

# **Republican Liberty as Nondomination: Conflict, Citizenship, and Civic Virtue**

John W. Maynor  
D.Phil.  
University of York  
Department of Politics  
December, 1999

## Abstract

This thesis focuses on the philosophical differences between civic republicanism and liberalism. Utilising the recent work of Philip Pettit and Quentin Skinner, this thesis develops and extends the theoretical implications of a distinctive republican conception of liberty as nondomination. The thesis explores the complex interdependent relationship between liberty as nondomination and conflict, citizenship, and civic virtue to develop a contemporary theory of republicanism.

The first part of the thesis explores the work of Machiavelli and other neo-Roman theorists and historians and identifies several key themes such as a distinct interpretation of civic virtue and the nature of conflict and civil discord in the development of republican thought. The section begins with a historical account of the development of a distinct neo-Roman version of republicanism and then considers its unique conception of liberty as nondomination.

Next, the thesis explores two rival liberal approaches, liberal neutrality and political liberalism, to argue that republicanism is a distinct and compelling approach. This section first compares and contrasts republicanism with Will Kymlicka's liberal neutralist approach. I argue that a republican state characterised by the ideal of freedom as nondomination can address liberal concerns without embracing the type of neutrality favoured by Kymlicka. Furthermore, this section also compares and contrasts the republican approach with John Rawls' political liberalism. I argue that republicanism is not reducible to political liberalism because it actively, and without regret, seeks to affect individuals *qua* individuals in the whole of their life. The republican approach that I defend regulates the way in which individuals and groups cast their final ends in a manner that maximises nondomination.

Finally, the thesis develops a republican account of pluralism and argues that liberty as nondomination, and the necessary values and virtues that accompany it, is a relevant and powerful public philosophy that brings a fresh approach to contemporary political discourse. I argue that a republican state characterised by the ideal of freedom as nondomination can cope with a population characterised by deep moral pluralism. Furthermore, I argue that republicanism can harness the energy generated by pluralism to help secure liberty for its citizens. Additionally, I explore the institutional arrangements of liberty as nondomination and how individuals and groups relate to them. I argue that robust forms of civic virtue and citizenship must be cultivated through a progressive republican approach to civic education. This section of the thesis also explores the interdependent relationship between republican institutions, education, and social norms.

Taken as a whole, the thesis seeks to establish firmly a republican approach that is distinct from liberalism, but yet can satisfy many liberal concerns. Through robust versions of civic virtue and citizenship, the republican state can cope with the inevitable conflict brought about by a population characterised by pluralism.

# List of Contents

Abstract	2
List of Contents	4
Acknowledgements	7
Introduction	9
Part 1 - Neo-Roman Civic Republicanism: Civic Virtue, Citizenship, and an Alternative Conception of Liberty	19
Chapter 1 - Civic Republicanism: Ideal of Polity	22
Section 1 - The Development of Neo-Roman Republicanism	23
1.1 - <i>Machiavelli and the civic humanists</i>	23
1.2 - <i>the crisis of Florence and the development of a coherent                 theory</i>	28
1.3 - <i>liberty and the constitution of government</i>	29
1.4 - <i>fortuna and corruption</i>	35
1.5 - <i>citizenship and virtue: religion, patriotism, and citizen                 warriors</i>	37
1.6 - <i>Rome vs. Venice: the positive effects of conflict</i>	40
Section 2 - The Transmission of Neo-Roman Republican Thought	47
2.1 - <i>English republicanism</i>	47
2.2 - <i>the American experience</i>	54
2.3 <i>republican technology and tumults in America</i>	60
Conclusion	64
Chapter 2 - Republican Liberty as Non-domination: An Alternative Conception of Liberty	67
Section 1 - Berlin's 'Two Concepts'	68
1.1 - <i>positive liberty</i>	69
1.2 - <i>negative liberty and its critics</i>	71
Section 2 - Republican Liberty	74
2.1 - <i>republican liberty: an instrumental approach?</i>	75
2.2 - <i>beyond Skinner: Pettit's republicanism</i>	79
2.3 - <i>nondomination: another instrumental approach?</i>	87
Conclusion	99

Part 2 - Nondomination, Liberal Neutrality, and Political Liberalism	102
Chapter 3 - The Challenge of the Cultural Marketplace: Republican Liberty as Nondomination and the Neutral State	105
Section 1 - Liberal Neutrality	107
1.1 - <i>an instrumental approach</i>	107
1.2 - <i>republican liberty is not instrumental</i>	111
Section 2 - Autonomy, Individualism, and Civic Virtue	114
2.1 - <i>Kymlicka's 'context for choice'</i>	116
2.2 - <i>the republican 'context for choice'</i>	
2.3 - <i>the republican 'psychologies' of civic virtue</i>	120
Section 3 - Social or State Perfectionism?	125
3.1 - <i>against state perfectionism</i>	126
3.2 - <i>republican state perfectionism</i>	130
3.3 - <i>Kymlicka's objections</i>	134
Conclusion	141
Chapter 4 - Without Regret: The Comprehensive Nature of Nondomination	143
Section 1 - Political Liberalism	144
1.1 - <i>a 'political' theory of justice</i>	144
1.2 - <i>a general critique of Rawls' move to the political</i>	149
1.3 - <i>Rawls' republicanism</i>	151
Section 2 - Fundamental Opposition?	153
2.1 - <i>republican liberty as nondomination: a distinct conception of freedom</i>	154
2.2 - <i>republican liberty is more than a 'political good'</i>	160
2.3 - <i>the regulative nature of nondomination</i>	164
2.4 - <i>the close and intimate relationship between the right and the good</i>	169
2.5 - <i>republicanism is not value neutral</i>	176
Conclusion	180
Part 3 - Nondomination: The Challenge of the Modern Polity	182
Chapter 5 - Factions and Diversity: A Republican Dilemma	184
Section 1 - The Republican Response to Pluralism	185
1.1 - <i>the republican alternative: a false start</i>	185
1.2 - <i>republican liberty as nondomination</i>	190

Section 2 - Discord And Diversity: The Life and Death of the Republic	194
2.1 - Machiavelli's break with the past	194
2.2 - Rome vs. Florence	197
2.3 - legitimate difference and diversity	202
2.4 - good laws and institutions	204
Section 3 - Coping with Pluralism	208
3.1 - respecting the 'other'	209
3.2 - nondomination and tracking values	214
3.3 - a contemporary republican account of pluralism	217
Conclusion	221
Chapter 6 - The Three Pillars of Republicanism: Education, Institutions, and Social Norms	224
Section 1 - Educating the Republic	225
1.1 - two liberal approaches to civic education: Gutmann and Callen	226
1.2 - the republican approach to civic education	231
Section 2 - Republican Institutions	245
2.1 classical republican technology	245
2.2 - contemporary republican technology	247
Section 3 - Social Norms	251
3.1 - nondomination must become an embedded norm	252
3.2 - conflict and norms	255
Conclusion	258
Conclusion	261
Bibliography	264

## Acknowledgements

In the process of doing this thesis, I have been extremely lucky to have been surrounded by a number of individuals who have both supported and inspired me. The Department of Politics at the University of York is one of those rare special places full of good people who have, each in their own way, helped me through this long, and sometimes, difficult project. I was fortunate enough to have three individuals who served as my supervisor and went beyond the call of duty when it came to wading through the many drafts that helped to create this thesis. Duncan Ivison, Matt Matravers, and Peter Nicholson have each contributed in a positive manner to this project and I am indebted immensely to them for not only their skills as supervisors and political philosophers, but their kindness and encouragement as well. To each of them, my greatest thanks. Many of the ideas contained in this thesis were first tested in a formal setting at the Department's Political Theory Workshop. I would like to thank the participants of the workshop for both their criticisms and encouragement which proved extremely helpful. I would also like to thank Sue Mendus, who took the time to respond to a random Email from some madman in America four years ago; and Mark Evans, who has been not only a friend, but a mentor as well. I would also like to thank Jenny, Caroline, Linda, Val, and Katy, who must be the finest administrative staff in the University, for their patience, advice, and kindness. Over the past three years, I have had the extreme pleasure of teaching several courses within the Department. I would like to thank the Department for allowing me the opportunity to teach, and my students who I hope left my classes with a greater understanding of the study of politics. I would also like to thank the staff of the Graduate Schools Office, especially John Heath who helped me out of many difficult situations.

The first thing that I was told when I arrived at York was that studying for a D.Phil was a lonely and atomising experience. While this may be a general rule, in my case it was not true. I have met some truly wonderful people during my time at York and am deeply indebted to them all. For their support and

friendship I would like to thank Georgia C., Kirsten B., Phil P., Richard C., Maria D., Stamatoula P., Giuseppe T., Terri C., Phil C., Maria F., and the many others who touched me along the way. I am especially thankful to the residents of Casa Sandringham, Dan GB, Jo, and the Don, who endured my many pub ramblings and my general state of incoherence around the house. From America, I would like to thank Cliff M., Mark and Clare A., and Richard and April D., and Mary D. who all supported and encouraged me prior to, and during, my stay at York. I would also like to thank the members of my family, especially my mother and father who have always been an inspiration to me. Their love and support have been invaluable. Additionally, my grandparents are due a special word of thanks for their support through the years. I would like to thank the Bakken family too for their support and hospitality on my many visits to Norway. Finally, I would like to thank Cecilie who has not only given me support and encouragement, but has made my life a very good one indeed. I am a very lucky man. To each and every one of you, thank you.



## Introduction

By most accounts, 1994 was a remarkable year in American politics. After more than 40 years in the majority in the House of Representatives, the Democrats had been routed. In the Senate too, Democrats lost their majority status and the power that accompanies it. The Speaker of the House, Tom Foley, a Democrat from Washington state had become the first sitting holder of that office to lose re-election since 1862. In 11 states, Democratic Governors had been defeated including New York Governor Mario Cuomo, a leader of the liberal wing of the party. More worrying for the party was the breakup of the New Deal coalition due to the defeat of old style southern democrats who had been beaten by conservative political novices (*Time*, 1994a: 46-7).

On the other side of the political spectrum, Republicans triumphed in what was called by some a political revolution. Led by the outspoken Newt Gingrich, the Republican party experienced one of the most solid political performances in recent times. In the House and Senate, no Republican incumbent had lost re-election. Nor did any sitting Republican governors suffer defeat (*Time*, 1994a: 47). Republicans rallied around Newt Gingrich and the 'Contract with America', a ten point policy document that was the centre of their Congressional campaign efforts. Gingrich and his supporters 'promised' the American people that if elected, in the first 100 days of the new Congress, Republicans would pass benchmark legislation ranging from tax cuts to term limits to balanced budget amendments (*Time*, 1994b: 57). The Republicans took aim at big government and promised people a reduced federal presence in their lives. The Republicans advocated a program of devolution that would send power back to the state and local level so that ordinary citizens, and not Beltway insiders, could make policy decisions. The 1994 congressional elections offered the Republicans an opportunity to define themselves as the party of ordinary people and smaller government with power firmly rooted in local politics (*Time*, 1994b: 52-61).

This remarkable sea change, for many, was the result of a combination of mis-steps by the President and his party since taking office in early 1993 which contributed to the widespread disenchantment with politics that voters had expressed in 1992. First there was the controversy surrounding gays in the military which erupted even before Bill Clinton was sworn in to office. Next there was the defeat of the President's 'energy tax', a proposal to add a value added tax to sources of energy. Then there was the single vote passage of the President's economic stimulus package which would increase federal spending on domestic programmes, a central tenet of the Democratic party. However, the biggest fiasco of the early Clinton years was the failure of his health care reform programmes. Framed by opponents of health care reform as the epitome of 'tax-and-spend' liberal programs, the measure was roundly defeated without any elements of it surviving (*Time*, 1994a: 49). The widespread discontent that Americans felt for the President and politics presented him with a difficult task. On the one hand, the President believed that his government's policies were good for the country. On the other hand, the President had to acknowledge that somewhere along the line, he had failed to connect with the voters and they made him and his party pay dearly for it. In reconciling these two problems, the President sought to re-orient his policies to better reflect the concerns of voters.

In response to this massive repudiation at the Polls, President Clinton searched for a way to re-take the political initiative he had lost and place his own standing on firmer ground. For many, the 1995 State of the Union speech represented the last opportunity for the President to outline his vision for the country and revive his political fortunes in anticipation of the 1996 Presidential election (*Time*, 1995: 38). In searching for answers to why his party lost so badly at the polls in November, 1994, Clinton and his advisors believed that they had failed to connect with voters and put forth a policy agenda that addressed the concerns of ordinary citizens. In seeking to address this shortcoming and to prepare for the State of the Union speech, the President summoned a wide ranging group of academics to Camp David for a weekend retreat to solicit their

views on repairing the ruptures in society and putting his policy agenda back on track (*Washington Post*, 1995: A8). Among these 'big thinkers' was Robert Putnam whose essay 'Bowling Alone' focussed on the breakdown of civic America and called for a renewed effort to encourage civic engagement to replace declining levels of social capital (Putnam, 1995). Also in attendance was Benjamin Barber, whose work in *Strong Democracy* touches on the need for robust versions of citizenship to reinvigorate American political institutions (Barber, 1984). The President tried his new message out on Democratic lawmakers one week before the State of the Union speech where he told them that they had to rise above partisan battles and instead focus on the deterioration of society and the worrying trends of voter anxiety and apathy. The President implored the politicians to find new ways of getting out and connecting with voters and to "change the way we are conducting politics to make citizenship matter again" (President Clinton, as quoted in *International Herald Tribune*, 1995a: 3). The State of the Union speech itself was also a reflection of the President's new direction. The central themes of the speech revolved around building a 'new social compact' between the federal government and civic responsible citizens to forge a cooperative effort to stem the erosion of community (*International Herald Tribune*, 1995b: 3).

In soliciting the ideas of academics, the President highlighted the important role that political philosophy can play in the development of public policy. This role was pushed even further when William Galston left his position at the University of Maryland to become one of the President's advisors on the Domestic Policy Council, the linchpin of the White House's policy making machine. Other noteworthy political philosophers have sought to impact policy makers such as Michael Sandel, whose book *Democracy's Discontent* argues that civic republican ideals are a needed prescription for the woes of today's modern polity (Sandel, 1996). The broad thesis of Sandel's book is that the republican civic tradition in American politics has been overwhelmed by 'procedural liberalism' leaving the political landscape barren of important

debates surrounding citizenship, civic virtue, self-government, and community. Instead, political debates have focussed on neutrality and individual choice causing widespread disenchantment with the political process. What is needed, for Sandel, is a new commitment on behalf of public servants to initiate a national dialogue that moves beyond debates about the procedural republic, and instead focusses on the important moral questions facing the modern polity (Sandel, 1996). Another example of political philosophers engaging with policy makers is Will Kymlicka's recent book, *Finding our Way* (Kymlicka, 1998a). This book is a study into ethnocultural relations in Canada based on a series of papers Kymlicka wrote for the Department of Canadian Heritage who were interested in knowing if debates among political philosophers could prove useful in the formulation of public policy (Kymlicka, 1998a: vii). In Great Britain, Bernard Crick has just chaired a government commission charged with developing a set of proposals to integrate citizenship classes into the national school curriculum (The Qualifications and Curriculum Authority, 1999). However, the relationship between theory and practice should not be overestimated. In 1987, an interesting symposium appeared in the journal *Ethics* titled 'On the Role of Philosophers in the Development of Public Policy' (Wikler, 1987: 775-791). The two brief essays provided an insight into the workings of the *President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research* in which two staff philosophers were appointed and a Philosophy Advisory Board on distributive justice was impaneled to help the committee sort through the complex problems of medical ethics. The goal of the commission was to inform and shape the policy of government agencies and officials whose policy areas involved issues of medical ethics. However, for some, "the joinder of philosophy and practical politics proved precarious and easily subject to inadvertent or deliberate misuse" (Weisbard, 1987: 783). Both opinions surveyed in the symposium were sceptical in nature about the usefulness of theoretical principles engaging with practical policy matters (Brock, 1987: 791). So what role, if any, can political philosophy play in policy making?

As a former government employee myself, I believe that political philosophy has a limited, but yet crucial, role to play in both identifying and informing policy solutions to the many problems facing the modern polity.<sup>1</sup> Political philosophers have an important role in not only highlighting and attempting to understand problems facing the modern polity. They also have a role in helping policy makers to understand the broad theoretical implications of government programmes and in challenging them to frame their initiatives in a philosophically coherent manner. When Will Kymlicka or Michael Sandel interacts with normative dimensions of social and political initiatives, policy makers are better off, even if they do not accept their theoretical point of view. What is clear to me is that when politicians and policy makers seek advice on important issues and social or cultural trends, political philosophers can play a positive role in moulding the broad direction of public policy. However, I am less convinced that political philosophers have a role directly impacting public policy, as was the case in the Presidential Commission on Medical Ethics discussed above. Notwithstanding my reservations about the role of political philosophy in policy making, the motivation of this thesis revolves around a desire to contribute to the creation and direction of public policy in the broadest of terms.

What follows in this thesis is not an effort to make policy. Rather, what follows is an effort to inform, influence, and change the way politicians, policy makers, and everyday citizens relate to one another as they participate in the democratic process. Specifically, the central task of this thesis is to offer suggestions on how to reinvigorate politics in the modern democratic nation-state by embracing the energy created by its diverse population; encouraging active civic engagement through specific forms of citizenship and civic virtue; and, most importantly, showing how to utilise the republican conception of liberty as nondomination as the foundation of policy initiatives. Drawing on the recent

---

<sup>1</sup>From 1993-96 I worked in a number of positions in the U.S. government, including for a member of the House of Representatives and the Clinton administration at the Department of Agriculture.

work of Philip Pettit and Quentin Skinner, this thesis develops and extends the theoretical implications of a distinct republican conception of liberty as nondomination. As a whole, the thesis explores the complex interdependent relationship between nondomination, conflict, citizenship, and civic virtue.

In seeking to outline a coherent contemporary republican approach, this thesis seeks to go beyond rival approaches and instead propose a theory that is firmly based on neo-Roman republican thought and captures the essence of Machiavelli's republican legacy. The strategy of this thesis centres on three important areas of enquiry and, to this end, I have divided this thesis into three inter-related parts. The first part of the thesis seeks to explore the origins of neo-Roman republicanism by examining the development of republican ideas through the work of Machiavelli and those later republican theorists who followed him. Chapter 1 takes the important work of J.G.A. Pocock (1975), who argues that Machiavelli's republican thought developed in three different locations and times, and seeks to explore a conception of republicanism that is distinct from other versions, including Pocock's, and the one recently advanced by Michael Sandel (1996). The upshot of chapter 1 is to put forth a coherent version of republicanism and explore its constituent parts to lay the foundation for a contemporary conceptualisation of a republican public philosophy. Chapter 1 begins with a look at how Machiavelli and his contemporaries developed a neo-Roman inspired republicanism to see how its various components became entrenched in the reality and language of Renaissance politics. This chapter also examines how Machiavelli's republicanism was transmitted and recovered by both the English republicans of the seventeenth century, and later during the period surrounding American independence. Taken as a whole, this chapter has four main goals. First, it seeks to establish that there is a distinctive neo-Roman republican approach inspired by Machiavelli. Second, it seeks to present the reader with a solid historical overview utilising a historical narrative that combines contemporary views with original source material. Third, it seeks to familiarise the reader with the key concepts of the republican approach and

the central values and ideals that support it. Finally, it seeks to highlight an aspect of Machiavelli's thought that will prove useful in constructing a contemporary republican approach. I will argue that Machiavelli's unique belief in the positive effects of internal conflict and tumults has important implications for contemporary republican approaches. In utilising Pocock's 'Machiavellian Moment', I seek to differentiate Machiavelli's republicanism from its neo-Athenian counterpart inspired by Aristotle. In exploring the development of Machiavelli's republican ideas, I follow Pocock's outline and explore how republican thought developed through time. However, my relationship with Pocock is somewhat complex, and dialectical in nature. While I accept Pocock's general theory that Machiavelli's thought was transmitted from its origin into two crucial historical epochs, I differ from his Aristotelean civic humanist analysis of that theory. Instead, I follow the lead of Quentin Skinner and take Machiavelli's thought as representing a departure from the civic humanism of Aristotle. Taken in this manner, the republicanism which I espouse is compatible with many liberal approaches, although it remains a distinct theory.

Chapter 2 seeks to follow through on the theoretical points in chapter 1 and begins to explore the contemporary implications of Machiavelli's republican thought. Utilising the recent work of Philip Pettit (1997), this chapter argues that neo-Roman republicans held an alternative conception of liberty to the traditional positive/negative dichotomy of freedom. In chapter 2, I argue that the conceptual landscape of freedom is not filled to capacity and that republican liberty as nondomination represents an alternative way of understanding freedom. Chapter 2 seeks to go beyond the important work of Pettit and explore how republican liberty as nondomination relates to positive and negative conceptions of liberty. I accept Pettit's contention that republican liberty as nondomination combines some aspects of both positive and negative freedom. However, I argue that Pettit does not go far enough in differentiating republican liberty from the type of negative liberty embedded in rival liberal approaches. Furthermore, I explore an alternative way of understanding nondomination and

those elements of positive liberty that equate freedom with self-mastery. Where Pettit defends nondomination in an instrumental manner, I argue that it is better understood as an intrinsically valuable approach that helps individuals to enrich their lives. If understood in this manner, republican liberty as nondomination can be distinguished from other liberal instrumental approaches in a more robust manner which is the focus of the next part of the thesis.

