

freedom for all that: rather, they insisted on a need to balance the two values. From his point of view, the contemporary republican revival was simply about reasserting the priority of republican freedom.

I read the historical record somewhat differently. While I agree that liberals in the nineteenth century were responding to the dramatic social and economic changes mentioned, it is less clear to me that they retained any attachment to republican freedom. The freedom “of pursuing our own good in our own way,” says J.S. Mill in *On Liberty*, is the “only freedom which deserves the name.” Herbert Spencer was even more overt, asserting in *The Man versus the State* that “the liberty which a citizen enjoys is to be measured, not by the nature of the governmental machinery he lives under,” but rather by “the relative paucity of the restraints it imposes,” regardless of “whether this machinery is or is not one that he has shared in making.” In such passages, I detect no trace of concern for republican freedom. Thus I am persuaded by Pettit’s thesis that liberalism in the nineteenth century aimed not to counterbalance republican freedom, but to replace it—*precisely because* the rapidly changing social and economic conditions revealed republicanism to have radical implications. Bentham and Mill were perhaps too clever to say so explicitly, but William Paley was less guarded: referring to republican views, he says that “those definitions of liberty ought to be rejected, which, by making that essential to civil freedom which is unattainable in experience, inflame expectations . . . and disturb the public.” And why would republicanism inflame expectations? Because if freedom really does mean having no master, then we should interrogate patriarchal family relations, wage labor capitalism, colonialism, and much else besides!

In short, if we embrace MacGilvray’s broad and attractive understanding of the liberal tradition as a flexible framework for balancing republican freedom on the one hand with the value of a private sphere on the other, then we can certainly count republicanism as a strand in liberal political thought. But we should think of it as a strand fundamentally opposed to classical liberalism’s attempt to elide the republican ideal of living in a free society of equal citizens, no one the master of any other.

### **Liberal Freedom: Pluralism, Polarization, and Politics.**

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Edmund Cartwright designed and built the first power loom in 1786. The first weaving factory was built four years later in Manchester. Over the next few decades, textile factories rapidly displaced handloom shops because

the machines could be operated by unskilled workers at lower wages. There is no question that the handloom weavers (some of whom went on to become the Luddites) were harmed by these developments, in the straightforward sense that they suffered material setbacks to their interests. Inflicting such harms, however, was no part of Cartwright’s intentions, nor the intentions of the factory builders, the capital investors in those factories, the low-wage workers they employed, or textile consumers. Rather, the harms suffered by the displaced handloom weavers were simply an unintended byproduct of thousands of decentralized choices by individual market participants.

In his essay *On Liberty*, John Stuart Mill proposes the famous harm principle, according to which society has no business interfering with personal choices that harm no one else. The harm principle guarantees a wide range of freedom—freedom of expression, freedom of speech, freedom of association and lifestyle choice, and so on. Notice, however, that the principle would not protect the conduct of those whose choices harmed the handloom weavers: on Mill’s argument, it remains an open question whether and to what extent the ordinary operations of the market economy ought to be subject to social regulation. Why permit the freedom to buy, sell, and trade when we know perfectly well that those activities will inevitably, if often unintentionally, generate collateral harms? What rules and boundaries should we place on the exercise of market freedom, and how and to what extent should we aim to mitigate the harms to which that freedom gives rise?

Some books are great because they invent entirely novel ideas or theories. Others are great because they take existing ideas or theories and build on or deepen them. And still others are great because they transform the way we think about familiar ideas or theories we thought we understood already. Eric MacGilvray’s *Liberal Freedom: Pluralism, Polarization, and Politics* is great in the third of these ways. He recasts not just one, but two big ideas.

