid is ending up with a theory where a person's freedom is assessed by assessing whether the situation she is in can be in some way justified, perhaps because it protects some other value, say social order or the person's own good. This may certainly be worth avoiding, but there is also a risk in stressing too much the value-neutrality of the practice of identifying dominating relationships.

Pettit wants to make the point that not only do we not need to establish any harmful effects for the dominated party, no self-censorship, no culling of aspirations or behaviour, but the dominated party may even be wholly unaware of the master's hovering presence (Pettit 2008: 107). The master has to be aware of his powers, though, since the invigilation in which domination consists for Pettit is a kind of control, keeping an eye out, making sure that the serfs behave and being ready and able to choose to intervene if they do not. You can be controlled within knowing it, but you cannot be in control without knowing it and what it means in terms of your capacities and powers over others. But this flies in the face of what we know about how hierarchy works.

It is certainly true that the behaviour, aspirations, preferences, and self-perception of people in subordinated positions, sometimes almost imperceptibly, align with the disabling circumstances they find themselves in. This could be a strategic act of self-censorship or an unreflected adaptation. But habituation triumphs completely when it is neither strategic nor unreflected, but instead a conscious process of sense-making, when the only way in which the unfree can make sense of their predicament is by clinging to the norms that sustain their disablement. In Mary Wollstonecraft's words: "Considering the length of time that women have been dependent, is it surprising that some of them hug their chains, and fawn like the spaniel?" (Wollstonecraft 1989 5, 152)

The subordinated party may of course be unaware of the status they are denied or may habituate to it in such a way that even though it is felt, it is not conceptualised as wrongful or contrary to the expected order of things, but we cannot assume this to be normal without risking to subject, once again, the unfree to a generalized and insensitive interpretation of their experiences, making resistance into an anomaly. Assuming, even requiring as a necessary condition, that the master is aware of his upper-hand is more straightforwardly problematic and something we should certainly avoid. An important insight if we are concerned with the dynamics of power and subordination in political society is that one of the things that make it difficult for subjected groups to be heard and recognized is the extent to which privilege is invisible to those who benefit by it. This has been well formulated by an interviewee in a study on racism and the social construction of whiteness. For many white people, racial inequality is "a reality enjoyed, but not acknowledged, a privilege lived in, but unknown." (Frankenberg 1993: 9).

The slave knows but the master may not, and the master's blindness to his own privilege may be the most disabling circumstance of them all, sustained as it is likely to be by norms that make privilege an integral part of the smooth running of the familiar, leaving no language for articulating what is wrong with it. Importantly for feminists, the master may not even be identifiable, or be subject to constant change. In a pervasively sexist society where women and girls are disabled by laws and norms, virtually anyone can coerce them with impunity; that position is constantly open for takers. The distinction between *being* unfree and *feeling* unfree cannot explain the situation of *knowing* that you're unfree while being reduced to embrace it as the only way to make sense of your life. We should, I think, insist on the primary importance of this insight for an answer to the question of why we should care about freedom.

A feminist republican can usefully proceed from Skinner's conception of republican freedom, the neo-Roman focus on status over virtue, the unambiguous emphasis on conditions for acting as person rather than on ranges of choice, and the double relation between persons on the one hand, and between persons and the institutional structure on the other, ensuring that we never lose sight of the distinctly political character of what it is to be disabled though denial of status. The feminist would insist though, on a more expansive conception of what the public contains and concerns, as well as urging the theorist of arbitrary power to consider of primary importance not only what unfreedom is, but what it is like.<sup>13</sup>

## Endnotes

- 1 On Berlin's use of Hobbes's *Leviathan*, see Skinner 2001: 246-7.
- 2 One of few systematic attempts at developing a feminist theory of freedom is Hirschmann (2002). She does not engage with Skinner but regards Pettit's theory of non-domination as potentially "feminist-friendly" even though she finds no feminist potential in the republican tradition and argues, against Pettit, that domination always requires interference; otherwise, Hirschmann maintains, the fear and self-vigilance of the dominated cannot be explained (2002: 26-28).
- 3 Locke 1998, p. 284, §22 and p. 306, §57.
- 4 See further Halldenius 2003.
- 5 Halldenius 2009.
- 6 My emphasis.
- 7 Anne Phillips has assessed in general terms whether feminism and republicanism is a plausible alliance (Phillips, 2000). Judith Vega traces republican strands of thought in the history of feminism from the 18th century in Vega, 2002. Einspahr is a rare example of a positive argument on behalf of the potential of republican freedom as non-domination for feminist concerns of patriarchy and structural subordination (Einspahr, 2010). See also republican readings of Mary Wollstonecraft's feminism in Halldenius 2007 and 2013, and Coffee 2013.

- 8 See Pitkin 1995. See also Arendt's claim that the French revolution failed since it was driven by "the social question", that is poverty, while the American revolutionaries were concerned with the structure of the political realm (Arendt 2006a: 12-15).
- 9 Halldenius 2014.
- 10 See Skinner 1998: 22-30 on free persons in free states.
- 11 See for example Elster 1983: 109-140, and Nussbaum 2000: 135-148, on adaptive preference formation. Elster, unlike Nussbaum, discusses this phenomenon in relation to freedom and uses it to distinguish, against Berlin, between being free to do what one wants (however one's wants are formed) and being a "free man" in a "free society", which, Elster maintains, requires that wants can be formed "autonomously" (Elster 1983: 125-130).
- 12 Pettit stresses that "over and beyond" the restriction of choice and inducement of uncertainty, the evil of domination "is that it deprives a person of the ability to command attention and respect and so of his or her standing among persons." (Pettit 2002: 351). There is a potential tension in Pettit's alternate emphases on choice and status. Skinner is more unambiguously focused on the civic status of persons.
- 13 This paper was originally prepared for the symposium *Contingency, Rhetoric and Liberty. Quentin Skinner as a European Thinker*, at the University of Jyväskylä in June 2013. I thank Kari Palonen, Tuija Pulkkinen, and all the participants at the symposium, with a special thank you to Quentin Skinner for graciously and cheerfully submitting to being scrutinized. I have presented versions of this paper at the conference *Women, Truth, Action* in Helsinki in October 2013 and at the symposium *Cosmopolitics* at Malmö University in September 2013. For comments, critique, and encouragement I am grateful to Lilli Alanen, Ulrika Björk, Johan Brännmark, Hannah Dawson, Peter Hallberg, Sally Haslanger, Sara Heinämaa, James Ingram, Nancy Kendrick, Anna Lundberg, Martina Reuter and other participants at these events.

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