Part 2 of the thesis seeks to bring republican liberty as nondomination out of the history of ideas and compares and contrasts it with two rival contemporary liberal approaches, liberal neutrality and political liberalism. In chapter 3, I explore the contemporary implications of republicanism's alternative conception of liberty in light of the argument for liberal neutrality put forth by Will Kymlicka (1998b). Chapter 3 seeks to differentiate the contemporary republican project from liberal neutrality in three important respects. In the first respect, I argue that republicanism, and the virtues and values that accompany it, is not an instrumental approach. Instead the ideals and institutions of the republic constitute the liberty experienced by its citizens. In the second respect, I argue that the republican state appeals to the intrinsic value of some versions of the good in its ideals and institutions. In the third respect, I argue that republicanism is characterised by certain quasi-perfectionist features that mould and condition the way in which individuals cast their chosen conceptions of the good. However, in each of these areas, I argue that Kymlicka has good reasons to accept the republican approach that I developed.

Chapter 4 focusses on the recent *political* turn of John Rawls (1993). In this chapter, I argue that despite Rawls' insistence, republicanism is not reducible to political liberalism. In five crucial areas, the republican theory which I defend purposely, and without regret, seeks to affect individuals in their nonpolitical lives. In the first area, I argue that the republican conception of liberty differs from Rawls' in that it presupposes certain comprehensive values and virtues. In the second area, I develop a substantive theory of republicanism



that relies on certain inherently valuable ideals and institutions that constitute the liberty experienced by republican citizens. In the third area, I argue that republican liberty as nondomination regulates the permissible ends available to individuals without restricting their liberty. It does so by securing individuals from arbitrary interference. In the fourth area, I examine how republicanism recognises the close and intimate relationship between the right and the good in a way that political liberalism denies. Finally, in the fifth area, I argue that republican liberty as nondomination differs from Rawls' political liberalism because its aims are not neutral. In each of these five areas, I argue that republicans have good reason to stand back from Rawls' political project, and instead develop their own account of how the modern polity can respond to the challenges facing it in a distinctively republican manner.

The final part of the thesis seeks to explore how a contemporary republican approach would cope in today's modern polity. In this section, I take the contemporary republican approach developed in the first two parts on a 'test drive' by first exploring a republican account of pluralism, and second identifying three important areas where a contemporary republican approach can manifest itself and affect the way in which the modern polity addresses the problems facing it. In chapter 5, I argue that a contemporary republican approach can cope with the difference and diversity found in today's modern polity without sacrificing several important liberal concerns. In this chapter, I explore how Machiavelli responded to the challenges raised by a population defined by difference and diversity in a progressive manner that sought to harness and channel its energy in a way that helped secure republican liberty. By stressing the interdependent relationship between liberty as nondomination, good laws and institutions, and civic virtue and citizenship, I argue that a contemporary republican state can cope with moral pluralism. By tolerating and institutionalising the moral pluralism found within the modern polity, a contemporary republican state can channel the dynamic energy and activity

generated by difference and diversity to secure and enhance liberty as nondomination.

In chapter 6, I identify three important areas that a contemporary republican approach can affect in a positive manner. I argue that in civic education, a republican approach can go farther than the liberal account in cultivating certain forms of citizenship and civic virtue. Furthermore, I argue that a contemporary republican approach can strengthen the institutions of the modern polity by stressing republican liberty as nondomination and the accompanying need for a politics based on strong forms of contestation and open and inclusive forums. Finally, I argue that a contemporary republican approach can reinvigorate and mould the important social norms that characterise the modern democratic polity in a distinct republican manner that seeks to secure individuals and groups from domination. Taken together, in each of these three interdependent areas, I argue that the republican approach developed in the thesis can reinvigorate social and political institutions in a manner that supports republican liberty as nondomination. I argue that in many ways, these three components foster group-level commitments to certain distinctive ways of doing things so that republican liberty as nondomination can take root and become embedded in the prevailing public philosophy that characterises today's modern democratic polity.

## Part 1

### Neo-Roman Civic Republicanism: Civic Virtue, Citizenship, and an Alternative Conception of Liberty

That the language and discourse of civic republicanism has been near or at the centre of recent debates among political philosophers is not surprising. In response to the dominance of liberalism, some theorists have recently embraced the republican model as an alternative way forward. For example, in *Democracy's Discontent*, Michael Sandel argues that civic republican ideals are a needed prescription for the woes of today's modern polity (Sandel, 1996). Others, including such diverse theorists as Charles Taylor and John Rawls, have also touted republican values as a way to reinvigorate liberal institutions (Taylor, 1995: 193; Rawls, 1993: 205). However, it is my belief that to an alarming degree many of these discussions of civic republicanism in contemporary theory are inconsistent and fail to capture the essence of Machiavelli's republican legacy.

For example, Sandel's republicanism is characterised by a positive conception of liberty which relies on a particular conception of human flourishing inspired by civic humanism and Aristotle. This neo-Athenian inspired republicanism holds that rights should be defined in light of a particular conception of the good society — the self-governing republic — and not according to principles that are neutral among conceptions of the good (Sandel, 1996: 5-6). Sandel maintains that self-governing republics value the necessary link between self-government and the cultivation of civic virtue. For Sandel, republicanism regards moral character as a public, not merely private, concern (Sandel, 1996: 25). At the centre of Sandel's thesis is the belief that if individuals are to be free, self-government and the virtues and versions of citizenship that accompany it are essential elements that must be forcefully promoted by the state. These distinct and intrinsically valuable versions of civic

virtue and citizenship are cultivated by the political communities and institutions that represent the people (Sandel, 1996: 117).

At its essence, Sandel's version of republicanism can be said to be an effort to provide the modern polity with strong versions of civic virtue and citizenship in the hope of reinvigorating public debates in light of the deep diversity found in the modern polity. Because liberty is conceived in a positive manner, these republicans believe that it is only in a self-governing republic that individuals can find excellence and flourish (Sandel, 1996; Taylor, 1991). However, while certain principles and concepts are mostly consistent across the republican spectrum, I believe that important differences separate neo-Athenian republicanism from its neo-Roman counterpart. The key to this distinction lies in the conception of liberty that each approach endorses and the subsequent effects this has on the key principles and components of each theory.

Over the next two chapters, I will further explore these differences and argue that Machiavelli sits at the centre of an inspired and distinctive neo-Roman version of republicanism. In chapter 1, I will seek to clarify and develop this republican account relying on Machiavelli and those other writers he influenced to explore how its concepts and applications have developed throughout history. In many ways, these republicans were critical of Athens as unstable and excessively reliant on pure democracy. According to Philip Pettit, for these republicans, one of the great advantages of the Roman republic was that it was characterised by “a constitution in which government was built on a democratic foundation but was better devised to guard against problems of faction and demagoguery and tyranny.” Certain Roman technologies were celebrated such as the “dispersion of democratic power across different assemblies, adherence to a more or less strict rule of law, election to public office, limitation on the tenure of public office, rotation of offices among the citizenry, and the like” (Pettit, 1998: 83). Furthermore, certain neo-Athenian ideals, such as civic virtue and citizenship, were modified and re-focussed to fit

an alternative conception of liberty. In chapter 2, I will take a closer look into this alternative conception of liberty as nondomination and explore the necessary virtues and values that must accompany it (Pettit, 1997; Skinner, 1997). Neo-Roman republican liberty seeks to supersede Isaiah Berlin's positive/negative distinction and instead be understood as the absence of arbitrary interference or domination (Pettit, 1997: 21-2; Berlin, 1969). To this end, chapter 2 will seek to distinguish this alternative conception of liberty from both positive and negative prevailing contemporary approaches.

## Chapter 1 - Civic Republicanism: Ideal of Polity

A common error in contemporary theory is to view civic republicanism as simply the opposite of monarchy. Indeed, those who subscribe to this error often make the further mistake of equating republicanism with the principle of governments conducting the common business of the people in the name of the common good (Miller, 1987). The term *res publica* is generally used to describe a set of “constitutional arrangements under which it might justifiably be claimed that the *res* (the government) genuinely reflects the will and promotes the good of the *publica* (the community as a whole)” (Skinner, 1991: 196). Although republican thought can claim to have a lineage that dates back to Plato, Aristotle, and Polybius, I believe that Rome became the defining moment for republicanism through writers such as Livy, Sallust, and Plutarch who developed its history and an account of its leaders, laws, and institutions that have come to symbolise the essence of republicanism.

To explore these issues fully, I have divided the present chapter into two sections. In section 1, I will look closely at Machiavelli and his contemporaries and the development of neo-Roman republicanism to see how its various components became entrenched in the reality and language of politics. This enquiry will attempt to explore the historical environment within which Machiavelli’s republicanism emerged and fully explicate its various components. In section 2, following the lead of J.G.A. Pocock, this chapter will explore how Machiavelli’s republicanism was recovered and transmitted by first the English republicans of the seventeenth century, and second during the period surrounding American independence (Pocock, 1975). Overall, this chapter has four main goals. First, this chapter seeks to establish that there is a distinctive neo-Roman republican approach inspired by Machiavelli. Second, this chapter seeks to present the reader with a solid historical overview utilising a historical narrative that combines contemporary views with original source material. Third, this chapter seeks to familiarise the reader with the key concepts of the

republican approach and the central values and ideals that support it. Finally, this chapter seeks to highlight an aspect of Machiavelli's thought that I believe has been overlooked by many contemporary theorists. I will argue that Machiavelli's unique belief in the positive effects of internal conflict and tumults has important implications for contemporary republican approaches. This enquiry into neo-Roman civic republicanism is not meant to be an exhaustive survey of the literature, but rather should be viewed as an attempt to analyse civic republicanism in a historically based, but thematically driven account.

## **Section 1 - The Development of Neo-Roman Republicanism**

### ***1.1 - Machiavelli and the civic humanists***

Recent scholarship has shown that although the principles of civic republicanism were widespread throughout the classical world, it was not until the emergence of the civic humanists in Italy that it became a coherent and powerful ideology (Pocock, 1975; Skinner, 1978). However, this chapter will argue that Machiavelli broke with the civic humanist tradition and developed a distinctive account of neo-Roman republicanism that put an alternative conception of liberty at the centre of its approach. This is not to say that Machiavelli's republicanism was not influenced by the language and values of civic humanism. According to Quentin Skinner, this intellectual tradition not only owes a great debt to the Greek classical writers such as Plato and Aristotle, but also to their heirs in the Roman tradition such as Cicero and Sallust (Skinner, 1990a: 121). At its most basic, civic republicanism in Machiavelli's time consisted of several essential elements: *vita activa* or participation; civic virtue; security; civil discord; citizenship and patriotism; and finally, a distinctive conception of liberty. A republic, as exemplified by Rome, Sparta, or Venice embodied an ideal of polity that, if fully realised, offered a convincing and powerful system of government to Machiavelli and his contemporaries.

The main thrust of republican government was to secure freedom for its people by promoting the common interest of the body politic while at the same time allowing individuals maximum liberty to pursue their own chosen ends. For Machiavelli and others, civic republicanism represented a dynamic and progressive outlook beyond that of mere maintenance, but rather one offering forward thinking principles aimed at securing and enhancing greater liberty for its people. To that end, republican governments were labour intensive and required constant attention while demanding a high degree of involvement from the citizens that comprised it. Republics also sought to confront civil discord and the factionalisation of society by promoting strong laws and institutions and a government founded on shared meanings based on the common good while ensuring security and liberty for its citizens by adopting mixed constitutions rooted in self-government (Viroli, 1990: 152-161). However, according to Pocock, the re-discovery of the ancient republics and their ideals was representative of a much more fundamental examination of humanity in the face of extraordinary obstacles. To explore further this phenomenon, as mentioned above, this chapter will utilise J.G.A. Pocock's seminal work *The Machiavellian Moment* to serve as our guide through the development of civic republican ideals and values (Pocock, 1975).<sup>1</sup>

The main thrust of Pocock's work was two-fold: first, Pocock posits that Machiavelli and his contemporaries were seeking to examine thoroughly the ideal republic and an active citizenry in light of historical questions of self-understanding; and second, to explore how this phenomenon, which manifested itself in the form of humanity's confrontation of virtue with '*fortuna*' and 'corruption', freed itself from its static temporal limits and became a dynamic progressive force moving through history (Pocock, 1975: vii-viii). The climax of Pocock's thesis takes place in the debate surrounding American independence

---

<sup>1</sup>As I mentioned in the introduction, my relationship with Pocock is not straightforward. While I use his general thesis, on a micro level my interpretation of Machiavelli is quite distinct from his. In the course of this chapter, this difference will become clear.



and the subsequent struggle to create and maintain a republic. In this section, I will review briefly the events that influenced Machiavelli and his contemporaries and led Pocock to propose his overall thesis, and explore their theoretical implications. In addition to those aspects of republican thought highlighted by Pocock, it is my intention to explicate and explore further another important aspect in Machiavelli's thought that can also be said to have influenced later generations. I want to posit that the debate surrounding Machiavelli's bold attempt to argue in favour of the internal tumults and civil discord that characterised the Roman republic as opposed to the domestic tranquillity and concord of Venice can also be said to have freed itself from the temporal and geographic constraints of mid-sixteenth century Italy and travelled through time climaxing in the struggle to create the America republic. To this end, the nature of conflict and its important implications for contemporary republican thought will be a recurring theme throughout this thesis.

Pocock argues that in the late medieval period ideas about institutions, events, or traditions were epistemologically static in that they were viewed as being influenced by some external cosmic or metaphysical force. For believers in the Christian faith, this took the form of providence while for those of no faith it was viewed as *fortuna*. With the advent of civic humanism, individuals began to understand that as political citizens "involved in *vivere civile* [(civic life)] with [their] fellows", they could achieve the self-realisation of their true nature and achieve virtue so that their world became rational (Pocock, 1975: 114). In other words, Pocock argues that the advent of civic humanism was symbolic of the movement away from humanity's view of their environment as external to their true nature to one that was part of their true nature. Humanity was no longer impotent against the cosmic forces that shaped their everyday lives and thus also shaped their institutions, events, and traditions. Virtue became humanity's weapon against *fortuna* who now could be manipulated and positively used. For Pocock, this allowed humanity to free itself from its temporal prison and begin

to have alternative views of the world that were no longer trapped in any one moment in time.

However, before this new science of political organisation and nation building could fully develop and entrench itself as virtue, *fortuna* struck back. Pocock maintains that the failure of the Florentine republic signalled a period in which external forces overwhelmed a divided and demoralised citizenry who had never quite fulfilled their promise of harmonic *vivere civile*. This double setback, which allowed the restoration of Medicean rule, plunged Florence into a period of instability characterised by corruption and graft. Machiavelli, Guicciardini, and other “men of genius,” Pocock informs us, were present during this “complex crisis in thought” and provide a useful source to investigate the “constitution and stabilisation of civic bodies in intimate tension with thought aimed at the understanding of rapid and unpredictable change” (Pocock, 1975: 117). The only way to appreciate fully the enormity of the changes at hand was to engage fellow citizens and fulfil the promise of the *zōon politikon*, or political animal, in the community. This *vivere civile* was, according to Pocock, built primarily from Aristotelian influences which manifested themselves in the citizen’s activity to “equate political activity with the practice of virtue and to make the flow of political and particular events intelligible and justifiable.” This process culminated in the view that the establishment of the republic, and thus everything that went along with it--citizenship, institutions, and laws--was the only way to triumph over the ever changing and fickle *fortuna* that tried to seduce humanity back into a period of instability and insecurity (Pocock, 1975: 116). Only virtue, and civic virtue in particular, could stave off *fortuna*’s alluring temptations. In other words, civic activity aimed at the common good was necessary to ensure the survival of the republic and the conquest of *fortuna*. Importantly, virtue is not something that can be displayed only by individuals. Machiavelli maintained that the Roman people as a whole were also able to display virtue (Skinner, 1978: 176). Thus, a widespread commitment to the

common good accompanied by a meaningful dedication to an active life was necessary to minimise corruption and confront the fickle *fortuna*.

However, it would be a rush to judgment to accept tacitly Pocock's assertion that Machiavelli and his contemporaries were under some kind of Aristotelian spell. To be sure, Aristotle's influence on civic humanism contributed indirectly to Machiavelli's broader understanding of political issues. Although Aristotle's influence is implicit in Machiavelli's writings, he never refers directly to Aristotle's thought and explicitly pleads ignorance when asked about his *Politics* (Machiavelli to Vettori, 26 August, 1513 in *Lettere* as cited in Viroli, 1998: 4). Furthermore, Skinner argues that many in the Italian humanist movement had been far more directly influenced by Roman writers who were concerned with the administration of laws and institutions of self-governing republics as represented by Cicero and the historian Sallust (Skinner, 1990a: 122). This Roman influence intertwined with the broad principles of Aristotle's moral thought became a powerful theoretical weapon amid the erosion of republican values on the Italian peninsula during the 1500s. The Venetian republic became the one exception as their constitution of 1297 proved superior to those of the other Italian city-states. Venice represented a progressive account of "traditional values of independence and self-government" as manifested in its unique approach to republican government. The Venetian constitution consisted of three main elements: the *Consiglio Grande* which appointed most city officials; the *Senate* which had under its authority financial and foreign affairs; and the *Doge* who served as the elected head of government (Skinner, 1978: 139).

After suffering minor disturbances at the advent of the constitution, Venice began a period of uninterrupted liberty and, most importantly, security from external and internal threats. While Venice's commitment to self-government and liberty attracted admiration, it was the avoidance of internal strife and factions that became the focal point of later theorists and writers. According to

Skinner, Pier Paolo Vergerio, a fourteenth century constitutional theorist, attributed Venice's success to the perfect balance of the three pure forms of government: monarchy, aristocracy, and democracy (Skinner, 1978: 139-40). In essence, the Venetian republic became synonymous with humanity's own issues of self-realisation. If civic virtue had become the ideal that humanity strived to attain, then the republic was the technological advance that would offer citizens the means to achieve it. The republic offered the structural foundation through its strong institutions and laws that allowed citizens to exercise their civic virtue to ensure that the common good was promoted over private interests. All the while, liberty was secured and enhanced under republican governments. As a precondition of the republic, the common good had to be paramount to ensure that private interests would not surrender to the fickle ways of *fortuna* through the corruption of the citizenry (Pocock, 1975: 184).

### ***1.2 - the crisis of Florence and the development of a coherent theory***

The Venetian legend continued through the fifteenth century and, by the beginning of the sixteenth century, interest in it had spread throughout Italy just as Florence began to experience internal tumults and external aggression. History shows that the coming of the French in 1494 forced the Medicean despot Piero de Medici to flee Florence. After his departure, the Florentine republic had a brief revival until the restoration of the Medici in 1512. It was during this short lived restoration that Machiavelli served as the second secretary of the Chancellery until the Medici's return forced him out of office. As Machiavelli failed to regain his position under the new rulers, he drifted into a circle of republican sympathisers who met at the *Orti Oricellari* gardens on the outskirts of Florence to discuss politics and create a forum in which the principles of republicanism could be fully explicated (Skinner, 1978: 153). It is during this period that Machiavelli composed his best known works including *The Prince* and *The Discourses*, the latter providing an account of his civic republican approach.

Other republicans in Florence included Francesco Guicciardini, another civil servant of the failed republic who had republican leanings. Guicciardini managed to survive the Medicean restoration, but he remained a supporter of republican ideals and goals. Although his writings were more cautious than Machiavelli's, he nevertheless maintained a republican focus that would highlight many of the same themes as Machiavelli's *Discourses* (Skinner, 1978: 155). Another important republican writer during this time was the lesser known Donato Giannotti, an expert on the Venetian constitution who primarily made his contributions to Florentine thought in his account of the Florentine liberty during the republic (Skinner, 1978: 155). By reviewing the main themes of these three writers, observers can, as Pocock has informed us, gain an insight into how humanity began to deal with the immense changes afoot that signalled, and would later be characterised as, the 'Machiavellian Moment'. Additionally, observers can gain an important insight into civic republicanism if they explore how these themes elicited by Machiavelli and his contemporaries struggled to break out of their temporal confines and subsequently influenced later generations of political thinkers.

### ***1.3 - liberty and the constitution of government***

At the centre of republican thought at the time was a preoccupation with the creation and maintenance of liberty. Although Machiavelli's usage of liberty has been taken by some contemporary theorists such as Sandel and Taylor as in many ways consistent with earlier civic humanist approaches to freedom, I believe that it is an alternative conception of liberty. In the next chapter, I will develop this thought more, but for the purposes of this chapter, I will briefly sketch the conception of liberty inherent in Machiavelli's thought. For Machiavelli, to be free means not to depend upon the will of another. According to Maurizio Viroli,

To be a free people means for Machiavelli not to depend on the will of others and to be able to live under laws to which citizens have freely given

their consent. Accordingly, an individual is free when he is not dependent on the will of another individual, but is dependent on the laws only. Hence, to be at liberty means to be in full agreement with the Roman republican tradition, the opposite of being enslaved or in servitude (Viroli, 1998: 5).

This type of freedom can be threatened in two important ways for Machiavelli. Firstly, a state that is under the control of an external force or another state is not considered by Machiavelli to be free. In other words, a state whose people are dependent on the will of outsiders is not free. Secondly, it can be undermined by tyranny and/or internal divisions that place narrow self interests above the common good. Thus, a state that is at the mercy of a dictator or tyrant is not free just as a state that is governed by those who seek to place their own private self interests above that of the common good is not free. For Machiavelli, the real challenge presented to republics was how to maintain and enhance liberty for its citizens. So that citizens can pursue their chosen ends within the scope of republican liberty, Machiavelli argues that they must be prepared to take an active part in political life and respect the laws and institutions of the republic (Viroli, 1998: 6). Importantly, it was the combination of these two elements that Machiavelli believed made republics superior to other forms of government. Machiavelli maintained that only republican liberty could secure individuals from either domination and/or dependency on others.