First, he wants to change how we think about markets. Many people, myself included, tend to think about markets in terms of the “perfect competition” model familiar from contemporary economic theory—that is, roughly, a trading environment in which participation is voluntary, everyone has complete information, and no one can unilaterally influence prices. Real-world markets are often viewed through the lens of this model: we consider the various ways in which reality departs from those ideal conditions, and the consequences such departures have. MacGilvray says we should instead think about markets in terms of the dilemma sketched here: the market sphere is a deliberately constructed but restricted domain in which we permit people to do as they please despite the collateral harms to which their actions might give rise. We tolerate such harms because the free market is so much more efficient and creative, for example, or because it allows

for deeper forms of diversity. Thinking about markets in this way, we more directly appreciate what is at stake in public debates about the shape we should give to the market sphere.

Second, MacGilvray wants to change how we think about liberalism. Many people, myself again included, tend to think about liberalism along the lines of a story sketched by John Rawls: on this story, liberalism emerged out of the traumatic experience of the early-modern religious wars in Europe, initially as a *modus vivendi* among different confessional communities, but eventually flowering into a positive affirmation of toleration and respect for individuality institutionalized as a system of basic rights. MacGilvray points out, however, that on this story liberalism jumps straight from Locke and Kant to Rawls and Dworkin. This is ironic because the century and a half between these figures was precisely the period in which liberalism was at its most influential, and scored its most significant victories: the influence of liberalism began to wane precisely when Rawls reformulated it as a theory of justice founded on the social contract idea.

MacGilvray argues that we should instead think of liberalism as a tradition organized around a problem – specifically, the problem described at the opening of this review. Liberalism emerged as a political movement in the late eighteenth and early nineteenth centuries because it was at that time that the collapse of the old aristocratic social order and the industrial revolution brought everyone into connection with everyone else, and thus made the dilemma of balancing the benefits of market freedom with its collateral harms unavoidable. One benefit of this approach is that it helps us see how liberals shifted from being strong advocates of market freedom in the nineteenth century to more balanced supporters of the welfare state in the twentieth: on MacGilvray's telling, this was a perfectly natural evolution in the ongoing attempt to work through the dilemmas posed by the rise of capitalism and democracy.

Now before going any further, it is important for me to caution that the way I have just described Professor MacGilvray's book does not quite match the work's self-presentation. Roughly speaking, changing how we conventionally think about markets and the liberal tradition are the subjects of Chapters three and four, respectively. What happens in the previous chapters? Chapter one frames the book as a discussion of two sorts of freedom: market freedom on the one hand, and republican freedom on the other. While libertarians push for the former at the expense of the latter, and republicans for the latter at the expense of the former, MacGilvray argues that liberalism can help us find a way to accommodate both. To assess this claim, we must consider what he means by republican freedom, and that is primarily the subject of the second chapter.

It is evident, I think, that we have rather different views on this point. Following an account proposed by Philip

Pettit, MacGilvray characterizes freedom in the republican sense as “fitness to be held responsible” (p. 77). However, on my reading of Pettit, fitness for being held responsible is a general conception of freedom, within which freedom from domination is one aspect. Suppose, for instance, that Andrea is late for a job interview because she is disabled and the elevator is out of service. She should not be held responsible for her lateness: her freedom was *vitiating*, to use Pettit's language, but not *dominated*.

Later in the book, MacGilvray says that on the republican view, “we are free if and to the extent that we are self-governing, in the sense that we have collectively authorized the social conditions under which we act” (p. 166). This is much closer to what many assume the republican conception of freedom to be, but it too is not correct. There was a famous debate in the republican tradition as to whether, in Machiavelli's language, freedom is better safeguarded by the people or by the elites—whether democratic or aristocratic republics are better. But this debate makes no sense if freedom *just is* self-government. John Milton, who unlike Machiavelli inclined towards the aristocratic position, was quite clear that freedom can be enjoyed by all under well-ordered republican institutions—even by those Royalists who on his view should be excluded from political participation. What republicans mean by freedom, I would say, is simply *not having a master*. Working out the details can be complicated, but the basic idea is reasonably intuitive. So understood, republican freedom does not stand in categorical opposition to market freedom: the displaced handloom weavers in England were harmed, but not dominated, by the impersonal operations of the textile market.