For example, early in book 1, chapter 5 of *The Discourses* Machiavelli tells us that safeguarding liberty is one of the most essential services a government can provide its citizens (Machiavelli, *The Discourses*, 1965: 204). Machiavelli reiterates this point later in *The Discourses* when he insists that a wise legislator is one who can anticipate laws required to maintain liberty. Rome's greatness, Machiavelli proclaims, was in part due to the innovative institutions that supported and enhanced liberty by legislating "new laws on behalf of free government" (Machiavelli, *The Discourses*, 1965: 295-7). People who had thrown off tyranny and expelled their despotic princes to institute representative government were said to have begun the process of acquiring and maintaining their liberty (Machiavelli, *The Discourses*, 1965: 235-6; 239). Because

Machiavelli believed that citizens wanted different goals in their lives, he believed that republican laws and institutions would combine with the citizens' desire to be free of dependency, to enhance and secure their liberty (Machiavelli, *The Discourses*, 1965: 332). Alternatively, Guicciardini was perhaps less fervent in his support for this type of liberty, but nevertheless he believed that it was a crucial component in the nature of the Florentine citizen. He felt that the Florentines had become so accustomed to their freedom that they were "naturally attached to liberty" as represented by their institutions and their will to fight to retain what they had achieved (Skinner, 1978: 156). Importantly, Machiavelli believed that properly constituted republican institutions and laws helped republics secure liberty for citizens of the republic.

Since the goal of a republic was the creation and maintenance of liberty, Machiavelli and his contemporaries believed that a mixed constitution, like that of Venice, was the best way to achieve such a government (Skinner, 1978: 158). These writers had an intense hostility toward monarchical forms of government due to their propensity to fall easily into the hands of tyrants and despots and thus deny the citizens liberty. Early in *The Discourses* Machiavelli offers us a Polybian account of the three pure forms of government -- principality, aristocracy, and democracy -- and the various cycles that they endure before emphatically declaring that

...all the said types are pestiferous, by reason of the short life of the three good and the viciousness of the three bad. Hence, since those who have been prudent in establishing laws have recognized this defect, they have avoided each one of these kinds by itself alone and chosen one that partakes of them all, judging it more solid and more stable, because one keeps watch over the other, if in the same city there are principedom, aristocracy, and popular government (Machiavelli, *The Discourses*, 1965: 199).

Moreover, Machiavelli furthers this line of thought by declaring later in *The Discourses* that paramount to this arrangement is that the people as a whole were best situated to place the common good above that of individuals' private

interest because it is the “well-being of communities” that makes cities great (Machiavelli, *The Discourses*, 1965: 332). Even the more restrained Guicciardini begrudgingly echoes this point of view by maintaining that cities governed by popular consent are more successful than those governed by a prince. Furthermore, his own preference is for a government characterised by a mixed republican constitution that seeks to ensure “liberty against those who seek to oppress the Republic” (Skinner, 1978: 158). By arguing that liberty was best created and maintained by the citizens themselves, Machiavelli and his contemporaries made the important connection between liberty and activity that will be a recurring theme throughout this chapter, and the thesis as a whole. Immediately, however, before I explore that claim further, I will turn to an important issue that foreshadows a point of contention between Machiavelli and the other republican theorists.

While these theorists were consistent in their belief that the people should play a role in a mixed republican government, the question of how much of a role they would play highlights an important aspect of Machiavelli’s thought. The debate centred on whether political power should be concentrated in the hands of the aristocracy, or *grandi*, or rather invested in the body politic as a whole which would give some power to the masses, or *popolo*. Machiavelli’s belief in the diffusion of political power is best put forth in chapter 5 of book 1 of *The Discourses* where he argues that liberty can be better safeguarded by the body politic as a whole rather than by the narrow upper class. The reason for this can be found in Machiavelli’s belief that the nobility may use their political power for personal gain or to oppress the people whereas the common people will use their political power to prevent themselves from losing their liberty because “if one will look at the purpose of the nobles and of those who are not noble, there will be seen in the former great longing to rule, and in the latter merely longing not to be ruled, and as a consequence greater eagerness to live in freedom” (Machiavelli, *The Discourses*, 1965: 204). Echoing Cicero, Machiavelli believed that civic inequality created very dangerous conditions for



republics because it resulted in unmanageable conflict (Viroli, 1990: 153). As for public offices, Machiavelli maintains that all citizens should be eligible to serve the republic regardless of class or social standing (Machiavelli, *The Discourses*, 1965: 242). Machiavelli reiterates many of these observations in the short *Discourse on Remodelling the Government of Florence*, where he stresses the need for inclusive public bodies comprised of representatives from the various classes and guilds found in Florence (Machiavelli, *Discourse on Remodelling the Government of Florence*, 1965: 101-115). Important in Machiavelli's belief in the rule of law is an understanding that no one is exempt from it and that all those who stand before it do so as equals.<sup>2</sup> Machiavelli's friend and contemporary Giannotti is consistent with this line of reasoning in his treatise *The Florentine Republic* where he declares that republics should be founded on the body politic (Giannotti, *Opere*, as cited by Pocock, 1975: 275). Furthermore, for Giannotti, republics should be organised in such a manner that the elected body should be comprised of citizens from the various social strata, including those of the common class even though he, unlike Machiavelli, believed that they should remain ineligible to serve as magistrates (Skinner, 1978: 160).

While these two theorists concur in their belief that the preponderance of political power should rest with the body politic as a whole, Guicciardini provides the exception. Guicciardini firmly believed that the common populace was unprepared to play such an important role in exercising political power and, if allowed to do so, the republic was bound to fall into decay. Instead, Guicciardini believes that political power should be placed with the nobles who can rule with more prudence and intelligence than the populace as a whole (Skinner, 1978: 161). Although Guicciardini's dissent on this matter is important, it should not be over emphasised. Whether or not substantial political power was placed with

---

<sup>2</sup>It is important to note that Machiavelli's equality is not social or economic in nature, but rather legal and political. For further discussion see Bock (1990: 189).

the common populace, it should not be overlooked that these writers were opposed to endowing the part of the constitution representing princes with too much power. They were consistent in their belief that the best guardian for liberty lay with some part of the people. Of greater concern, however, was how to prevent private interests from influencing the political process and thus corrupting the polity. This issue of checks and balances is a consistently contentious issue that lies at the centre of many later debates about republicanism as I will argue when discussing the English republicans and their American intellectual ancestors in section 2.

Thus far, I have argued that Machiavelli and his contemporaries struggled to cope with an important shift in the relationship between self-realisation and the ever changing and unknown world as represented by the fickle *fortuna*. To counter her capricious ways, humanity had to strive to achieve virtue which could be gained through a *vivere civile*, that is, living an active public life in a vibrant civil society. For some contemporary republicans closer to the civic humanist tradition such as Hannah Arendt, this *vita activa*, as it became known, plays a central role in the development of the self and the acquisition of virtue (Arendt, 1958). However, in many ways, Machiavelli departs from this kind of moral reading of the self and how to realise it. As I outlined earlier, Philip Pettit has argued that Machiavelli's republicanism was distinct from the neo-Athenian version of the civic humanist in two important ways (Pettit, 1998: 83). Firstly, Machiavelli and his contemporaries were critical of Athens as unstable and excessively reliant on pure democracy. Alternatively, they viewed the Roman republic as a government built on democratic foundations that was better able to cope with internal strife and divisions through its unique republican institutions and laws. They admired and adopted certain Roman technologies such as dispersing power across different institutions, strong laws, and elections for public offices (Pettit, 1998: 83). For these republicans, then, these technologies represented important checks and balances so that the republic could be both popular and stable. Secondly, these republicans held an

alternative conception of liberty that differed from the civic humanist version in that it was not based on any single version of human flourishing in a self-governing polity. Where neo-Athenian republicans view liberty as being connected to a version of human flourishing and only realisable in a self-governing democratic society, these republicans considered individuals to be free when no one, or thing, exercises mastery, either real or threatened, over them (Pettit, 1997, Skinner, 1997).

#### **1.4 - fortuna and corruption**

For Machiavelli and his contemporaries, to realise virtue fully, the common good had to be placed above narrow private interests. The republic, and its public institutions and laws, became an essential vehicle that allowed citizens to attain the necessary virtue to combat *fortuna* and stave off corruption. Significantly, these writers argued that republican liberty was essential to the realisation of virtue and that in order to ensure freedom, political power needed to be diffused throughout a mixed constitution with political power vested in some part of the body politic, whether with the *grandi* or with the *popolo*. By arguing that a primitive form of checks and balances was the best way to ensure that liberty was maintained, these writers firmly fused the future of the republic with the delicate equilibrium of competing interests and a need to create strong laws and institutions to ensure security. Responsibility lay with the citizenry to embrace a *vita activa* or public life which reflected the values and ideals consistent with virtue to keep narrow private interests secondary to the public good. Corruption was said to exist when narrow private interests eclipsed the common good. As Pocock informs us, a defining moment of this period was the realisation that virtue, corruption, and *fortuna* were interrelated and that a reciprocal relationship existed between virtue and corruption (Pocock, 1975: 38). *Fortuna* was the external force that tempted individuals to stray from a life of virtue and into a life of corruption.

A central theme in both *The Discourses* and *The History of Florence* is the struggle between virtue and corruption, and the role that liberty and institutions play in countering *fortuna's* subversive influence on the citizenry. Skinner maintains that corruption, for Machiavelli, "is a failure to devote one's energies to the common good, and a corresponding tendency to place one's own interests above those of the community" (Skinner, 1978: 164). In chapters 16-18 of book 1 of *The Discourses*, Machiavelli recounts how corruption had caused the Romans great strife because the powerful proposed laws for their own benefit and not the common good. For Machiavelli and his contemporaries, virtue and liberty, essential themes for republicans, cannot be known to corrupt people. In *The History of Florence*, Machiavelli argues that corruption plays a pivotal role in the erosion of virtue and the end of the Florentine Republic. Throughout this work, Machiavelli informs us how the people began to place their own private interests over the common good, and did so more and more frequently as virtue fled and the republic began to crumble (Machiavelli, *The History of Florence*, 1965: 1141). Machiavelli attributes the loss of virtue and the corresponding rise in corruption to the people being excluded from the political process. These alienated people began to lose sight of their collective liberty and became more concerned with their own narrow self-interest characterised by *licenza*, avarice, and graft. This sentiment is echoed in chapter 17 of the opening book of *The Discourses* where Machiavelli attributes the rise of corruption to a corresponding decline in the equality found within a city where an oligarchy rules in its own narrow interests, and not in the interests of the body politic (Machiavelli, *The Discourses*, 1965: 240-1). Later in *The Discourses* Machiavelli suggests that while he did not disagree in principle with the Roman office of Dictator, it was the abuse of its power that ultimately usurped freedom from the people and led to an increasingly corrupt populace and the end of Roman liberty (Machiavelli, *The Discourses*, 1965: 267-9). Another cause of the loss of virtue and the rise of corruption for Machiavelli was the subversive role of Christianity. In the next section I will explore this claim and further develop Machiavelli's theory of virtue.

### **1.5 - citizenship and virtue: religion, patriotism, and citizen warriors**

On one level, Machiavelli's belief that the Christian faith subverted and eroded virtue and the *vita activa* of a republic's citizens may seem somewhat extraordinary and inconsistent with his views on the important role that religion played in ancient Rome. Indeed, early in *The Discourses* Machiavelli tells us that republics who wish to be free of corruption should maintain and venerate the institutions and ceremonies of religion. Furthermore, republics would be wise, according to Machiavelli, to "preserve the foundations" and encourage those things associated with religion because it will cultivate important values and keep the people united (Machiavelli, *The Discourses*, 1965: 226-7). However, on a much more fundamental level, Machiavelli's problem with Christianity was primarily born from the belief that it cultivated the wrong kind of person that was incompatible with the necessary requirements of maintaining the republic. Christianity tended to stress ideals that were antagonistic with Machiavelli's own conception of virtue and he consequently believed that it had weakened the citizens' love of *patria* (Skinner, 1978: 183). Machiavelli maintained that Christianity glorifies "humble and contemplative men, rather than men of action. It has assigned as man's highest good humility, abnegation, and contempt for mundane things..." (Machiavelli, *The Discourses*, 1965: 331).

Where the Romans' religion sought to glorify civic virtue and thus nourish political liberty, Christianity had the effect of diverting individuals' purposes away from the virtue necessary to maintain the republic, and instead focussing them on their own lives and on God. Machiavelli's position on this issue is important for two main reasons. First, it allows us to gain an insight into how Machiavelli conceived virtue and the necessary skills that accompanied it. Machiavelli believed that certain character traits and skills were necessary for virtuous citizens, and that the republic, through its laws and institutions, should cultivate these through distinctive republican versions of citizenship. Second, it highlights another significant aspect of Machiavelli's thought because it

suggests that citizens should revere and esteem the republic with all of their heart. Therefore, when such issues arise that place the virtue of the citizen at odds with the virtue of Christianity or any other set of values, Machiavelli implores individuals to give priority to the maintenance of the republic. For Machiavelli, love of the *patria* is an essential component of a properly constituted republic. According to Viroli, this love of country serves several important and necessary purposes for a republic.

...Machiavelli emphasizes that love of country is a moral force that makes the citizens capable of understanding what the common good of the republic consists of and pursuing it. It is a passion that makes them wise and virtuous; because they can see beyond the boundaries of their family or of their social group, they act in the way that is most apt to secure their own and the republic's interests (Viroli, 1998: 157).

Thus, in both of these areas, republican citizens must practice and understand the ideals and values associated with republican civic virtue and citizenship because they help to secure the republic from internal or external threats. Patriotism, or love of country, helps to cultivate certain essential traits within the citizenry and underlies a citizen's moral commitment to the common good and the maintenance of liberty by supporting the institutions and laws that constitute the republic (Viroli, 1998:163). In later chapters I will further develop republican versions of civic virtue and citizenship and their intimate relationship to both the laws and institutions, and to liberty.

Machiavelli was not alone in his condemnation of the Christian faith and the negative effects it was having on the Italian Republics of his day. Guicciardini too believed that Christianity had become a negative force within the republic by forcing men away from a life of civic virtue to further the interests of religious institutions (Skinner, 1978: 167). This sentiment perhaps reflected the frustration experienced by some writers of the period over the loss of an important agent of socialisation. However, Machiavelli firmly believes that religion can play an important role in the maintenance of the republic. By acting

as a school of citizenship, for Machiavelli religion could potentially fulfill its role as moral leader and teacher in the inculcation of republican values throughout the citizenry. For Machiavelli, religion could be an important asset to a republic if it could teach the people how to be good citizens and practice good customs. In this case, good citizens are ones who exercise virtue and readily place the interests of the community above that of their own (Viroli, 1990: 157). The important thing to remember though, is that the religion itself had to act accordingly as well. For Machiavelli and his contemporaries, Christianity did not put the republic before itself and thus was the target of much condemnation. In other words, citizens could be good republicans and Christians, but not good Christians and good republicans because their commitment had to be to the republic first (Berlin, 1981: 45-6; Garver, 1996: 197, 215). Thus, love of the *patria* had to supersede love of God. Because Christianity could have played a positive role in the development of civic virtue and been an important 'teacher', Machiavelli and his contemporaries were forced to lament the loss of potential and look for a replacement. To compensate, the role of the citizen-warrior became increasingly important due to its focus on discipline and the cultivation of virtue.

From many of Machiavelli's writings, it is clear that he was extremely concerned about military issues, especially when dealing with the protection of the republic from external aggressors who wanted to subjugate its citizens and take away their liberty. Like internal dependency, Machiavelli believed that any dependency on external states undermined liberty. The solution to this problem came in the form of military virtue that was closely related to citizenship and patriotism. A leading theme of Machiavelli's *Art of War* is the necessity of involving everyday citizens in the protection of the city due to their commitment to protecting and maintaining the public good, and thus preserving their individual liberty. Unlike the mercenary, the citizen-warrior has a life of liberty to protect that requires a unique blend of self-interest and military discipline that

combines to create a committed protector of the republic and the common good (Machiavelli, *The Art of War*, 1965).

Citizen soldiers who protected their liberty by defending their city themselves exemplified the proper ethic of Machiavelli's military virtue because he believed that such citizens would have more reason to fight in battle than those soldiers who were hired mercenaries (Skinner, 1978: 164). In other words, citizens who are part time soldiers but full time members of the body politic with homes and occupations will wish to protect their freedom and maintain the security to live their life according to their own desires. Therefore, just as the citizen possesses virtue in the body politic, the patriot will possess virtue in the protection of the republic. For Machiavelli, an interdependent and reciprocal relationship existed between private citizens and military patriots because military virtue transmits certain important moral and ethical dimensions of virtue that helps to inculcate the citizenry with republican values and ideals (Pocock, 1975: 201-2). However, as I argued above, the risk to liberty from external sources was not the only threat to the republic. Machiavelli and his contemporaries also spent time analysing the threat to liberty that came from within the republic from its own citizens. In the next section, I will argue that a key feature of Machiavelli's republican approach was his unique response to internal tumults and conflict. Furthermore, I will argue that Machiavelli's response to this problem has important implications for contemporary republican approaches.

### ***1.6 - Rome vs. Venice: the positive effects of conflict***

Because a republic is the type of state favoured by Machiavelli and his contemporaries, the main question that arises, then, is just how to achieve and maintain it? Earlier, I argued that for republicans, securing and maintaining liberty was a paramount concern. However, the republican conception of liberty is not necessary centred on strict interpretations of individual freedom. For



republicans, in order to guarantee liberty, individuals had to exhibit high levels of civic virtue and be willing to place the common good above that of their own narrow private interests. Without virtue, citizens exposed themselves to the whims of *fortuna* and her corrupting influence. However, liberty could not be secured by virtue alone. High levels of citizen virtue had to be accompanied by certain essential republican institutions and ideals that would further secure freedom for individuals. For some, the Venetian Republic had been revered for its longevity and many writers advocated the adoption of her laws and institutions.

Against the backdrop of intense civil discord among many of the Italian city-states, Venice's harmonious co-existence between the classes became the hallmark of the republic and, subsequently, the characteristic most likely to be coveted by observers. It was Venice's unique constitutional arrangement that managed to deliver a prolonged period of stability and peace while, at the same time, it brought the realisation of liberty into the lives of its citizens. The crude checks and balances system of the Venetian mixed form of republican government seemed to be the key to its success and many Florentines began to clamour for a similar construction. However, Machiavelli provides the one notable exception to the glorification of the Venetian Republican experience. Contrary to the popular convention of his time, Machiavelli's revolutionary thoughts on the role of civil discord within a republic provide a marked departure that, I believe, highlights another important republican legacy that has important implications for contemporary republican approaches. The realisation that a republic could best function in conditions of intense civic activity and civil discord foreshadows an important later theoretical aspect that repeatedly emerges in many of the republican approaches that developed after Machiavelli's time.

Machiavelli's controversial embrace of civic discord was a direct challenge to a historical-theoretical legacy dating back to Cicero and other Roman writers.

As I briefly outlined above, the Roman writers, and subsequently many of the civic humanists who were influenced by them, believed that one of the keys to maintaining a republic was to insure that there was internal concord. Cicero's *concordia ordinum* was the basis of the belief that the common good took precedence over factional or selfish interest (Skinner, 1990a: 130). However, Machiavelli challenges this point of view and instead argues that one of the keys to maintaining republican institutions and laws was to be progressive in nature and to anticipate the inevitable clash of internal divisions that could potentially cause an increase in corruption and subsequently the loss of liberty. At the centre of this departure is an issue that goes to the heart of one of civic republicanism's most appealing and enduring assets: the ability to sculpt laws and create institutions that accommodate a wide range of individuals and classes. Early in *The Discourses*, especially in chapters 4-6, Machiavelli offers readers an account of the how the early tumults of Rome characterised the laws and institutions that secured and maintained Roman liberty. It was Machiavelli's belief that Rome's liberty was enhanced by the clashes that resulted from the different dispositions of the upper classes and the populace. Machiavelli believed that this type of conflict was healthy for a republic and not detrimental to it like so many of his contemporaries.

Nor can a republic in any way reasonably be called unregulated where there are so many instances of honourable conduct; for these good instances have their origin in good education; good education in good laws; good laws in those dissensions that many thoughtlessly condemn. For anyone who will properly examine their outcome will not find that they produced any exile or violence damaging to the common good, but rather laws and institutions conducive to public liberty (Machiavelli, *The Discourses*, 1965: 203).

Although Machiavelli's thought here demonstrates that class and other types of internal discord and conflict require a great deal of attention and the creation of good laws and institutions to accommodate such diversity, a republic that addresses this issue up front is one that is likely to maintain a high degree of liberty for its citizens and prevent corruption. The practice of this crude form of

checks and balances ensures that the laws and institutions are fully reflective of the community as a whole, and promote the common good. As I will discuss shortly, this issue figures prominently when the Americans were struggling to create the American Republic.

As if anticipating criticism from those who felt that Venice offered a more convincing example, Machiavelli compares the Roman experience with that of ancient Sparta and modern Venice. In Sparta and Venice, power was placed with the nobles and not with the greater populace as in Rome. Consistent with our earlier discussion of where to place political power, Machiavelli argues that the body politic as a whole offers a better residence for political power to secure and enhance liberty. Machiavelli's republican contemporaries exalted the stability found in Venice and argued that a mixed republican constitution that vested political power in the nobility was the first important step toward a lasting Florentine republic.

Both Guicciardini and Giannotti celebrated the Venetian model and proposed similar for the crumbling Florence before and after the return of the Medicean despots (Skinner, 1978: 173). Guicciardini believed that the body politic was not necessarily capable of ever truly realising enough virtue to ensure that the republic was maintained and advocated that the nobles should lead by example (Pocock, 1975: 255). This departure from Machiavelli represents Guicciardini's belief that virtue was not readily accessible to the masses, especially under the conditions of then present-day Florence. Guicciardini was not yet ready to arm the masses as was Machiavelli, and thus the discipline and ethic of the citizen-warrior could not transmit the virtue necessary for the maintenance of the republic (Pocock, 1975: 271). Alternatively, Giannotti had long been a supporter of the Venetian model due to its combination of the Polybian elements he thought necessary for a lasting republic. Unlike Guicciardini, Giannotti advocated the Venetian model for its instrumental qualities rather than its divestiture of political power to the nobility.

Giannotti's departure in favour of Venice had more to do with the actual technology of Venice's enduring republic than the myth of its superior laws and institutions. Giannotti simply believed that Venice had set an encouraging example that deserved the attention and study he devoted to it as it reflected the best living illustration of the Polybian mixed constitution that he thought exemplified the essence of government (Pocock, 1975: 319-20).

Several key factors influenced Machiavelli's decision to promote the tumults of Rome over the tranquillity of Venice. The first of these was Machiavelli's belief that conflict and tumults were inevitable (Garver, 1996: 209). To be sure, Machiavelli believed that tumults and conflict could prove fatal to republics. Indeed, much of the latter half of *The History of Florence* is occupied by a catalogue of internal conflict and tumults that inflicted much pain and suffering on the citizens of Florence. Even in *The Discourses*, Machiavelli's affinity for conflict and tumults comes into question especially in book 1, chapter 37 where he seems to contradict himself by suggesting that the internal power struggle between the *grandi* and the *popolo* over the Agrarian law was one of the causes of the decline in the Roman republic (Machiavelli, *The Discourses*, 1965: 272-275, esp. 274). However, for Machiavelli, a properly constituted republic could channel the energy generated by internal conflict with its strong institutions and laws. This realisation leads us to the second factor that influenced Machiavelli to embrace civil discord and tumults. Because internal conflict was necessarily accompanied by high levels of political activity, Machiavelli believed that if the laws and institutions could properly channel the energy generated by tumults, high levels of civic virtue could keep *fortuna*, and thus corruption, in check. Furthermore, it followed that a tumultuous populace was simply another manifestation of civic virtue which in turn ensured that high levels of freedom were enjoyed by the republic, and corruption, the pursuit of private interests over that of the common good, was monitored and thus kept in check (Skinner, 1978: 181).

Internal conflict and tumults may cause republics to be unstable at times, but they require citizens to keep maximum vigilance and attention which leads to the creation of good laws and institutions that can offer innovative solutions to the often complex problems brought about by an active citizenry. Machiavelli argued that republican institutions had to provide the citizenry with appropriate public forums where their competing interests could find meaningful expression. In *The Discourses* book 1, chapter 7 Machiavelli argues that essential to the stability of republics are the many public forums and institutions which provide proper outlets for disagreements and differences between the various humours that comprise the republic (Machiavelli, *The Discourses*, 1965: 211).<sup>3</sup> Another example of Machiavelli's belief in proper public forums and inclusionary government is his prescription for Florence in the *Discourse on Remodelling the Government of Florence* where he stresses the need for inclusive public bodies comprised of representatives from the various classes and guilds found in Florence (Machiavelli, *Discourse on Remodelling the Government of Florence*, 1965: 101-115). Finally, the third important factor that influenced Machiavelli's belief in the positive effects of internal conflict and tumults was that they performed an important educative function within the republic. For Machiavelli, open and inclusive public forums allowed the citizenry to educate themselves in not only the important issues facing them, but also in the skills and art of rhetoric and decision making (Machiavelli, *The Discourses*, 1965: 242). Furthermore, along with expansion, high levels of political activity served to give the republic more options in dealing with the often complex problems they faced (Machiavelli, *The Discourses*, 1965: 210-1; Garver, 1996: 209).

Machiavelli maintained that there was an interdependent relationship between good laws and institutions, civic virtue, good education, and, importantly, liberty (Machiavelli, *The Discourses*, 1965: 203). For Machiavelli, even though internal conflict and tumults were extremely dangerous for

---

<sup>3</sup>For a good discussion on the role of humours in Machiavelli's political writings see Parel (1992: 101-112; 140-152) and Ivison (1997: 58).

republics, the potential benefits brought about by such activity became a central part of his republican approach. Each of these three factors combined in a positive manner for Machiavelli because they served the greater goal of securing and enhancing liberty for republican citizens. It is my belief that this fundamental break with orthodoxy represents a defining moment in the thought of Machiavelli that has important implications for the contemporary recovery of republican values. By embracing the inherent diversity and differences found within republics, Machiavelli anticipates what would later become one of the most contentious issues facing the modern polity: how to cope with a population characterised by deep differences and sometimes incompatible values.

In section 1, I have sought to define further and explicate a distinctive neo-Roman republican approach exemplified by Machiavelli, and to a lesser extent his republican contemporaries. I have argued that these republicans held a conception of liberty from distinct civic humanist versions which tied freedom to human flourishing within a certain type of society. Machiavelli maintained that certain republican technologies such as citizenship, strong laws and institutions, and education had an intimate connection to civic virtue and, ultimately, to the citizenry as a whole. At the centre of each of these republican technologies is the goal of securing liberty for the citizenry. Mixed constitutions that distributed power throughout the various interests combined with the strong versions of civic virtue and citizenship that exemplified the love of the *patria* to fight off *fortuna* and her corrupting temptations. I have also argued that unlike his contemporaries, Machiavelli's enthusiastic embrace of civil discord and internal tumults has important contemporary implications for the modern nation polity. To assess further the importance of Machiavelli's legacy, in section 2, I will continue following Pocock's original outline and explore how the so-called 'Machiavellian Moment' occurred again and what effects this had on Machiavelli's theory as it marched forward.

## **Section 2 - The Transmission of Neo-Roman Republican Thought**

When the American colonies began their push for independence from the British crown, the very public distaste of the monarchy played a central role and, to this end, republicanism became synonymous with this sentiment. Republicanism, whether in the form of Pocock's 'Machiavellian Moment' or in the form of opposition to a monarchy, continued to play a powerful role in the history of politics. Nowhere was this more evident than in the writings of the English republicans characterised by such figures as James Harrington. Harrington, in particular, is often credited for the 'rediscovery' and subsequent 're-legitimation' of Machiavelli's thought. Until Harrington's embrace, Machiavelli had been known as the destroyer of republican politics and the leading proponent of "politics as the art of tyranny" (Viroli, 1990: 144). The French thinker Montesquieu became another powerful republican proponent whose influence was central in the debate surrounding the creation of the American republic. To explore these issues, I have divided section 2 into three sub-sections. The first two sub-sections will provide a brief historical narrative of the influence and recovery of neo-Roman republican themes in two key periods. The first sub-section will explore Machiavelli's role in the development of English republicanism and the second sub-section will take a similar look at the American experience. The third sub-section of this section will focus on how the role of conflict manifested itself in the American experience and what solutions they offered to counter it.

### ***2.1 - English republicanism***

Before embarking on this present endeavour, we must heed Pocock's caution when considering how Machiavelli's influence became present in a seventeenth century England where the relatively simple concepts of *vita activa*, *vivere civile*, and mixed constitution do not readily translate into a country dominated by monarchy, theology and common law (Pocock, 1975: 333-4). To

understand properly how Machiavelli became a relevant party to the intellectual and structural growth of England, Pocock first attempts to establish that a parallel did exist between the world of the 'Machiavellian Moment' and the English world thrown into chaos by civil war and regicide. Throughout the myriad of political crises that England had experienced during this period, Pocock asserts that although the environment had changed dramatically from ancient times, the fundamental structural principles of the 'Machiavellian Moment' began to emerge (Pocock, 1975: 360). By the time of the civil war in 1642, England had begun to display similar tensions between the population and the rival authorities of the King and the House of Commons that alluded back to the earlier experiences of the ancient republics. The struggle to understand the emerging consciousness of the people with the continuing struggle for power among the political institutions, and the presence of increasing corruption, greatly influenced the English republicans. By the time the political crises had reached their boiling points, English republicanism had found an audience prepared to accept the thrust of ancient republicanism that necessarily connected liberty with virtue and the need to place the common good above private interests. England, it was said, could survive only if its leaders looked to the "wisdom and political architecture of ancient republics" (Worden, 1994a: 46). Marchamont Nedham, James Harrington, and, to a lesser extent in his political works, John Milton all became influential writers during this period and their works would later influence Henry Neville and Algernon Sidney who would write after this tumultuous period in England's history.

By 1649, republicanism, it seemed to some, was the future of England. That this 'new republican world' did not materialise may have dealt a death blow to the prospects of a sustained republican project. However, the true legacy of the English republicans, as I will soon argue, would have to wait until the next century and the emergence of the 'New World' (Worden, 1994a: 48-9). English republicanism was heavily influenced by traditional republican sources through the works of Machiavelli, Livy, Sallust and other ancient writers. The glories of



Rome, Sparta and Greece became an area of intense focus as the English began to acknowledge a greater need for more effective political institutions. Additionally, the Ciceronian values of political virtue and public service, combined with the ethical premises of Aristotle, became interwoven within a larger and more profound debate on humanity. Although not unchallenged at the time, English republicanism could be said to have centred on the very issues associated with their ancient counterparts: good laws and institutions to create a healthy government; placing the public welfare above that of private interests; the promotion of the common citizen into the ranks of government; and, most importantly for the English, the establishment of a mixed or balanced constitution to ensure the liberty of the people and the ultimate survival of the republic (Worden, 1994a: 53). In many ways, however, Machiavelli's real contribution to English republicanism is somewhat opaque. The English republicans were inspired by Machiavelli's theories on *vita activa* and citizenship, his belief that liberty was protected and secured by participating in politics, and, it follows, his advocacy of participatory democracy over that of monarchy.

However, on another level, the English republicans began a gradual shift away from those principles that occupy much of Machiavelli's theory to what would later become a central element of the republican contribution to the development of governments. By focussing on the actual mechanics of government, the English republicans once again highlighted the need for a government to have a perfectly balanced mixed constitution. James Harrington's timely work *The Commonwealth of Oceana*, first published in 1656, describes the constitutional mechanisms he believes can save England and bring back not only the legitimacy of the government, but her former glory (Worden, 1994b: 83). While much of this work is grounded in the broad principles of Machiavelli's civic republicanism, *Oceana* represents a marked departure in that Harrington is more Ciceronian in nature when it comes to the desire for harmony and tranquillity within a country. Harrington's *Oceana* sought

to establish harmony and tranquillity by two means. First, the commonwealth would heavily regulate the 'balance' of the land with an agrarian policy that prohibited the inheritance of land worth in excess of a pre-determined figure a year (Harrington, 1992: 12). By regulating the ownership of land, Harrington believed that the differential between the rich and poor would be narrowed which would thus have the effect of spreading responsibility around. The ultimate effect of such a law, in Harrington's thoughts, would be to limit the amount of private interests people would exhibit which in turn would decrease the likelihood of political corruption. Another important aspect of his agrarian proposal is the realisation that along with political responsibility, governments also had to consider economic realities in policy making. He was quite aware that England's current crisis was due in large part to the "disproportion between that new distribution of wealth and the limited powers of the House of Commons...in which it was represented" (Worden, 1994b: 87). By heavily regulating land, he believed that economic power would be perfectly balanced with political power, thus ushering in a period of economic and political stability.

Harrington's second principle to ensure the success of Oceana was to create an elaborate constitutional mechanism based primarily on the Venetian model scorned by Machiavelli. Harrington firmly believed that by creating such a perfectly balanced constitution, men's appetite for corruption and avarice would be kept at bay by instituting rotating representative bodies (Harrington, 1992: 33). Harrington also modifies the republican belief in a mixed constitution by eliminating the role of the monarchy, or principality, within it. Instead, his constitution is based on representative bodies from the aristocracy and the people due to his belief that the role of the monarchy was one of mere executive administration (Harrington, 1992: 10). The balance that Harrington sought was designed to ensure that self-interest was re-directed into the public interest. In many ways, Machiavelli and his contemporaries had always sought to repress self-interest in favour of a new way of thinking that began with the promotion of the common good. Blair Worden has argued that by moving away from the

conventional thinking on self-interest, Harrington's pragmatism acknowledged Hobbes' challenge (Worden, 1994b: 91). Self-interest, as understood by Harrington, was not necessarily undesirable and could be redirected by constitutional machinery to ensure that people were constrained and the common good served. This point is best illustrated by Harrington's metaphor of two girls dividing a cake, both of them driven by self-interest for their common benefit. "Divide, says one unto the other, and I will choose; or let me divide, and you shall choose" (Harrington, 1992: 22). This principle served two main purposes. Firstly, it was designed to eliminate the tumults of Rome and instead emulate the tranquillity of Venice. Secondly, it had the effect of shifting the focus away from the priority of the common good to one that was more pragmatic in its approach and only advocated that the common good was served, either directly or indirectly.

As in Machiavelli's time, the issue of tumults or tranquillity haunted the English republicans. Marchamont Nedham, like Machiavelli, believed that civil discord could serve to keep the citizenry involved in public debates, which would thus help keep them attuned to the public good (Nedham, 1652; as cited in Worden, 1994b: 93). Nedham's republicanism came in a different form from Harrington's. Nedham's republican thoughts appeared in his weekly newspaper *Mercurius Politicus* that covered the Rump parliament beginning in 1650. While Nedham can be said to have been a political chameleon as his allegiance oscillated with whoever was in power, his republicanism was well articulated and founded on classical conceptions (Worden, 1994a: 60-1). Nedham's republicanism was not as constitutionally based as that of Harrington, but was consistent in its advocacy of republican remedies for the maladies of the English political crises. Nedham supported the further development of classical models to break the cycle of 'corruption' that he discerned within English politics and that he thought the new government in the form of the Rump parliament would end. Nedham had been influenced by John Milton whose republican sympathies were far less public than his own and certainly less systematic than Harrington's.

According to Worden, Milton's political interests centred more on his belief that he was on a 'divine mission' than on the practicalities of government. He was an avid supporter of the Italian city-states and believed that political questions revolved around the classical images of virtue and liberty and conflict between private interests and the common good (Worden, 1994a: 57). These three writers all played important, but somewhat different roles, in the early development of English republicanism that would be furthered by at least two others who would emerge later in the seventeenth century.

Henry Neville and Algernon Sidney became the heirs apparent to their predecessors. However, their writings demonstrate just how far republicanism had developed during the political crises of the mid-seventeenth century and, more importantly, give us an idea of how republicanism would move from England into the 'New World'. Although Sidney's major work, *Discourses Concerning Government*, was published posthumously, his republicanism was well known and, like that of Milton, centred on the classical conflict between liberty and license and the role of public versus private interests in resolving and shaping political issues (Sidney, 1990). Central to Sidney's political beliefs was his view of mankind as an imperfect being still capable of displaying virtue (Worden, 1994c: 173). Sidney believed that mankind could still find a balanced civil life with honourable institutions promoting the common good. Civil discord and internal tumults were for Sidney, as they were for Milton, "not impediments to our virtue but tests of it and incitements to it" (Worden, 1994c: 172). Accompanying his belief in mankind's ability to recover from the Fall, Sidney believed in a combination of liberty and responsibility that mirrors Machiavelli's belief in the necessary interdependent connection between an active civic life and freedom. Neville, on the other hand, was more action oriented and used his proximity to government to promote republican remedies. His best known work, *Plato Redivivus*, published in the early 1680s, was a re-assessment of Harrington's earlier *Commonwealth of Oceana* with the aim of restoring ancient constitutional principles to the current debate (Worden, 1994c: 146; also see

Pocock, 1975: 417-9). This neo-Harringtonian tract in the form of a dialogue centres on the constitutional crisis that had enveloped England and had spawned many other republican sentiments. Neville's solution to the crisis is thoroughly republican in nature and features many of the same elements found in Machiavelli's and subsequently the English republicans' works such as a mixed constitution, the superiority of public interest to those of private individuals, democracy, among others. Neville, like Harrington before him, is sceptical about the desirability of internal conflict and instead prefers a system that promotes domestic concord (Worden, 1994c: 147-152).

Pocock argues that even though the location and circumstances of the English constitutional crisis of the mid-seventeenth century were different than those of the Italian crisis in the fifteenth century, a discernible parallel is present to link these two periods together under the guise of the 'Machiavellian Moment' (Pocock, 1975: 401). According to Pocock, Machiavelli's original contribution to civic republicanism broke free from its temporal and geographic moorings to influence definitively the English republicans. Even though at times the approaches of the two time periods were different, at the centre of both of them is the need to secure republican liberty and combat, in the words of Machiavelli, *licenza*, or freedom exploited by unrestrained narrow self-interest. From this central proposition, the English republicans adapted the classical models to fit their specific needs. Harrington's belief in a well disciplined mixed constitution underlined the need for extensive constitutional machinery to balance properly the many competing interests of the time.

Although a marked departure from Machiavelli's original principles, Harrington's most innovative contributions to civic republicanism were two-fold: first, he believed that a successful government had to consider equally economic issues along with political issues and second, he proposed a fundamental re-evaluation of the nature of the relationship between self-interest and the common good. These propositions further served to ensure internal

prosperity and stability as Harrington spurned Machiavelli's belief in the utility of tumultuous internal politics. Harrington, however, served another important function within the history of the civic republicanism in that he also served to re-legitimise Machiavelli as a serious and influential thinker as opposed to a 'teacher of evil' (Viroli, 1990: 144; also see Strauss, 1958). By relying on the broader theoretical implications of Machiavelli's thought, the English republicans furthered the cause of civic republicanism by rendering it a real and powerful approach capable of survival. In the face of the myriad of failed republics, the English republicans further developed republican thinking by exploring the more practical aspects of the actual machinery of government. Indeed, as I will explore in the next sub-section, Harrington's, Nedham's, and Neville's advocacy of republican remedies to combat the maladies of their time combined with Milton's, and subsequently Sidney's, belief in the redeemability of mankind to influence the further development of neo-Roman ideals in the creation of the American republic.

## **2.2 - the American experience**

For Pocock, "a debate between virtue and passion, land and commerce, republic and empire" had taken place both in Italy in the mid-fifteenth century, and in England in the mid-seventeenth century. During the eighteenth century in America, it was no different. Pocock posits that the American revolution and the debate surrounding the development of the American constitution "form the last act of civic Renaissance" and that the exploration of these ideas during this period are representative of the tension between individual self discovery on one side and the consciousness of "society, property, and history" on the other (Pocock, 1975: 462). James Madison, John Jay, and Alexander Hamilton, collectively known as Publius and authors of the much studied *Federalist Papers*, will be the primary focus as I explore how the language and discourse of civic republicanism emerged during the American struggle for independence.

Prior to this emergence though, civic republicanism had also become a focus of such writers as Montesquieu and Rousseau.

Of these two, Montesquieu emerges as a more central figure and his *The Spirit of the Laws* would become extremely influential in the American experience (Montesquieu, 1989).<sup>4</sup> This work, appearing in the mid-eighteenth century, was a monumental re-think of civic republicanism and has led some to posit that it represented a clear break with Machiavelli and the past (Pangle, 1988). By the time of Montesquieu's work, the dynamic shape of the modern polity had undergone a fundamental shift away from the small Italian city-states and had become a large culturally diffuse entity increasingly dependent on the emergence of commerce and credit as powerful political and economic forces (Shklar, 1990: 266). As it did in Harrington's time, commerce began to play an increasingly unsettling role in political affairs and it became evident that it was as fickle as *fortuna* had been in Machiavelli's time. As the realities of the ever-changing ebbs and flows of international commerce became more apparent, virtue was called upon to counter the growing corruption fuelled by self-interest in the modern state (Pocock, 1975: ix). The growing influence and power of the monarchy also fuelled republican sentiment as democracy became a topic of interest among political figures. It was against this backdrop that Montesquieu's

---

<sup>4</sup>Broadly speaking, Rousseau does not fit neatly into the neo-Roman Machiavellian republican approach for two main reasons. Firstly, Rousseau's conception of liberty is closer to that of the civic humanists in that for him true liberty is realised as some sort of human flourishing within a society characterised by self-government (Rousseau, 1947: 19). For the most part I will set aside Rousseau's republicanism and instead concentrate on Machiavelli. As will become clear in later chapters, Rousseau's republicanism is not entirely compatible with Machiavelli's. As mentioned above, Rousseau held a more positive conception of liberty that was tied to life in a specific kind of society. Furthermore, Rousseau was adamantly opposed to any type of faction or division within society. Unlike Machiavelli who believed that positive features could emerge from a tumultuous society, Rousseau maintained that it was only a unified community that could secure liberty, and thus the General Will (Rousseau, 1947: 14-6). For a further discussion on Rousseau's republicanism, see Oldfield (1990: 50-77).

work can be said to represent a decisive move away from Machiavelli's republicanism and toward a new formulation based on the groundbreaking work of the English republicans and their intense focus on using the machinery of democratic government to promote virtue and thus control the forces of *fortuna* in the guise of commerce. According to Judith Shklar, Montesquieu believed that the only way to rescue the modern state from monarchy was to "demonstrate that republican virtue was possible only in genuinely popular non-monarchical republican regimes..." (Shklar, 1990: 266).