Fortunately, our disagreement on this point matters little for the main line of argument he wants to advance, and this brings me to the fifth and final chapter of MacGilvray's book. There he argues that once we embrace the new way of thinking about liberalism, we can see it as a supple framework for working out our substantive disagreements about the appropriate shape of the market sphere: we should think of liberalism not as a doctrinaire conception of justice, but rather as an ongoing pragmatic project of building a humane society of equals under modern conditions. If one is persuaded by this picture, then republicanism could be seen as a substantive contribution to that project—as one proposal among others for how to reconcile capitalism and democracy. Drawing inspiration from the early-modern republicans, contemporary republicans propose that we let the ideal of freedom from domination be our guide. While impersonal market forces do not *themselves* dominate anyone, their unfolding consequences can easily generate opportunities for some people to dominate others. When public assistance is meagre and people must either work or starve, for instance, employers may become masters over their employees. Republicans may thus advocate boosting public assistance,

strengthening unions, or even expanding workplace democracy. Sometimes, though not always, promoting freedom from domination will entail restricting market freedom. By offering fresh new ways to think about these tensions, MacGilvray's book helps us see clearly what is really at stake.

**Response to Frank Lovett's Review of *Liberal Freedom: Pluralism, Polarization, and Politics***

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— Eric MacGilvray 

I'm grateful to Frank Lovett for his generous and perceptive review of my book. This is billed as a critical dialogue and space is at a premium, so I'll have to move quickly to points of difference. But I'm conscious that I thereby run the risk of seeming ungracious, and would prefer simply to stand shoulder to shoulder in what he aptly describes as the "ongoing pragmatic project of building a humane society of equals under modern conditions."

Perhaps not surprisingly, the main issue on which we disagree has to do with our understanding of republican freedom. As Lovett points out, I associate republican freedom with being fit to be held responsible for what we do and thus, *inter alia*, with self-government; with having a say in defining the social conditions under which we act. He suggests, in so many words, that this position is both too broad and too narrow: too broad because it counts as freedom-reducing forms of constraint that aren't dominating; and too narrow because it mistakes a secondary concern for a primary one. As I understand it the second point, about self-government, hinges on the question of whether there might be special cases in which political exclusion is compatible with a commitment to reducing domination. Since Lovett has thought more

carefully about that question than I have (e.g., *Well-Ordered Republic*, pp. 137-42) I'll set it aside for present purposes. We agree at the end of the day that "republicans have strong reasons to favor the most democratic forms of popular control available in any given context" (*Well-Ordered Republic*, p. 142).

It's true, as I emphasize in *Liberal Freedom* (e.g., pp. 43-4), that not all of the factors that diminish a person's fitness to be held responsible pose a threat to republican freedom, because not all of them are within the power of other human beings to remove or remediate. Andrea's broken elevator falls into this category, assuming that the outage was unforeseen and not due to negligence or malice. The salient question is whether markets, broadly defined, are freedom-threatening. I argue that they are, because the decision to allow markets to operate in a given domain, and thus to make people vulnerable to the externalities that they generate, is (typically) within human control. But of course we often have excellent reasons to allow markets to operate that are quite independent of the concern to promote non-domination: thus the central tension in liberal political thought and practice.

If republican and market freedom are irreducibly in tension, then we either need to come up with a second-order theory that tells us how best to balance them against each other, or else we need to adopt a more modest view of what a freedom-centered political theory can provide. *Liberal Freedom* takes the path of modesty: instead of defending a political *ideal* that we should strive to realize, it elaborates a political *vocabulary* that we can use to discuss our differences constructively. However modesty doesn't mean quietism: liberalism so understood, unlike any of its ideological rivals, has a proven track record of persuading people to expand the sphere of human equality and freedom, and of actually making it stick.