However, Montesquieu's death sentence for classical republicanism was not as extreme as it sounds. His main focus of ridicule was the republican account of history and he sought to deny the mythology that had surrounded various historical 'republics'. Montesquieu's main purpose in *The Spirit of the Laws* was to assess the successes and failures of various regimes and from their experiences "construct a comprehensive theory of comparative law" (Shklar, 1990: 268). By contrasting ancient and modern regimes alike, Montesquieu sought to demonstrate certain timeless principles that, if incorporated correctly in the laws and institutions of the modern polity, would create a permanent new republican ideal based on separation of powers and democracy. In book 11, chapter 6, Montesquieu outlines his view of the English constitution and how it promotes political liberty for its citizens which, for him, "is that tranquillity of spirit which comes from the opinion each [citizen] has of his security..." (Montesquieu, 1989: 157). Furthermore, Montesquieu increasingly realised that, in the eighteenth century, Britain's constitutional arrangements combined well with its commercial success and superiority. (Montesquieu, 1989: 325-33, esp. 329). In America, all sides would continually invoke the authority of Montesquieu when advocating a mixed constitution and other technological features of republics.

However, Machiavelli's republican influence on the American founders is not as apparent as Pocock argues. As I have discussed above, Pocock's main



thesis is to posit that the nature of the Machiavellian debate was played out not only in Machiavelli's time, but later in the seventeenth century when the English were faced with the crisis of civil war and the resulting Interregnum. His thesis climaxes with a discussion of the American revolution and the struggle to write and implement the American Constitution. This grandiose theory of American republicanism and its intellectual and historical roots takes place within a larger debate that suggests that this Machiavellian influence was not as significant as Pocock would have us to believe. Instead, critics of Pocock's work suggest that the works of Montesquieu and John Locke were far more influential than Machiavelli's (Pangle, 1988: 28-39). This critique, however, fails to acknowledge an important feature in Pocock's two pronged thesis. First, Pocock argues that what made the 'Machiavellian Moment' was the struggle between virtue, corruption and *fortuna* and humanity's ability to seize control of their own fate via republican institutions. Although the time and setting had changed, the fundamental propositions of this phenomenon repeated itself in England in the mid-seventeenth century. The second prong of Pocock's thesis maintains that within this debate on humanity's ability to connect self-understanding with self-determination, the theories of Machiavelli and his contemporaries remain relatively applicable not only in his time, but later in England. In the form of James Harrington and the other English republicans, republican thought was recovered and enhanced by theories that had adjusted to their time and place. In both of these senses, then, Pocock maintains that the so-called 'Machiavellian Moment' is central to the debate surrounding the formulation of the American constitution.

In order to demonstrate this, Pocock compares and contrasts his approach with that of the American historian Gordon Wood who had outlined in convincing fashion the influences and patterns of thought inherent in America's founding (Wood, 1969). Wood believed that while the Americans were heavily influenced by classical republicanism's language and thought in 1776, by 1787 when they began to write the Constitution they had realised that the rules of the game had

changed fundamentally. According to Wood, the founders realised that nations could no longer be founded on organic principles but rather, were “an agglomeration of hostile individuals coming together for their mutual benefit to construct a society” (Wood, 1969: 607). Wood seems to endorse the Lockean view that governments are born from highly contentious states of natural sociability and thus centred on individual desires.

Thus for Wood, if virtue was equated with the people forming a common interest, American virtue had been lost to individuals seeking personal interests. That is, the people had become self-interested and saw government as a means to fulfilling their appetites. Madison seems to endorse this analysis in the oft referred to *Federalist No. 10*.

Complaints are everywhere heard from our most considerable and virtuous citizens, equally the friends of public and private faith and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority....These must be chiefly, if not wholly, effects of the unsteadiness and injustice with which a factious spirit has tainted our public administration. By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community (Hamilton, A., Madison, J., Jay, J., 1961: 77-8).

Wood believed that the founders were thoroughly versed in republican ideals and rhetoric at the beginning of their crusade and that they also endorsed the idea that republicanism was more than simply the elimination of the monarchy and its institutions (Wood, 1969: 47). Americans knew of the ancient republics and their greatness, but they also knew that they had not survived and were ultimately destroyed. They understood that the death of republics had been from within and not from external threats or invading forces. Above all else however, the Americans intelligently and progressively combed the annals of the great republics and discovered the foundation of a coherent and useful ideology

that provided them with enough inspiration to put these ideals of polity into action and thus create a new world in their own unique image (Wood, 1969: 53). Because the American experience became a reaction to, and not an emulation of, the ancient republics, Wood believed that ultimately their republican zeal transformed itself into something different from classical politics, but not wholly detached from it. With no natural aristocracies to cultivate virtue, it declined and was accompanied by, not surprisingly, the ascent and subsequently the triumph of self-interested individuals which signalled for Wood, the 'end of classical politics' (Wood, 1969: 606).

The debate between Pocock and Wood is important to my argument because it demonstrates how certain features of neo-Roman republicanism developed over time. Pocock agrees with Wood to the extent that the American experience was not so much an emulation of the traditional classical model of the republic, but rather a dynamic and fresh solution to the many problems of antiquity (Pocock, 1975: 524). That the realisation of self-interest and the decline of virtue was endorsed by the founders does not, for Pocock, signal the 'end of classical politics' however. Pocock asserts that while this 'thread' may have ended, the 'web' did not wholly disappear (Pocock, 1975: 526). Pocock believes that although the so-called natural aristocracies and their virtue had indeed declined, the spirit of Machiavellian virtue and thus American virtue lived on and thrived at first in Jeffersonian agrarian virtue and later in the frontier. Where Wood refers to this type of virtue as 'romantic', Pocock asserts that frontier expansionism, amplified by the myth of Andrew Jackson's America and witnessed by Tocqueville's now famous journey, was essentially Machiavellian virtue which extends virtue without corrupting it (Pocock, 1975: 537-9). That is, even though the dynamic feature of the natural aristocracies where virtue resided had ceased to exist, Machiavellian virtue continued to live on in the frontier and the myths that accompanied the expansion of America westward. This battle, where virtue vanquishes corruption, resided in the agricultural and frontier myths and became a powerful moral force that, according to Pocock, still

resounds within and haunts the culture of present day America (Pocock, 1975: 545). For Pocock, then, America was founded, and today survives, on Machiavellian republicanism and its focus on civic virtue continuously fighting corruption at the expense of Locke and his flight into nature for meaning and reason. In the next sub-section, I will bring together the themes of this chapter by first taking a closer look at some key features of the American experience, especially the role of conflict in the constitution of government.

### ***2.3 republican technology and tumults in America***

The debate between Wood and Pocock, however, ignores what I have argued is one of Machiavelli's most original contributions to republican thought: the endorsement of the tumults of Rome over the tranquillity of Venice. As I argued above, three main factors influenced Machiavelli's belief that internal conflict and tumults could have positive effects for republics. Machiavelli believed that internal conflict and tumults were inevitable given the nature of republics; could be positive if the resulting activity was properly channelled through appropriate republican institutions; and provided a positive educative function which, along with expansion, increased the potential options available when coping with the many complex problems facing republics. On its face, it seems difficult to interpret Madison's *Federalist 10* as being consistent with Machiavelli's thoughts on factions.

However, on a deeper, and more fundamental level, I believe that it is possible to take a Machiavellian view of *Federalist 10*. While advocating a mixed constitution characterised by strong checks and balances, Madison had become convinced that self-interested individuals and factions were everyday facts within society and that to proceed as if they were not was tantamount to killing the republic before it had actually begun. In response to this threat, Madison argued that a federal government made up of representative bodies was the most appropriate way to cope with the threat that arose from factions.

For Madison, a faction was “...a number of citizens...who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community” (Hamilton, A., Madison, J., Jay, J., 1961: 78). They were, for Madison, the root cause of every “instability, injustice, and confusion” present in government and had led to the destruction of republics everywhere, and were ultimately the most dire threat to the future of America (Hamilton, A., Madison, J., Jay, J., 1961: 77).

The first convergence between Madison and Machiavelli is their similar view that factions were inevitable. For Madison, factions were inherent in the fundamental fabric of humanity (Hamilton, A., Madison, J., Jay, J., 1961: 79). Furthermore, since no realistic method of dissolving them existed, Madison suggests that the only way to counteract their debilitating effects was to ensure that the republic was comprised of a federal representative system made up of as many interests as possible (Hamilton, A., Madison, J., Jay, J., 1961: 83). This proposal leads us to the second similarity between Madison and Machiavelli. While it is true that Machiavelli certainly did not advocate anything like a federal system to counteract the debilitating effects of factions, he did maintain that the best way of coping with them was through properly constituted inclusive and open republican institutions.<sup>5</sup> Therefore, both Madison and Machiavelli maintained that factions had to be controlled in an open and inclusive manner utilising republican technologies. For Madison, the effects of such a system would be that no one faction or group gained too much influence without being exposed as doing so and that this type of system would ensure that people from all classes, societies, regions, and commercial interests would be represented at the federal level. This would safeguard the republic by

---

<sup>5</sup>It is important to note that the primary focus of Machiavelli’s proposals was the maintenance of one city-state whereas Madison was concerned with several states.

diffusing power among the various interests so that each one could check and balance the other (Hamilton, A., Madison, J., Jay, J., 1961: 83).

The third similarity between Madison and Machiavelli centres on the belief that open and inclusive public institutions in a large republic would not only bring republics more options, but would also safeguard liberty against the threat of factions. Unlike Machiavelli, Madison does not claim that factions can have an educative effect on society. However, in other ways, Madison does follow Machiavelli's belief that even though a large and expansive republic would contain strong factions, some positive effects of such a republic would actually be beneficial. Using Rome as his example, Machiavelli maintained that a large republic which wished to expand would be better positioned to secure liberty (Machiavelli, *The Discourses*, 1965: 210-1). This allows a republic to adapt itself more readily to threats to liberty and gives them more options when doing so. Likewise, Madison believed that large republics had a distinct advantage over smaller ones because they amalgamated more interests which, when subjected to properly constituted republican institutions, would safeguard liberty and secure the citizenry (Hamilton, A., Madison, J., Jay, J., 1961: 83-4).

To be sure, in each of these three areas there are differences between the positions of Madison and Machiavelli. However, it is my contention that implicit within each of their approaches are certain similarities that remain constant. The neo-Roman republican influence can be seen in other areas as well, especially in the motivations surrounding the republican constitution of government. Within the overriding sentiment driving the desire to have a codified system of checks and balances there are distinctive neo-Roman republican overtones. As I have pointed out repeatedly, neo-Roman inspired republicanism contains a firm commitment to the principles of a mixed constitution characterised by checks and balances to ensure that no one group or governmental entity can exercise too much power. In the *Federalist Papers*, Publius defends certain republican technologies relying heavily on

Montesquieu's work which, as I have argued above, was itself influenced by Machiavelli through the work of the English republicans. The main thrust of *Federalist 47-51* is to explicate fully the constituent parts of the greater federal government and to discuss how each part provides a check and balance on the others (Hamilton, A., Madison, J., Jay, J., 1961: 300-325). Montesquieu is eloquently evoked early in *Federalist 47* as Madison attempts to answer criticisms from the Anti-Federalists who claim that, according to the theories of Montesquieu, the system proposed by the Federalists would lead to tyranny (Hamilton, A., Madison, J., Jay, J., 1961: 301).

The Federalists had advocated a system of checks and balances that spread political power and responsibility out among the various components of government but did not do so exclusively. By overlapping some areas of responsibility, the Anti-Federalists claimed that the Federalists wanted to combine some political power in one branch while leaving the other without its equal share. Instead, the Anti-Federalists advocated a system of complete separation. Madison's attempt to interpret Montesquieu was to counter this argument. He maintained that this system of overlapping responsibility would further ensure that each branch would closely watch the others (Manin, 1994: 47). In *Federalist 48*, Madison admits that the legislative branch will be more powerful than the executive or judiciary but it too has sufficient checks. For Madison, the legislative branch was, after all, the branch closest to the most important source of republican legitimacy — the people (and their pockets) — which makes them, in real terms, the ultimate check and balance within the republic (Hamilton, A., Madison, J., Jay, J., 1961: 310). *Federalist 49-50* are marked by another suggested check and balance on the power of the branches of government in the form of additional constitutional conventions which he argues are not very effective. This discussion culminates in *Federalist 51* where Madison once again returns to the larger question of how to secure liberty for individuals in the face of vicious self-interested factions. Consistent with his earlier advocacy of a large republic, Madison maintains that the only way to

provide security and liberty to citizens is to embrace the principles of a self-governing republic characterised by a mixed constitution containing checks and balances (Hamilton, A., Madison, J., Jay, J., 1961: 324). Madison seems to advocate the people as the ultimate check and balance in a republic who, as interested citizens, desire security and liberty and wish to be free to exercise their rights. Implicit in each of these areas is the influence of Machiavelli and his neo-Roman republican ancestors. A properly constituted republic that sought to balance out competing interests through strong laws and institutions was the one the most likely to secure republican liberty for its citizens. Conflict and civic virtue combined with republican institutions and laws to preserve liberty.

## Conclusion

The American experience once again highlights how Machiavelli's thought broadly influenced the development of American republicanism. To be sure, Machiavelli was not explicitly recognised by the Americans as their republican exemplar. However, my argument in this chapter has centred around the belief that the fundamental motivation behind both the English and American republicans is thoroughly Machiavellian in nature. This chapter has explored the various components of civic republicanism and suggested that because of the convergence of several phenomena, Machiavelli sits at the centre of this tradition. In the temporal and geographical location of sixteenth century Italy, the principles of a distinctive neo-Roman civic republican approach emerged in the thought of Machiavelli as he sought to understand and conquer the first of several confrontations between virtue, corruption, and *fortuna*. It is at its core a consistent ideal of polity that seeks to ensure security, procure and enhance liberty, and encourage an active citizenry characterised by high levels of civic virtue. Understanding Machiavelli's thought as not necessarily the culmination of this process but rather the foundation, I want to argue that as civic



republicanism evolved over time, a coherent ideology emerges that can once again meet the challenges before the modern polity.

At the centre of Machiavelli's approach was a distinctive conception of liberty that emphasised the necessity of strong laws and institutions to ensure that the citizenry was not dependent on others for their liberty. Paramount to Machiavelli was how to achieve and maintain this ideal of liberty. To that end, republican forms of mixed constitutions and other technological devices such as checks and balances and open and inclusive institutions were designed to secure republican liberty for the citizenry. However, institutions and laws alone could not secure liberty for these writers. Robust forms of civic virtue and citizenship had to be cultivated so that citizens could resist corruption and understand their role in creating the common good. Civic virtue and citizenship also had to cultivate and reflect the intimate interdependent relationship between citizens and the laws and institutions that governed them. For Machiavelli, and to a lesser extent Sidney and Madison, the role of conflict played a central role in the maintenance of liberty. Conflict that occurred within properly constituted republican institutions could be controlled and did not represent a fatal threat to liberty. By creating balanced laws and institutions that encouraged a life of virtue, the structural foundations of the republic promised individuals security and liberty so that they were left free to pursue their own ends.

Central to my argument, then, is an understanding that there is a direct lineage between contemporary republicanism and Machiavelli. The focus of contemporary republicanism is to secure and enhance a distinctive form of liberty for its citizens. As in Machiavelli's time, in order to do this, certain ideals and institutions must be present within society. In the next chapter, I will further develop and explore the republican conception of liberty, and later in the thesis will continue to examine the necessary ideals and institutions that must accompany it. Each of the central themes of this chapter will appear repeatedly

throughout this thesis and taken together they form a relevant and powerful basis for a contemporary republican public philosophy.

## **Chapter 2 - Republican Liberty as Non-domination: An Alternative Conception of Liberty**

In the last chapter, I argued that one of the central features that distinguished neo-Roman republicanism from its neo-Athenian counterpart was its alternative conception of liberty. For Machiavelli and his contemporaries, to be free was to not be dependent on the will of others. Furthermore, freedom was tied closely to the presence of certain necessary republican institutions and laws (Viroli, 1998: 5). For these republicans, properly constituted republican liberty secured individuals from both external and internal threats to their freedom. This conception of liberty required a high level of commitment from its citizens and the presence of strong laws and institutions. Machiavelli maintained that citizens must be prepared to take part in an active civic life and respect the laws and institutions of the republic so that they could pursue those things that were important to them within the scope of republican liberty (Viroli, 1998: 6). However, this distinction is often blurred and many theorists are split on where to place the neo-Roman republican tradition within contemporary political thought and whether or not it holds a negative or positive conception of freedom.

Some, like Charles Taylor, maintain that it is essentially a positive conception of freedom, whereas others, such as John Rawls believe that it is consistent with liberal negative approaches (Taylor, 1991; Rawls, 1993). This chapter will explore the neo-Roman republican conception of liberty in depth by contrasting it with Isaiah Berlin's famous two conceptions of liberty (Berlin, 1969: 118-172). In doing so, I will briefly explore positive and negative conceptions of liberty while arguing that there does indeed exist enough conceptual space for an alternative and distinct form of liberty -- republican liberty as nondomination. Utilising the recent work of Philip Pettit, this chapter examines republican liberty as nondomination and explores the necessary institutions and ideals that accompany it and their intimate connection to the citizenry. To this end, I have divided this chapter into two main sections. Section 1 will examine

Berlin's original analysis of liberty and will consider several important objections that have helped define the conceptual landscape. Section 2 will focus on the republican alternative conception of liberty and its relationship to certain ideals and institutions that constitute the liberty enjoyed by republican citizens. As a whole, this chapter seeks to build on the argument offered in chapter 1 by further distinguishing a distinct neo-Roman republican tradition that does not fit comfortably within Berlin's negative/positive scheme. Furthermore, I will argue that because republicans have an alternative conception of freedom, important distinctions can be made between republican and liberal approaches. These distinctions will be the focus of the next part of the thesis where I will contrast republican liberty as nondomination with liberal neutrality in chapter 3, and with political liberalism in chapter 4. A word of caution first, though. This chapter is not meant to be an exhaustive review of the various debates surrounding the different conceptualisations of liberty, but rather should be viewed as an attempt to outline broadly the major arguments within those debates and demonstrate that the neo-Roman republican approach holds a distinct and alternative conception of liberty to the traditional positive and negative dichotomy.

## **Section 1 - Berlin's 'Two Concepts'**

Isaiah Berlin's work on the two concepts of liberty is a useful and compelling starting. Borrowing and conditioning a distinction made famous by Benjamin Constant, Isaiah Berlin has argued that positive liberty is similar to that of the ancients and negative liberty is equated with the liberty of moderns (Constant, 1988: 307-28). For Constant, ancient liberty was characterised by a collective enterprise that consisted of individuals acting together to form a community. Within this community, an individual's freedom was secondary to the liberty and authority of the community. The liberty of the moderns was centred around individual freedom and independence from the community (Constant, 1988: 311-2). In other words, modern liberty meant "being left to the

rule of your own private will [whereas] ancient liberty is sharing in the rule of a public, democratically determined will" (Pettit, 1997: 18).

### **1.1 - positive liberty**

For Berlin, positive liberty was said to describe a relationship where the subject acts as master: "[they] wish to be the instrument of [their] own, not of other men's, acts of will." Liberty as self-mastery suggests that agents who realise that they are free *are free* because they desire "to be a subject, not an object" (Berlin, 1969: 131). That is, agents wish to be the *source* of their freedom and to act consciously upon their will as opposed to reacting to the will of others (Berlin, 1969: 131-2). For Berlin, the agent who possesses self-mastery is fully conscious of what it is that she wants and understands that in addition to possessing the ability to act, she possess the will to act. In other words, the agent is the source of her will.

I wish to be somebody, not nobody; a doer — deciding, not being decided for, self-directed and not acted upon by external nature or by other men as if I were a thing, or an animal, or a slave incapable of playing a human role, that is, of conceiving goals and policies of my own and realizing them (Berlin, 1969: 131).

However, as Berlin points out, this conceptualisation of liberty in the positive sense has inherent difficulties because, if this formula is going to be successful, the agent must enjoy a high level of self-realisation. That is, agents must not realise only that they are free, they must understand themselves and their freedom to take advantage of it. In other words, they must be a conscious master of themselves and their activity. For Berlin, positive liberty so conceived is problematic, however, because it is dependent inextricably on the agent having achieved some sort self-realisation, realising the degree of their liberty, and finally acting upon it. Another fear for Berlin is that it also lends itself to control by agents who may 'force' the subject to be free by manipulating them into acting in ways that they themselves have not chosen consciously. These

agents can be other agents, classes, institutions, or even states and, for Berlin, raises the haunting spectre of totalitarianism (Berlin, 1969: 134).

Contemporary proponents of positive liberty argue that despite Berlin's warnings, freedom conceived of positively captures the essence of freedom itself because it is an essential moral ideal. Broadly based upon Aristotelian claims, these positive theories of liberty often argue that it is only individuals' search for who they really are that allows them to be free. Thus, agents can be only truly at liberty if they engage in the very activities that are consistent with their *eudaimonia* or 'human flourishing' which embodies their deepest meanings and purposes (Skinner, 1990b: 296).<sup>1</sup> That is, by solving the internal riddle of the sphinx, the self-realised agent is free to act in the sense that the agent understands not only what her actions are, but can also *be* who she understand herself to be. Thus, freedom consists in agents realising their deepest meanings and then acting accordingly within these meanings. Freedom in this manner is a two step process. The first step is an agent's self-mastery whereas the second step is an agent using that self-mastery to flourish within a particular type of community like that of self-government. In the words of Charles Taylor, "[d]octrines of positive freedom are concerned with a view of freedom which involves essentially the exercising of control over one's life." To this end, an agent can be only truly free if they have realised who they are and control their own life according to their self-realisation. "The concept of freedom here is an exercise concept" (Taylor, 1991: 143). For Taylor, however, we must not take only this first step to discovering who we truly are, but we must also realise who we are within a "society of a certain canonical, form incorporating true self-government" because it is only within such a society that we ourselves can be free. "It follows that we can only be free in such a society, and that being free *is* governing ourselves collectively according to this canonical form" (Taylor, 1991: 148; emphasis in original).

---

<sup>1</sup>Skinner specifically refers to Alasdair MacIntyre's work. See MacIntyre (1985: 146-164).

## ***1.2 - negative liberty and its critics***

Negative liberty, for Berlin, is best understood “in this sense [as] simply the area within which a man can act unobstructed by others” (Berlin, 1969: 122). Thus, agents are free negatively insofar as there are no interferences with, or external constraints on, their activity. Interference, in this sense, should be viewed as a deliberate attempt to influence or impede agents by coercion or other methods. Berlin attributes this conception of liberty to “classical English philosophers” such as Hobbes, Bentham, and Mill among others. For Hobbes, “liberty or freedom signifieth (properly) the absence of opposition” (Hobbes, 1968: 261). In this way, negative theories of liberty are often viewed as opportunity concepts because they consist of those things that agents can do, not what they actually do (Taylor, 1991: 143-4; also see Skinner, 1990b: 297). Liberty conceived in this fashion constructs a cordon around an agent within which she has the opportunity to act or not act according to her wishes (Berlin, 1969: 123). Any interference with agents’ actions or any attempt to coerce them into acting in a certain way is viewed as intrusive, and thus limiting their ability to act. To that end, many like Hobbes consider laws to be obstacles to being able to act freely and are thus thought to represent ‘interferences’ to those who seek to be free (Hobbes, 1968). If freedom in the negative sense seeks to carve out a sphere within which agents can act unimpeded by others, we are led to inevitable questions concerning the scope of this area and how to achieve and maintain it. Proponents, then, of negative liberty have traditionally focussed their concerns on the area insulating the agent from interference and how far it should extend to guarantee a just and basic set of liberties. Other negative conceptions of liberty follow an argument put forth by S.I. Benn and W.L. Weinstein who contend that liberty should not be necessarily viewed as a lack of interference to act, but instead should be conceived of as the non-restriction of options (Benn and Weinstein, 1971: 194-211). Gerald MacCallum has offered another influential critique of negative liberty. MacCallum argues that

Berlin's scheme is flawed fundamentally and that it is impossible to divide liberty into two concepts (MacCallum, 1991: 100-22).

MacCallum's contribution to this important debate has served two main purposes. First, it questioned Berlin's original dichotomy and argued that freedom should not be understood as being necessarily negative or positive, but instead should be considered "as one and the same triadic relation" (MacCallum, 1991: 100). For MacCallum, freedom is "always of something (an agent or agents), *from* something, *to* do, not do, become, or not become something; it is a triadic relationship" (MacCallum, 1991: 102; emphasis in original). Different conceptions of liberty, then, are born not from distinctive concepts of liberty — such as positive or negative — but rather by the degree to which the *ranges* differ between agents, constraints, ends. This is based on his understanding of the dyadic characterisation of positive freedom as 'freedom to' and negative freedom as 'freedom from'. MacCallum argues that "this characterisation, however, cannot distinguish two genuinely different kinds of freedom; it can serve only to emphasize one or the other of two features of *every* case of the freedom of agents" (MacCallum, 1991: 106; emphasis in original). If MacCallum is correct, the differences between the two conceptions of liberty can be found in the differing interpretations of just what the ranges are between the agents, constraints, and ends. Put another way, the differences between positive and negative notions of liberty are due to the various ways in which theorists construe or understand the relationships between the three variables. Furthermore, these differences are exacerbated by various interpretations of what constitutes an agent, a constraint, and an end.

Second, MacCallum's critique has led to other important reconsiderations of liberty that reject the claim that the positive/negative dichotomy is fundamentally flawed. Tom Baldwin, for example, has argued that MacCallum's



critique of positive liberty is itself flawed (Baldwin, 1984: 125-42).<sup>2</sup> Using a theory of positive freedom developed by T.H. Green, Baldwin argues that MacCallum's formulation fails to secure itself against Green's conceptualisation of moral freedom because it does not account for the importance of the *reasoning* behind an agent acting in a certain way. He bases this conclusion on an interpretation of Green's moral theory that holds that an agent must not only be at liberty to be free, but must actually realise herself to be free. Baldwin argues that within Green's moral theory — as is typical of most positive theories of liberty — the agent “who is free does not merely have an opportunity for virtue, he must be virtuous” (Baldwin, 1984: 134-5). Thus, moral freedom cannot just be an opportunity concept, like that of negative liberty, but rather the agent must realise their freedom and actually exercise it to be free.

With these various conceptualisations of liberty outlined above, and the many others that I have not discussed, it would seem as if the conceptual landscape were filled to capacity. However, I believe that this is not so. Without making judgements or claims about the various ‘conceptions’ mentioned above, it seems to me that there is indeed enough space for more than one or even two conceptions of liberty. Whether or not versions of positive liberty, such as Green's above, or negative liberty, such as Benn's and Weinstein's above, survive the criticisms of MacCallum and others is less important for my purposes here than the fact that all of these different conceptualisations occupy some space within theories of liberty. I believe that Tom Baldwin is right to assert that there are different levels upon which liberty can be evaluated, each of them thoroughly worthy of investigation and debate (Baldwin, 1984: 141). Within the negative and positive debate, then, I maintain that there is enough conceptual space to have an alternative conception that does not fit comfortably within Berlin's, or even Constant's, distinctions. If it is true that positive and negative liberty do indeed operate at many different levels, shouldn't it follow that liberty

---

<sup>2</sup>For other important critiques of MacCallum, see the Benn and Weinstein article above; Parent (1974) and Oppenheim (1981).

itself can be conceived of on many different levels? As mentioned earlier, Philip Pettit argues that republican liberty is distinct from either of the two conceptions of liberty in Berlin's taxonomy. In the next section, I will explore this claim and try to draw out the distinctions between republican liberty as nondomination and the positive and negative senses of liberty presented above.

## **Section 2 - Republican Liberty**

As mentioned above, contemporary theorists are split on where to place the republican theory of liberty within Berlin's dichotomy. Some argue that republicanism is best understood as a doctrine of positive liberty because it necessarily connects freedom with flourishing and democratic self-government (Pettit, 1997: 27; also see Sandel, 1996 and Taylor, 1991). Others argue that republicanism is best understood within the context of negative liberty as it relates to agents acting unimpeded by others (Skinner, 1984; also see Patten, 1996). Building on the argument from the last section that there are different senses of liberty and enough conceptual landscape for the republican account, I will argue in this section that republican liberty as nondomination does not fit comfortably within Berlin's narrow dichotomy. Furthermore, I will argue that the republican conception of liberty is accompanied by distinctive institutions and a robust account of civic virtue which constitute the liberty experienced by republican citizens. To be sure, I am not arguing that the above conceptions of liberty are necessarily inherently impoverished or mistaken, but rather that as they have been advanced they are too narrow to accommodate republican liberty as nondomination. I will argue that republican liberty as nondomination contains elements of both positive and negative senses of liberty and is, therefore, an alternative conception of liberty. To this end, I will first explore the foundations of republican liberty before focussing on Philip Pettit's contemporary conceptualisation of this unique approach to liberty.

## **2.1 - republican liberty: an instrumental approach?**

From the confines of Berlin's narrow dichotomy, republicans seek to understand their liberty in a broader and alternative manner that challenges the status quo by questioning how individuals conceive of freedom itself. For Quentin Skinner, neo-Roman republican liberty was inextricably tied to a view of freedom intertwined with virtue and public service (Skinner, 1984: 199). Skinner has argued that historically republican liberty has been ill considered by some, mostly due to its early critics, like Hobbes, fundamentally misunderstanding its essence. For Skinner, Hobbes' account of liberty in the *Leviathan* is purely negative in that liberty was signified by the absence of opposition (Hobbes, 1968: 261). Later in the eighteenth century, this line of thought became embedded in the discourse of contemporary debates on liberty and subsequently eclipsed republican thinking (Pettit, 1997: 42). Jeremy Bentham, for example, was known to have argued for liberty conceived of negatively when he stated that the idea of liberty "was merely a negative one...and [is] accordingly defined [as] the absence of restraint" (Bentham, 1776, as cited in Pettit, 1997: 44). According to Skinner, contemporary contractarian theorists of liberty, like Hobbes before them, have failed to account for a conceptualisation of liberty that argues that liberty be understood in the way that the Romans understood it. Using Machiavelli as his archetype and authority on civic republican liberty, Skinner believes that the "Roman stoic way of thinking about political liberty" provides an alternative and encouraging approach to the way we view liberty that fully exposes a distinct republican conception of liberty (Skinner, 1984: 204). For many classical writers, it is important to note, any account of political liberty in the classical republican tradition "was generally embedded in an analysis of what it means to speak of living in a 'free state'. [Furthermore,] ...this approach was largely derived from Roman moral philosophy, and especially from those writers whose greatest admiration had been reserved for the doomed Roman republic: Livy, Sallust, and above all Cicero" (Skinner, 1991: 193).

Subsequent writers like Machiavelli adopted their language and approached their subjects by illustrating the tension and conflicts over traditional liberties between the different classes of citizens comprising the emerging city-republics and their leaders. These writers were known to take very seriously the metaphorical representation of the body politic. Just like a natural body, the body politic, was said to be truly at liberty if, and only if, it was not subjected to internal or external constraint. Central to republican liberty, for Skinner, is that it guarantees “personal liberty, understood in the ordinary sense to mean that each citizen remains free from any elements of constraint (especially those which arise from personal dependence and servitude) and in consequence remains free to pursue his own chosen ends” (Skinner, 1990b: 302).

Republican liberty, as explained by Machiavelli, is best understood in an account of the important relationship between two groups of citizens in ancient Rome, the *grandi* -- the rich and powerful -- and the *popolo* -- the ordinary citizens (Skinner, 1984: 205). The *grandi*, driven by *ambizione*, aspire to be free to pursue power, glory, and honour for themselves while the *popolo* simply wish to live a secure life, “without anxieties about the free enjoyment of their property, without any doubts about the honour of their womenfolk and children, without any fears for themselves” (Machiavelli, *The Discourses*, Book 1.16, as cited in Skinner, 1984: 205). It follows that this *ambizione* must be tempered if a community is to be free or else it will be governed by uncontrollable freedom or *licenza* in which the narrow private interests of the few are placed above those of the many. Central to an understanding of republican liberty is that these social agents are not only concerned about being unfettered in pursuing their own ends, but rather they also desire the security to do so. Skinner argues that so understood, republican liberty can be accommodated within ordinary theories of negative liberty. For republicans, then, the state must be maintained in such a way that guarantees its citizens the ability to act without interference by others, whether that interference is internal or external (Skinner, 1984: 213). Were a community to be enslaved, either externally or internally, the citizens

would inevitably lose their individual liberty. Thus, it follows that citizens who wish to be secure in their liberty must live in a community that is itself free from either external or internal constraints. For these citizens, the cultivation of civic virtue and the ability to place the common good above an individual's own narrow interests was closely related to the maintenance of their liberty in the republican sense. For these republicans, if individuals sought to undermine the ideals and institutions of the republic by ignoring the common good and placing their own interests above that of the community corruption would increase and liberty would be lost.

Therefore, if the community were to be overwhelmed by a loss of civic virtue and rising *ambizione* it would inevitably fall into a state of corruption as individuals sought to place their narrow self-interests above that of the city and liberty would be lost (Skinner, 1991: 198). If we are to believe that the *grandi* and *popolo* sought this type of freedom, then, for Skinner, it can be understood in terms of, and within, contemporary theories of negative liberty. The interference that these citizens experience, which comes in the form of civic virtue and republican institutions, is simply instrumental to the attainment of greater liberty. In other words, the demands placed on individuals by the republican state served to secure a more complete and equal system of liberty. For liberals such as Alan Patten and John Rawls, republican liberty so conceived by Skinner is essentially a negative form of freedom that is not significantly different to the sense of negative freedom within liberal approaches (Patten, 1996: 25; Rawls, 1993: 205).

Patten maintains that despite some differences, there are no significant divergences between the two approaches because both contain instrumental accounts of certain ideals and virtues that have the effect of enhancing the overall system of freedom for individuals (Patten, 1996: 25). For Patten, political institutions, including forms of citizenship and civic virtue, are not intrinsically valuable themselves, but rather serve as a means to an end. Patten accepts

Skinner's contention that the republican conception of liberty is essentially negative in nature, but he maintains that the republican commitment to civic virtue and active political participation discussed in the last chapter is nevertheless an instrumental good, and thus republicanism does not deviate significantly from liberal approaches. According to Patten, it does not follow that "citizenship and public service are goods because they contribute to the realisation of negative liberty" (Patten, 1996: 26). For Patten, republicans are wrong to maintain that individuals are motivated by a commitment to the common good and a high degree of civic virtue. Instead, Patten believes that republican citizens, like liberal citizens, are motivated by a sense of self-interest which sees them adopt certain distinctive virtues and ideals to maintain their liberty (Patten, 1996: 28). For Patten, then, republican virtues and ideals are instrumental to the maintenance of liberty. Thus, Patten asserts that the republican approach is essentially an instrumental approach that promotes civic virtue and versions of citizenship as preconditions for the realisation of social justice.

In many ways, up to a point, Skinner seems to endorse this reading, although he does attempt to draw distinctions between the two approaches. Skinner argues that contemporary theorists place too much emphasis on rights and not enough on liberty. For Skinner, critics of republican liberty should not view each citizen's rights as 'trumps' over 'interfering' social duties (Skinner, 1992: 215).<sup>3</sup> On this point, Skinner's argument centres on his belief that simply accepting that individuals are self-interested and then regulating their interests by instrumental values and ideals is not enough to maintain republican liberty. Approaching rights and duties in this manner is undesirable for republicans because it allows some to opt out, or use their rights as trumps, from a broader commitment to the maintenance of liberty. Instead, Skinner maintains that republican liberty requires more than to control narrow self-interested individuals through instrumental values. Indeed, for republicans, when narrow self-interest

---

<sup>3</sup>Skinner specifically refers to Ronald Dworkin (1977: xi, 170-7).

is placed above the interests of the community, corruption will increase and liberty is at risk.

For republicans, narrow self-interested individuals must be moulded and conditioned in a manner that opens up the possibility that they can receive certain benefits and goods that are not necessarily attainable by instrumental values and ideals. Thus, the maintenance of republican liberty needs more than instrumental ideals and values to counter the effects of narrow self-interest. However, Skinner does not do enough to defend this position and his argument leaves supporters of republican liberty open to objections like that of Patten. What is needed is a defence of republican ideals and values as being constitutive of individuals' freedom, and not merely instrumental. If these so-called instrumental ideals and values were viewed constitutively, citizens would understand their freedom in a different and more significant way which would help them maintain their virtue and prevent them from falling into a life of self-interested corruption while reaping other benefits such as public honours and glory. Furthermore, if republican liberty is indeed an alternative conception of liberty from Berlin's dichotomy, it must diverge significantly from the sense of negative liberty within liberalism or else it faces the charge, as Patten has alleged, of collapsing into just another liberal approach. In the next two subsections, I will attempt to fill out Skinner's argument in ways which I believe he would approve.

## **2.2 - beyond Skinner: Pettit's republicanism**

As we observed above, in Machiavelli's account of republicanism, liberty is best understood as a question of being in a state of security so that agents -- in the case of Rome the *grandi* and *popoli* -- are unhindered or unimpeded in the pursuit of whatever ends they choose (Skinner, 1984: 205). Machiavelli believed that the different classes of people have different ends which they wish to pursue and that they desire only the security to be free. Philip Pettit's recent

work, *Republicanism*, is a bold attempt to move beyond Skinner's analysis of republican liberty, which is rooted in the history of ideas. Instead, Pettit chooses to rely on historical themes to establish the foundation of his conceptualisation of republican liberty but then attempts to move into more contemporary discourse. Pettit, who uses Berlin's equation of positive liberty with self-mastery and negative liberty as the absence of interference by others as his starting point, conjectures that republican liberty is an alternative conception of liberty (Pettit, 1997: 21-2). Pettit argues that because "mastery and interference do not amount to the same thing," it is possible to combine each of these important conceptual elements and understand freedom as the "absence of mastery by others," not an absence of interference as in the strictly negative conception (Pettit, 1997: 21). Pettit, like Skinner, draws this distinction from neo-Roman republican writers like Machiavelli and those later theorists he influenced, especially the seventeenth century English republicans discussed in the last chapter. For Pettit, the republican conception of republican liberty as nondomination is a negatively based conception of freedom that incorporates elements of positive conceptions because it focusses on mastery (Pettit, 1997: 21-2). It is, for Pettit, an alternative conception of liberty that cannot be accommodated within Berlin's strict positive/negative scheme.

For the Romans, and subsequently the neo-Romans, liberty was used frequently in the context of *liber* and *servus*, citizen and slave. For Pettit, "the condition of liberty is explicated as the status of someone who, unlike the slave, is not subject to the arbitrary power of another, that is, someone who is not dominated by anyone else" (Pettit, 1997: 31). Central to an understanding of Pettit is the relationship between interference and domination. Interference is thought to be when an agent's activities or choices are subject to some form of intentional intervention by another agent, whereas domination is understood to occur when an agent's activities or choices are subject to arbitrary interference by other agents (Pettit, 1997: 52-3). Under this conceptualisation, an act can be said to be arbitrary if it is "chosen or not chosen at an agent's pleasure" and



does not track their interests. Agents who have the power to choose, or not choose, to interfere with other agents without considering what their will or judgements are, interfere with those agents in an arbitrary manner. Put another way, agents who have the power to interfere arbitrarily with other agents can, or cannot, at their pleasure, act in a manner that does, or does not, consider or track the interests of other agents (Pettit, 1997: 55). These agents are dominators because they decide whether or not to regard other agents' interests, and thus they subject others to interference which is arbitrary and does not consider what their interests or opinions are. These agents have no regard for their actions other than how they may affect themselves; they do not necessarily consider how their actions affect others and they act without deference to the others' interests. It follows that agents whose interests are not accounted for and tracked are said to be in a state of domination, even if the arbitrary interference the agent experiences is not something that is harmful. The key to determining what is considered to be arbitrary, then, is not whether or not the arbitrary interference is beneficial or harmful. Rather, the key to determining what is arbitrary centres on whether or not the interfering agent consulted and tracked the opinions or interests of the agent subjected to the interference. For an act to be non-arbitrary, the onus is on the interfering agent to seek actively the opinions or interests of others before acting.

In Pettit's formulation, then, what is considered to be an agent's interests plays a central role in determining whether or not the agent is subject to domination. I will discuss this point more thoroughly later in the thesis, but for now will briefly outline what Pettit takes an agent's interests to be, although he does not fully explicate his position. Pettit is concerned primarily with interests that are legitimate in nature in that they, for the most, take account of the interests of others (Pettit, 1997: 56; also see 198). An agent's interests are legitimate if they are ones that are shared in common with others or do not subject others to arbitrary interference. In other words, the type of interests that primarily concern republicans are those which exist on the macro level, not

necessarily those that exist on the micro level. For republicans, pure external preferences are not regarded necessarily as legitimate interests that individuals can demand be tracked, especially if those interests are not other-regarding. For example, if an agent's interests centre on his dislike of paying taxes, but yet he remains committed to a strong national defence force which is financed by tax revenue, he cannot maintain that his interests are not being tracked when he is coerced by the state into paying his tax bill. The agent's micro level interests — not paying taxes — is overwhelmed by his macro level interest — having a strong national defence force. An agent's legitimate interests cannot simply be his own personal external preferences, especially if those preferences involve dominating others. I may dislike driving on the left-hand side of the road, but I identify with and participated in the institutions and laws of the state which have determined that driving on the left is safer. If the rules and regulations make it illegal to drive on the right-hand side of the road, I am not subject to domination because my own external preferences were not tracked. On a deeper and more fundamental level, my commitment and consent to the rules and regulations of road safety mean that my interests were in fact tracked. In other words, my *arbitrium* — my will or judgement — was accounted for and considered in a manner in which I approve by institutions with which I identify regardless of the outcome.

For Pettit, interference and domination are two different things. It follows then, in terms of the master - slave relationship, a slave may, or may not, be subjected to both domination and interference at the same time. If the slave has a kindly master there may be periods when the slave is not subjected to any interference. The slave may be allowed to pursue his own ends without any interference from the master. However, whether or not the slave experiences any interference is dependent solely on the whims of the master who may, or may not, choose to interfere with the slave. In this manner, a slave who does not experience any interference is still not free of domination in the republican sense of freedom because he is still subjected to domination because there is

always the potential of arbitrary interference. For Pettit, “what constitutes domination is the fact that in some respect the power-bearer has the capacity to interfere arbitrarily, even if they are never going to do so” (Pettit, 1997: 63). It follows that agents who are subjected to the capacity of others to interfere arbitrarily with them are in essence dependent on the will of others for their freedom and, therefore, are not free in the republican sense. Thus, for republicans, agents are free to the extent that they are not subjected to arbitrary interference. Returning to the master-slave analogy, then, a slave can only be free in the republican sense by not being a slave. A slave can only be free by being independent of the will of the master, interfering or not. In other words, under a system characterised by republican liberty as nondomination, agents can only be free to the extent that they are not subject to any interference which does not track their interests, whether that interference is actual, threatened, or even known.

However, equally important for Pettit is the inverse: an agent can be interfered with and not subjected to domination. An interfering power can account for and track other agents interests without restricting their freedom. The interference that agents experience is not arbitrary, instead the interfering power considers what their interests and opinions are before acting, or not acting, with those interests in mind. Put another way, republican citizens do not consider any interference from other agents to be a restriction of their freedom if, and only if, the other agent has consulted with them, gauged their opinions and interests, and then acted with those interests in mind. Such interference is not arbitrary because it considers their own *arbitrium*. For Pettit, then, interference, or the absence of it, is not the primary measure of freedom for republicans. Instead, freedom is thought to be when an agent is free from any actual or threatened interference that does not consider and track her interests. In other words, for republicans, agents are thought to be free to the extent that they are free domination (Pettit, 1997: 23). Thus, for Pettit, the republican conception of liberty allows the possibility that interference which is not arbitrary

is not necessarily restrictive of an agent's freedom. From this alternative conception of liberty, republicans believe that certain interferences which track their interests and which are not imposed in an arbitrary fashion do not restrict their freedom. Rather these interferences help secure their liberty through strong laws, properly constituted institutions, and distinctive ideals in a resilient manner (Pettit, 1997: 28). This resilience helps them to be secure in their liberty. To sum up, for Pettit, individuals can be free from interference but still subject to the mastery of other agents, and are thus still unfree in the republican sense. It follows that individuals can be subjected to interference, but as long as that interference tracks their interests and is not arbitrary, their freedom is intact and secure in the republican sense so that they can pursue their chosen ends under the conditions of nondomination.

By returning to Machiavelli, I will better illustrate this point. As we discussed above, Machiavelli tells us that above all else, the Romans "wish freedom in order to live in security" (Machiavelli, *The Discourses*, 1965: 237). Furthermore, Machiavelli states that

...each man gladly begets those children he thinks he can bring up, without fear that his patrimony will be taken from him; he knows not merely that they are born free and not slaves but that by means of their abilities they can become prominent men. Riches multiply in a free country to a greater extent, both those that come from agriculture and those that come from industry, for each man gladly increases such things and seeks to gain such goods as he believes, when gained, he can enjoy. Thence it comes that men in emulation give thought to private and public advantages, and both kinds keep marvellously increasing (Machiavelli, *The Discourses*, 1965: 332-3).

But security to do what? The Romans, for Machiavelli, had no singular goal that had to be realised for the people to be in full possession of their freedom. The *grandi* and the *popoli* had varying dispositions and different ends they sought to achieve. Thus, their individual freedom was used to achieve different ends that they themselves desired as the conception of the good life was an undefined ideal left to them to give it meaning (Skinner, 1990b: 302). However, as I

discussed in chapter 1, in order to enjoy this security the Romans had to endure certain interferences, in the form of the duties following from republican ideals such as citizenship and civic virtue, that helped to constitute their freedom. It follows that security in this case should be understood as a resilient core of protection that not only allows individuals to determine which ends they will pursue within the context of nondomination. Importantly, this type of security also frees them from the inevitable uncertainty, anxiety and fear of subordination that they experience as they constantly act and react against those who seek to interfere arbitrarily with them (Pettit, 1997: 90).<sup>4</sup>

To sum up Pettit's argument thus far, within republican thought, agents are free to the extent that they are free to act without being exposed to any actual or threatened arbitrary interference from another. In the words of Pettit,

[t]he antonym of freedom for the republican conception is not restraint as such but rather slavery and, more generally, any position of subjection. A person is free, and a person acts freely, just to the extent that she is not exposed, in the way a slave is exposed, to the arbitrary interference of another: to the sort of interference that only has to track the *arbitrium* — the will or judgement — of the interfering power (Pettit, 1998: 84).

For republicans, then, agents are free to the extent that they are not subject to the mastery of another. That is, they are free to the extent that they are not subject to any interference, or threat of interference, that does not account for and track their own *arbitrium*. It follows that for Pettit, nondomination consists primarily of two forms of power which secure agents against potential domination: a reciprocal form and a constitutional form. The reciprocal form of power comes with the realisation that agents can defend themselves against forms of domination. They realise that they too can act to interfere arbitrarily with another, just as other agents have the same realisation. "If each can defend themselves effectively against any interference that another can wield,

---

<sup>4</sup>For a wider discussion of nondomination combating uncertainty, anxiety, and fear of subordination see Pettit (1997: 83-90).

then none of them is going to be dominated by another. None is going to be subject to the permanent possibility of interference on an arbitrary basis by another” (Pettit, 1997: 67). For Pettit, the reciprocal form of power is not ideal nor is it completely effective in eliminating domination.

The real strength of republican liberty is in its constitutional provisions which seek to promote the ideals of non-domination and to secure the agent against any arbitrary interference. It does this not by compelling or enabling dominated agents to defend themselves against dominators, but rather by denying those who seek to dominate the necessary power to interfere arbitrarily with others. That is, these constitutional provisions, whether they appear in the form of a judicial, executive or other institution of the state, seek to prevent arbitrary interference before it can actually interfere with other agents. Furthermore, these constitutional provisions will be driven by the principles of non-domination and will therefore not dominate others in any way because they will be based upon the interests and ideals of those whom they seek to protect and “[are] suitably responsive to the common good” (Pettit, 1997: 68). State activity will be subjected to rigorous contestation in open and inclusive forums that seek to gauge the interests and opinions of individuals and groups in the republic so that they can be registered and tracked accordingly (Pettit, 1997: 195). Another key feature of the republican approach is that republican citizens identify with and support the constitutional provisions of a republican state characterised by liberty as nondomination because they play a central role in their creation and maintenance. As I argued in chapter 1, republican citizens are asked to play an active role in the maintenance of the republic. The laws and institutions of the republican state that seek to promote and maximise nondomination are created or amended by the citizens according to their interests in open and inclusive forums. If the constitutional provisions of nondomination are to maximise nondomination and not become dominators themselves, then the citizenry must play a central role in keeping them in check so that they track their interests and opinions, even as these change (Pettit,

1997: 207). In both of these areas, it is essential that the citizens play an active and primary role in ensuring that the laws and institutions of the state do not interfere in their lives in an arbitrary manner. In this sub-section, I have tried to briefly sketch Pettit's general argument. Many of these issues are central to my arguments in later chapters and I will develop them further at that time.

### ***2.3 - nondomination: another instrumental approach?***

I believe that there are two fundamental weaknesses in Pettit's argument. First, like Skinner's conceptualisation above, Pettit's republican alternative seems to fall victim to charges of instrumentality. Indeed, Pettit himself maintains that nondomination can best be defended as an instrumental good that brings with it certain benefits. Although he allows that it may be defended as an intrinsic good, he chooses instead to argue that even as an instrumental good, it has certain advantages over liberal approaches (Pettit, 1997: 82-90). Second, Pettit fails to develop thoroughly the idea that nondomination contains some elements of positive liberty within it. To be sure, he equates those positive elements with the principle of mastery and derives the alternative republican conception of liberty as the absence of mastery. However, those theorists who promote a theory of liberty in the positive sense are not only concerned about mastery by others. A central concern of theirs is self-mastery, and thus a degree of self-development. Pettit does briefly argue for some type of self-mastery in the form of personal autonomy, but I believe that this line should be pursued further, especially in the sense of nondomination's reciprocal form of power and the relationship between nondomination and certain necessary republican ideals and institutions (Pettit, 1997: 81). It is not my contention that Pettit has these issues wrong. Instead, I maintain that Pettit has simply not gone far enough in defending his project. Therefore, I will try to add more weight to Pettit's claims in ways that I believe he would accept. However, it is not my purpose to account exhaustively for these shortcomings in this chapter alone. In the next two sections of the thesis, the issues introduced here will be

examined more thoroughly and compared and contrasted with rival liberal approaches.

Despite Pettit's admission that republican liberty as nondomination is an instrumental good, he maintains that there are some important differences between freedom as the lack of arbitrary interference and freedom as the lack of any interference which make republican liberty more attractive (Pettit, 1997: 83-90). The first advantage that nondomination has over the ideal of freedom as non-interference is that under nondomination, agents are secured from any anxiety or uncertainty they may experience from those who seek to interfere arbitrarily with them. Because some interference agents may experience may be arbitrary, agents do not know when, or from whom it may come. This may lead to a high degree of uncertainty and anxiety as agents fret over being exposed to arbitrary interference. Maximising freedom as nondomination will lower the degree to which agents are subject to arbitrary interference and, because the interference that they experience tracks their interests and opinions, uncertainty and anxiety are reduced (Pettit, 1997: 85). The opinions and interests of nondominated agents have been consulted and tracked and any interference that they experience is not something that is unexpected. It follows, then, that nondominated agents do not experience a high degree of uncertainty or anxiety because the interference they experience tracks their interests. When nondomination is maximised, the uncertainty and anxiety that agents experience is minimised. The same does not hold under a system characterised by freedom as non-interference. If non-interference from the state is maximised, the interference that agents experience from others is likely to increase because they receive less protection from the state than from would be offenders. As the interference that they experience rises, so to will their uncertainty and anxiety (Pettit, 1997: 86). The interference that they experience from others does not necessarily track their interests. It is not necessarily something that they were consulted about which may cause them concern and may make them worry. In this case, the only way to reduce their uncertainty and anxiety would be to



reduce the non-interference that they experience, but this fundamentally undermines the ideal of freedom as non-interference.

The second advantage republican liberty as nondomination has over the ideal of freedom as non-interference is that it reduces the degree to which agents have to be prepared to defend themselves against arbitrary interference. If nondomination reduces the uncertainty and anxiety that an agent might experience, it also reduces the degree which agents must anticipate arbitrary interference and protect themselves from its effects (Pettit, 1997: 86). An agent who lives in a state characterised by republican liberty as nondomination will be freed from this responsibility. The degree that agents have to plan strategically to cope with arbitrary interference is reduced the more nondomination is maximised. The interference that agents encounter is not unfamiliar to them because their opinions and interests were tracked prior to its manifestation. Under a system characterised by the ideal of freedom as non-interference, agents will have to plan strategically to avoid arbitrary interference because they will not know from where it may come or in what form it may be. This interference is unexpected because their interests were not consulted, nor were they asked to play an active role in its creation. In this manner, an agent's own choices will be curtailed and the range of options open to her reduced. Having to anticipate and plan to avoid interference will be a heavy burden on many agents who will likely respond by limiting their exposure to situations where the potential for interference exists (Pettit, 1997: 87). These agents will have to rely on their own cunning and strategic planning to enjoy their liberty as they attempt to anticipate arbitrary interference. The result is that their overall liberty has been reduced. Once again, as the degree to which agents are exposed to interference is minimised, there is a corresponding drop in the freedom they enjoy. The same is not true under a system characterised by nondomination because as arbitrary interference is minimised, agents are freed from having to anticipate arbitrary interference and strategically plan to avoid it if it does not track their interests. The range of options open to them increases as they feel

more secure in their liberty and do not have to protect themselves from the arbitrary interference of other agents. For Pettit, “a clear advantage of the ideal of freedom as nondomination [is] that in targeting arbitrary interference as the enemy, and in seeking to reduce the capacities of others to interfere arbitrarily in anyone’s affairs, it presents a picture of the free life in which the need for strategy is minimised” (Pettit, 1997: 87).

Finally, the third advantage that nondomination has over non-interference, is that agents who experience a decrease in their vulnerability to arbitrary interference from others will also experience subjective and intersubjective benefits. For Pettit, agents who live in a system characterised by nondomination will be more or less on equal footing with one another when it comes to the amount of freedom they enjoy and this will be common knowledge between them (Pettit, 1997: 87). This benefits both the way they view other agents and the way in which they view themselves. As the amount of arbitrary interference that an agent experiences decreases, their self-image increases as does the image that they project because it becomes common knowledge that agents stand on equal footing secure in their freedom. In the words of Pettit, “they can look the other person in the eye: they do not have to bow and scrape” (Pettit, 1997: 87). The same cannot be said of agents who live in a system of freedom as non-interference. As non-interference rises, as the anxiety and uncertainty rises, as the need to anticipate and strategically prepare for arbitrary interference increases, the extent to which agents are subjected to interference from others affects how they view themselves. In other words, in a state characterised by the ideal of freedom as non-interference, vulnerable agents who suffer uncertainty and anxiety worrying about potential arbitrary interference and who have to protect themselves from it, will feel subordinate to others and, to a degree, dependent on the actions of others to enjoy their liberty. If I am a vulnerable agent dependent on the good will of others not to interfere with me, I will feel subordinate to others. The freedom that I enjoy is limited by my own subjective and intersubjective status as a weak and vulnerable agent

exposed to the whims of others. In a state characterised by the ideal of freedom as non-interference, agents will be engaged in a constant power struggle with one another either interfering arbitrarily with others or defending themselves from arbitrary interference. For Pettit, this power struggle will eventually be won by the stronger which exposes the weaker to an increased risk of arbitrary interference because they lack the capacity to defend themselves (Pettit, 1997: 88). It follows that as the state maximises non-interference, the interference weaker agents experience from other agents increases which affects their subjective and intersubjective status. The subjective and intersubjective benefits brought about by nondomination are not necessarily available to agents who live in a system characterised by the ideal of freedom as non-interference. For the weak, their social status is constantly in a perilous situation because they suffer anxiety and uncertainty and have to anticipate arbitrary interference. They cannot look others in the eye knowing that they are on an equal footing because they are all too aware of their limitations and are exploited because of them.

For Pettit, in each of these three areas, the instrumental benefits of nondomination improve upon the ideal of freedom as non-interference. However, it is my contention that these benefits are intrinsically valuable to republican citizens because they help cultivate certain ideal types of citizens and individuals. To the extent that individuals are free from any uncertainty, anxiety, and anticipation that accompanies the ideal of freedom as non-interference, their opportunity for personal self-development increases in several important areas. Moreover, the security that they enjoy performs a double function. First, it secures them in a protective sense from arbitrary interference and second, it promotes their social standing as full and equal citizens. They do not fear their fellow citizens because they can look them in the eye as equals; nor do they fear the consequences of arbitrary interference because any interference they experience tracks their interests. This interference is familiar to them because they were involved in its creation — for this interference not to be arbitrary, it must consult or track their interests and

opinions. In order for it to track their interests, their interests must have been registered and accounted for by the state and others. This idea connects to the republican emphasis on inclusive public forums and positive civic activity that I discussed in the last chapter. If the state is to track properly the interests of its citizens, then there must be a sufficient amount of virtue and participation in the forums of the state to register accurately just what those interests are (Pettit, 1998: 87). In this way, the necessary virtues that make up the republican version of citizenship help individuals articulate their own interests to the state and to others who must account for and track them if they are to live truly nondominated lives. By promoting substantive forms of civic virtue and access to a common language of citizenship, the republican state prepares citizens to play the necessary active role in their own nondomination.

As agents' need to defend themselves decreases and their ability to be secure in the enjoyment of their equal footing with others increases, the way in which they treat others will also be affected. Just as they know that they themselves are on equal footing with other agents, so too must they realise that other agents are on equal footing with them. Where Pettit draws the line of the reciprocal power of nondomination at defence, I maintain that it has offensive elements as well. If the essence of republican liberty is the realisation that in order for agents not to be in a position of domination, their interests must be accounted for and tracked, then it must follow that the converse is also true. Individuals must take account of and track other individuals' interests before they can act without dominating them. To this end, individuals must consider how their actions will affect others and vice versa. In this manner, the reciprocal elements within republican nondomination contribute to individuals' mastery over themselves in a way that theorists who conceive of liberty in a positive fashion would approve. Agents who desire the resilient nature of republican liberty as nondomination and the benefits which accompany it are more secure in their own freedom if they cast their ends in a manner that does not subject others to arbitrary interference. By consulting or tracking other agents' interests and

opinions, nondominating agents will not provoke or draw the rebuke of other nondominating agents. To not dominate others, agents must make an effort to discover what others' interests are, and then respond appropriately. In this manner, the equal footing that agents share is secure and common knowledge.

However, this is not to endorse those theorists like Taylor whom I discussed in section 1, who maintain that such self-mastery can only be attained within a society of a certain canonical form incorporating self-government (Taylor, 1991: 148). Rather, my argument here is that if we accept that nondomination has reciprocal power as Pettit argues, we must also accept that this realisation is not purely defensive in that it singularly secures agents on a personal level from arbitrary interference through enforced equality (Pettit, 1997: 67). If agents are freed from the uncertainty, anxiety, and anticipation of arbitrary interference and their social status of free and equal citizen is common knowledge, then it must follow that they realise the same about other citizens. In this way, the reciprocal power of nondomination is, in Taylor's words, an 'exercise concept', but one with a difference. The exercise within the reciprocal power of nondomination is less robust than the type of self-mastery favoured by Taylor. It only carries with it certain internal specifications on how an agent should act to realise their freedom fully; it does not specify in a singular fashion the 'true' ends that they should pursue with their freedom such as human flourishing or self-government. In order to further protect and maintain their liberty, they must be able to cast their ends in a manner that does not subject others to arbitrary interference because this would undermine their equal footing. If their equal footing is undermined, the pursuit of their ends will be also undermined because the uncertainty, anxiety, and anticipation of arbitrary interference will return. These benefits are related constitutively to agents' realisation of nondomination because they combine to create an improved status that is resilient to arbitrary interference. However, what if a dominator is strong or deceitful and does not cast their ends in a manner that does not track the

interests of others? How is it that they realise their freedom more fully if they choose to interfere arbitrarily with others? The answer comes in two parts.

If agents express their ends in a manner that interferes arbitrarily with others, they risk not only the wrath of others who may seek to defend themselves, they also risk encountering the sanctions of the republican state through its constitutional and legal institutions. A republican state characterised by the ideal of freedom as nondomination is accompanied by constitutional forms which manifest themselves in the ideals and institutions of the state. Through these constitutional mechanisms, the state will not seek only to eliminate arbitrary interference by depriving “other parties of the power of arbitrary interference” (Pettit, 1997: 68). Importantly, the state can also punish or take action against the dominator because it can interfere with their activity as long as that interference tracks or consults their interests. As I argued earlier, even though the immediate interests of the dominator were not necessarily followed, as long as the state’s constitutional provisions allow the dominator to register and contest the punishment in the open and inclusive forums of the republican state, their interests were indeed tracked. Furthermore, their interests do not pass the test of legitimacy because they seek explicitly and purposely to interfere arbitrarily with others. In this case, the dominator’s interests failed two important tests. The first test they failed was that they sought to be the exception to the laws and institutions of the state which were created by, and for, society as a whole. Like the agent who does not want to pay their taxes but yet desires a strong national defence, the dominator’s position is inconsistent and self-defeating. The dominator wants others to fund national defence through taxes, but refuses to do so himself. The second test the dominator failed was that by casting their interest in a manner that subjected others to arbitrary interference, they have forfeited their standing in the open and inclusive forums of the state. Instead, they have advanced their interests at the expense of others at will and with impunity without consulting others’ opinions or tracking their interests. In many ways, the way the republican state

regulates agents is similar to liberal approaches. However, as I will argue in the next part of the thesis, the republican approach goes further.

The second part of the answer to the question posed above is that the state will also educate individuals in the ways of republican politics and government through the promotion of substantive ideals and institutions that support liberty as nondomination. As I argued earlier, not to dominate others, individuals must learn to account for and track the interests of others so that they can respond properly to their demands without subjecting them to arbitrary interference. Certain substantive virtues will be cultivated in individuals necessarily by the republican state such as the ability to reflect critically on their own actions and how the expression of these actions affects others. For Machiavelli, the inculcation of certain virtues like courage, temperance, and worldly knowledge or prudence was necessary for the successful maintenance of republican liberty (Machiavelli, *The Discourses*, 1965: 290-294).<sup>5</sup> Furthermore, these virtues help individuals learn how to communicate with others so that they can not only publicise their own interests, but also discover the interests of their fellow citizens. Once again, this ties in with the republican emphasis on civic virtue and activity discussed in the last chapter. Without widespread civic virtue and participation in public forums, arbitrary interference cannot be minimised. In this manner, civic virtue can be understood as individuals' ability to cast their ends in a manner that does not interfere arbitrarily with others and an appreciation of how their actions impact the whole of society. Republican citizens will have to listen to the other side and react in a manner that tracks the other side's interests if they are to act without dominating them (Pettit, 1997: 189; also see Skinner, 1996: 15-6).

---

<sup>5</sup>There are many instances in *The Discourses* where Machiavelli discusses the qualities necessary to preserve republican liberty. A good summary of his argument is found from book 1 chapters 50-60 (Machiavelli, *The Discourses*, 1965: 298-320). Also see Skinner (1984: 208-212) for a further discussion of these qualities.

Republicans seek to take self-interested individuals and 'educate their desires' so that they begin to identify their good with that of society (Burt, 1990: 27-9). The republican state will seek to mould and condition individuals' ends so that they cast them in a manner that does not subject others to arbitrary interference. This point ties in with my earlier discussion of the key differences between Skinner's and Patten's approaches. Where liberals take self-interested individuals and attempt to regulate their activity through certain instrumental processes, republicans take self-interested individuals and attempt to change them into individuals of a certain character type that can identify their good with that of the community. So in the case of the dominator, not only do they face the sanctions of the state, they also face the state's effort to re-educate them in a manner that affects how they cast their ends. In doing so, republicans expose self-interested individuals to certain goods that can only be attained in a communal setting (Taylor, 1995: 139). Moreover, as argued above, individuals have good reasons to adopt a republican outlook because they receive certain benefits. The self-interested dominator faces increased uncertainty and anxiety as they seek to dodge their responsibilities to others and the state. They also face the prospect of having to increase their strategic planning as they have to develop more complex ruses to subject others to domination. Finally, they also miss out on an improved subjective and intersubjective status because they know they are not on equal footing with others and that their position is perilous. Furthermore, being a dominator means missing out on certain goods that are only available to nondominators whose freedom is secure and resilient. As with the first part of my reply, this issue will be defended and developed further in the next part of the thesis.

Another blow against the instrumental charge is the unique relationship between republican liberty as nondomination and the ideals and institutions that support it. As I argued above, republican liberty as nondomination comes in two forms of power, reciprocal and constitutional. Consequently, in order for these forms to be truly effective, they must be accompanied by the necessary ideals



and institutions that inform and track the common good, which is essential to maintaining republican liberty. In other words, these forms, which come in the aforementioned ideals and institutions of the republican state constitute the liberty realised by the citizenry. These forms help to make up the essence of republican liberty and are recognised as such. To contrast this with the type of negative liberty discussed above and exemplified by Hobbes, we need to look no further than how different republicans view institutions and laws. For Hobbes and his followers, laws and institutions were seen as restrictions of liberty because they represented a coercive force within society which constrained freedom (Hobbes, 1968: 165-6; also see Pettit, 1997: 37). In this way, laws and institutions are always a restriction of freedom to some degree for those who accept the basic thrust of Berlin's conceptualisation of negative liberty. Alternatively, for republicans, properly constituted laws and institutions — laws and institutions which are made by and track the interests of those they govern — are not restrictive of citizens' freedom. Rather, they are viewed as components of it: taken together, they serve to make up and form their freedom.

A common reply to this charge is that republicans mis-characterise or exaggerate the extent to which liberals accept a strictly negative conception of liberty (Patten, 1996). For example, Rawls maintains that in certain situations liberty should be restricted, but only for liberty's sake (Rawls, 1971: 201-5; Rawls, 1993: 294-9). In other words, justice is served when the restriction of some liberty is likely to enhance the overall system of liberty. Even though Rawls qualifies this by maintaining that in this case, liberty was not, strictly speaking, restricted but regulated, the conclusion is unaffected. In order to secure and enhance a greater system of liberty, liberals maintain that some restrictions or regulation is likely to take place. Nevertheless, these restrictions are allowable because they are instrumental to the creation of a more just and fair overall system of liberty. However, the same cannot be the case when considering the republican alternative. For republicans, the laws and institutions do not represent a restriction of liberty in any sense because they were created,

and are supported, with the full consent of the governed and track their interests. In other words, they are not arbitrary. There is no trade off between a restriction here and a benefit there because such causal sequences are unnecessary for republicans.

For Pettit, unlike the instrumental nature of laws and institutions that support a negative conception of liberty, republican laws and institutions constitute the liberty enjoyed by its citizens (Pettit, 1997: 106-9). There is no “one step backwards in order to take two forward” for republicans (Pettit, 1997: 35-6). In other words, liberty does not have to be restricted for liberty’s sake. The nondomination experienced by republican citizens is formed by the constituent parts of the overall system of liberty which come in the aforementioned ideals and institutions of the republic. Without properly constituted laws and institutions, republican citizens are in a state of domination because they are exposed to arbitrary interference and thus their liberty is lost. The same cannot be said of those who accept the broad implication of Berlin’s negative conception of liberty because, strictly speaking, the less interference in the form of laws and institutions that individuals experience, the greater their liberty. Even though the basic system of liberty may be enhanced by reasonable restrictions in the form of laws and institutions, these restrictions do not constitute individuals’ freedom in the same manner as in the republican approach. These restrictions are instrumental to their freedom and help to enhance the overall basic liberties: they are a means to an end. However, for republicans, properly constituted laws and institutions are more than simply instrumental to the overall system of nondomination, they are the essence of their freedom and are a necessary part of it. In other words, they constitute their freedom. And so constituted, the interference that citizens experience due to the presence of these ideals and institutions is not viewed as a restriction of their freedom because this interference is not arbitrary. Instead, these ideals and institutions are viewed as the components that combine to make republican liberty as nondomination realisable.

## Conclusion

Throughout this chapter I have sought to challenge the narrow confines of Berlin's two conceptions of liberty approach and instead have suggested that republican liberty conceived of as non-domination is a distinct alternative. If, as Tom Baldwin has argued, liberty has many different senses, each with their own unique emphases, then the conceptual landscape can accommodate an alternative conception. By limiting ourselves to either an exclusively positive or negative conception of liberty as put forth by Berlin, I maintain that we are ignoring a rich and potentially rewarding way of understanding our freedom that has important implications for contemporary political philosophy. Republican liberty as nondomination, based on the classical models of the Romans and on the work of contemporary theorists such as Quentin Skinner and Philip Pettit supersedes Berlin's original dichotomy. It combines some elements of both positive and negative liberty to form an alternative conception of liberty that is distinctively neo-Roman republican in nature. It is positive in the sense that it is an exercise concept and negative in that it requires the absence of something. In a system characterised by the ideal of freedom as nondomination, agents are free to the extent that no other agent can interfere with them in an arbitrary manner. They are free to the extent that they are not subject to the domination of either the state or other agents.

I have argued in this chapter that several key differences emerge between republican liberty as nondomination and the more traditional conceptions outlined in Berlin's scheme. Furthermore, I have argued that Pettit's contemporary conceptualisation of republican liberty as nondomination can be defended in a more robust manner than he chooses to do. For Pettit, republican liberty as nondomination is an improvement on the ideal of freedom as non-interference in three crucial areas. First, it frees citizens from the uncertainty or anxiety that they may experience from any actual or threatened interference which does not track their interests. Second, it frees citizens from

having to anticipate arbitrary interference and to defend themselves against it. Finally, it places citizens on an equal footing because they are secure in their nondominated status and do not have to fear either the state or others who may subject them to interference which does not track their interests. In each of these three areas, then, republican liberty as nondomination holds out the prospect that individuals' freedom is enhanced and more secure than liberty in a system characterised by the ideal of freedom as non-interference.

Furthermore, I have argued that republican liberty as nondomination can be defended as an intrinsically valuable good because it cultivates agents in a distinct and compelling manner that yields citizens and individuals of a certain ideal republican character type. To buttress this claim, I have argued that inherent within the advantages of freedom conceived in the republican manner as put forth by Pettit are certain elements which share some commonalities with the ideal of freedom as self-mastery. Where Pettit argues that liberty as nondomination is most readily understood as an instrumental good, albeit one that has advantages over other instrumental approaches, I maintain that within the reciprocal power of nondomination is an element of self-mastery that shares some commonalities with liberty conceived of in a positive manner. If the essence of republican liberty is the realisation that in order for agents not to be in a position of domination, their interests must be accounted for or tracked, then it must follow that individuals must take account of and track other individuals' interests before they can act without dominating them. If, as Pettit argues, a key advantage of republican liberty as nondomination is that it places agents on equal footing which has important subjective and intersubjective benefits, it must also follow that they realise that other agents are on equal footing with them. Furthermore, if individuals are freed from the uncertainty, anxiety, and anticipation of arbitrary interference and their social status as free and equal citizen is common knowledge, then it must follow that they realise the same about other citizens. To this end, individuals must consider how their actions will affect others so that they can recast their ends into ones which do not

subject others to arbitrary interference. Republicans will confront dominators and give them good reasons why their own freedom is more secure if they cease to interfere arbitrarily with others. Additionally, being a nondominator brings with it certain goods which individuals have good reasons to embrace. Nondomination also comes in a constitutional form which secures and enhances freedom for citizens within a legal and institutional framework. Civic virtue, citizenship, and other republican ideals and institutions not only protect individuals from arbitrary interference, they also help citizens to cast their ends in a nondominating fashion. However, these ideals and institutions are not simply instrumental to the attainment of republican liberty. Instead they constitute that liberty. They are constituent components of the greater good of nondomination and are, therefore, a necessary part of it.

However, to argue that republican liberty as nondomination is an alternative conception of liberty is one thing. It is quite another to argue that it is an improvement on the liberal ideal of freedom as it appears in contemporary liberal approaches. Although I have laid the foundation for this argument in this chapter, it remains to be seen if the promise of republicanism's alternative conception of liberty can be fulfilled in a way that represents a convincing improvement on the liberal standard. In the next part of the thesis, I will explore this issue in detail by examining two prominent liberal accounts to define and distinguish further a contemporary republican approach that can cope with the many problems confronting the modern polity. In particular, chapter 3 will consider Will Kymlicka's liberal neutralist approach and chapter 4 will examine the political liberalism of John Rawls.

## Part 2

### Nondomination, Liberal Neutrality, and Political Liberalism

Questions that surround the state's proper role in the lives of its citizens are some of the most important and enduring that confront contemporary political philosophy. Many liberal theorists maintain that the state's proper role in the lives of individuals should be restricted to establishing the just and fair conditions that enable them "to pursue their own conceptions of the good" (Jones, 1989: 9). In other words, the state should not promote or pursue any version of the good life itself, and instead should ensure that its citizens have the capacity to choose, question, and revise their life plans without any unnecessary state interference. In this manner, the principle of liberal neutrality holds that the state should only minimally regulate the choices available to its citizens. Moreover, when regulating the availability of life choices, these liberals maintain that the state should do so without appealing to any version of the good. In other words, when justifying the use of public power, liberals believe that the state should not appeal to the good. Thus, the primary function of the state, for these liberals, is to ensure that individuals have the necessary conditions and context in which to choose those things that are important to them.<sup>1</sup> Critics of liberalism argue that state neutrality undermines citizens' commitment to the common good because it stresses their individuals rights and not their common duties (Sandel, 1996: 25). By not acknowledging an overriding public philosophy that recognises that self-government, and the values and virtues that it requires, help to contribute to the realisation of the highest human ends, these critics argue that liberal neutrality is self-defeating.

---

<sup>1</sup>See Goodin and Reeve (1989) and de Marneffe (1990) for two very good overviews of liberal neutrality.

However, within liberalism there are different approaches, each with their own distinctive features and ideals. On one side, liberals such as Will Kymlicka advocate an approach that seeks to remain neutral among competing ideas of the good and does not publically rank the intrinsic worth of life plans. For Kymlicka, “the role for the state is to protect the capacity for individuals to judge for themselves the worth of different conceptions of the good life, and to provide a fair distribution of rights and resources to enable people to pursue their conception of the good” (Kymlicka, 1998b: 133). In other words, Kymlicka believes that individuals should have the necessary freedom and capacity to choose, question, and revise their life choices rationally.

On the other side, inspired by the recent work of John Rawls, some liberals have proposed a freestanding conception of justice that asks individuals to bracket off their closely held comprehensive moral and philosophical claims, and instead embrace a more limited *political* conception of justice. In doing so, the state’s aims remain neutral among competing ideas of the good (Rawls, 1993: 191-4). In other words, like Kymlicka’s approach above, these liberals believe that the state should not itself pursue a singular version of the good. Although distinct, both of these approaches hold that in order to maximise the liberty of citizens, given a myriad of competing moral traditions, the state should not publicly rank or endorse particular versions of the good. Instead, the state should concentrate on guaranteeing its citizens a just political system and equal rights under the law so that they can pursue and revise their chosen life plans without unnecessary state interference. By constructing institutions and procedures aimed at securing individual liberty and justice, the liberal polity avoids having to make any substantive moral claims other than those that are required to ensure its citizens the necessary rights that help form their capacity to pursue their chosen paths in life.

Even though both of these liberal approaches hold that the state should remain neutral toward competing conceptions of the good, within their respective

strategies there are significant differences in their underlying principles that deserve a thorough review. Over the next two chapters, I will explore how the republican approach outlined in the first part of the thesis copes with these differences. So that each approach can be explored fully, chapter 3 will examine Will Kymlicka's defence of liberal neutrality before developing and defending a republican response to his concerns. To the extent possible, I will set aside questions related to the second of these approaches, John Rawls' political liberalism, so that they can be examined thoroughly in chapter 4.



## Chapter 3 - The Challenge of the Cultural Marketplace: Republican Liberty as Nondomination and the Neutral State

Responding to Michael Sandel's thoughtful work, *Democracy's Discontent*, Will Kymlicka has recently argued that despite the philosophical differences between liberalism and republicanism, the two approaches should be allies in addressing the problems confronting the modern polity (Sandel, 1996; Kymlicka, 1998b). Kymlicka maintains that because both approaches share important philosophical principles, supporters of each approach should work together to combat the discontent that citizens feel towards today's polity (Kymlicka, 1998b: 131). Despite this convergence, however, Kymlicka maintains that Sandel's call to abandon liberal neutrality is misplaced, and that it is only within such a liberal system that citizens can be treated equally and fairly by the state. By focussing on the type of republicanism associated with the civic humanists, Kymlicka ignores the alternative version of republicanism as nondomination. As I argued in part 1 of the thesis, this approach shares many liberal attributes in that it espouses an essentially negative conception of liberty.<sup>1</sup> However, this neo-Roman version of republicanism is not simply a re-write of liberalism because its alternative conception of liberty measures freedom by the extent that individuals are not exposed to any actual or threatened *arbitrary* interference. To this end, then, the republican approach that I advocate is distinct from Sandel's in that it does not endorse a singular version of human flourishing grounded in self-government, and distinct from the kind of liberalism favoured by Kymlicka because it abandons state neutrality by promoting certain intrinsically good values and virtues that support its conception of liberty.

---

<sup>1</sup>For the purposes of this chapter, I will set aside Michael Sandel's republican arguments against liberal neutrality because I maintain that the republican approach that I espouse is fundamentally different from his approach. For a further discussion on these differences see Pettit (1997) and Skinner (1997).

In this chapter I will argue that neo-Roman republicanism is non-neutral, does not endorse a singular version of the good, and contains non-instrumental values and virtues that are quasi-perfectionist in nature. Despite these differences, I will argue that liberals like Kymlicka have good reasons to accept this republican approach. Ultimately, this chapter will argue that Kymlicka is right to assert that liberalism and republicanism should be allies in combatting the many problems facing the modern polity. However, before these approaches can join forces, I will argue that Kymlicka's principle of liberal neutrality must be abandoned in favour of a more substantive approach that countenances the intrinsic value of the ideals and virtues that accompany republican liberty as nondomination. My argument against Kymlicka's state neutrality will focus on three crucial areas. The first of these is his belief that liberty, and the virtues and values that support it, must be instrumental in nature so that individuals are not asked to endorse certain substantive moral and philosophical doctrines that are promoted by the state. The second concerns Kymlicka's belief that the state should not appeal to the intrinsic value of some versions of the good in its ideals and institutions. Finally, the third centres on Kymlicka's belief that the state should not promote any perfectionist values, and instead that these ideals should be transmitted to individuals and groups by non-state structures and forums. In addressing these issues, I will develop and defend an account of republicanism that can cope with the many problems facing the modern polity without sacrificing several key liberal aims. In other words, I will argue that by abandoning liberal neutrality, republican liberty as nondomination offers a richer and more robust account of freedom than the liberal approach.

## Section 1 - Liberal Neutrality

### 1.1 - *an instrumental approach*

As I discussed in the last chapter, many liberals measure freedom by the extent that individuals are free from external interference. Within this negative conception, the limits that are placed on individuals are aimed at securing justice and enhancing the overall system of freedom (Rawls, 1971: 201-5; Rawls, 1993: 294-9). Additionally, the values and virtues that support this view of liberty are justified in an instrumental manner in that they are not viewed as intrinsically good themselves. Rather they help maintain the overall system of freedom so that individuals can pursue their own conception of the good. In defending his liberal approach, Kymlicka relies on instrumental values and virtues to support his claims of liberal neutrality (Kymlicka, 1998b: 135). In this sense, the liberty that individuals experience is purely instrumental to the projects that are important to them. These projects are ones that free individuals choose with their freedom and it is this process which allows them to question and revise their choices as they make the necessary determinations as to how they want to live their lives. Individuals' liberty, then, is merely a conduit which they utilise as they evaluate the many different life plans available to them (Kymlicka, 1990: 209-10). What is valuable about freedom for many liberals, is that it serves as a means to an end. In other words, the real value of freedom for liberals is that it allows individuals to pursue their own chosen ends and determine their own conception of the good. Beyond this, liberals generally make no value judgements on the ends being pursued.<sup>2</sup> Thus, for Kymlicka, it is individuals' capacity to choose, question, and revise freely their final ends that have value and not the instrumental ideals and institutions that help them attain these ends. To support this effort, Kymlicka maintains that the state should remain neutral

---

<sup>2</sup>However, liberalism is not a monolithic doctrine and there are many different variations. For example, Joseph Raz's liberal approach abandons liberal neutrality and advocates state perfectionism (Raz, 1986). For the purposes of this chapter, I will concentrate on liberal neutralists like Kymlicka.

among these competing conceptions of the good so that individuals can choose and pursue those ends that are valuable to them without unnecessary state interference.

Furthermore, certain values and ideals which help individuals to determine the value of their life choices are also instrumental goods, and their promotion does not violate state neutrality. Kymlicka describes these goods as secondary values that may help individuals to achieve better life choices in certain circumstances, but that nevertheless remain instrumental to their final ends. For Kymlicka, the important factor is *why* the state promotes such values. It may be that the state has good reasons to promote some values, such as liberal citizenship and liberal virtues, because they make it more likely that individuals will fulfill their obligations to liberal justice. However, for the state not to violate its own neutrality, these ideals must be defended without recourse to any intrinsic goods or substantive ideals. In other words, for Kymlicka, while liberalism may have a commitment to certain “conception[s] of individual agency and social justice, it has no similar intrinsic or foundational commitment to a particular conception of communal identity or civic virtue” (Kymlicka, 1998b: 135). Thus, the motivation behind the state’s promotion of these values is to enhance the overall system of liberal justice, and not to promote a version of the good life.

It all depends on *why* one is promoting a conception of civic virtue. If the state promotes certain virtues on the grounds that possessing these virtues will make someone’s life more worthwhile or fulfilling, then clearly it is promoting a particular conception of the good. However, if the state is promoting these virtues on the grounds that possessing them will make someone more likely to fulfill her obligations of justice, then it is not promoting a particular conception of the good. It has made no claim whatsoever about what makes her life go better, or about what ends in life are rewarding or fulfilling (Kymlicka, 1998b: 136; emphasis in original).

Importantly, then, for Kymlicka, the state can promote certain values and virtues without violating its neutral position. Keeping in mind that for Kymlicka, the state is neutral in that it does not publicly rank or make value judgements on the various choices that individuals make. Certain instrumental ideals are promoted by the liberal state because they enable individuals to “achieve liberal principles of individual agency and social justice” and not because they are intrinsically valuable final ends (Kymlicka, 1998b: 136). In this manner, then, the instrumental virtues and values promoted by a liberal state are purposely ‘thin’ so that they allow individuals to identify with them in a sense that does not endorse a conception of the good or publicly rank the intrinsic worth of their choices. These ‘thin’ identities are promoted only because they make it more likely that individuals will fulfill their obligations to liberal justice. These virtues, then, are not a reflection of a certain conception of the good, but rather are instrumental duties and serve as a “precondition of justice to others” (Kymlicka, 1998b: 136-7).

Republicans who conceive of liberty as nondomination, however, will object to the instrumental reading of liberty because they value liberty, and the virtues and values that support it, as essential goods that constitute their liberty. As I briefly discussed in chapter 2, some liberals maintain that the virtues and values of republican liberty share liberalism’s instrumental approach (Patten, 1996: 22-45). Alan Patten has argued that despite some differences, there are no interesting or significant divergences between the liberal and republican approaches to liberty because both accounts are instrumental in nature (Patten, 1996: 25). Patten endorses the view that political institutions, including forms of citizenship and civic virtue, are not intrinsically valuable themselves, but rather serve as a means to an end. Patten believes that the republican commitment to civic virtue and active political participation are instrumental goods and are not necessarily intrinsically valuable because the republican conception of liberty is essentially negative in nature. Republicans, according to Patten, are wrong to maintain that “citizenship and public service are goods

because they contribute to the realisation of negative liberty” (Patten, 1996: 26). Patten dismisses the republican claim that the ideals and values that comprise republican versions of citizenship and civic virtue are necessary conditions of the maintenance of a free state. Patten maintains that republicans mistakenly hold that individuals are motivated by a commitment to the common good and a high degree of civic virtue. Instead, Patten believes that republican citizens, like liberal citizens, are motivated by a sense of self-interest which sees them adopt certain distinctive virtues and ideals in order to maintain their liberty (Patten, 1996: 28). Thus, the republican approach, for Patten, is essentially an instrumental approach that holds that civic virtue and citizenship are preconditions for the realisation of social justice. Similarly, for Patten, liberal conceptions of freedom are like republican conceptions in that they too “recognise that unless individuals have a sense of justice and recognise a duty to support just institutions” the state will fail to protect liberty. Furthermore, liberals and republicans both believe that the “coercive powers of the state may occasionally need to be employed to ensure that individuals do what is required to preserve their own liberty” (Patten, 1996: 36). For Patten, unless republican liberty can be shown to be constituent of individuals’ liberty, then the republican account of liberty must be instrumental.

Recently, however, Patten has modified his earlier position and accepted that republican liberty as nondomination may be significantly different from liberalism’s instrumental approach due to its focus on *arbitrary* interference (Patten, 1998: 808-10). As I argued in the last chapter, unlike liberal citizens who value their liberty, and the virtues and values that accompany it, in an instrumental manner, republican citizens have a closer, more intimate, relationship with the ideals and institutions that support nondomination. In other words, the virtues and values of republican liberty as nondomination are constitutive of the liberty experienced by republican citizens. Those ideals and institutions of the republic are a necessary part of individuals’ freedom and their lives are enriched as they begin to realise their nondomination. These ideals

and institutions embody republican freedom and characterise a distinct mode of realising liberty because they constitute an individual's empowerment and protection from would be offenders (Pettit, 1997: 108). To that end, then, republicans maintain that certain substantive goods must be connected with our freedom. These goods, such as civic virtue and republican versions of citizenship, come in the form of republican values and virtues that constitute the ideals and institutions of the republic. These goods are substantive because they enhance the lives of republican citizens by securing them from actual or threatened domination. In addition to securing them from domination, these ideals and institutions help individuals to cast their own choices and final ends into ones that do not dominate others. In subsequent chapters, I will develop this idea more thoroughly. However, for the purposes of this chapter, my argument is that republican citizens value the ideals and institutions that help to constitute their liberty as nondomination as intrinsically valuable non-instrumental goods.

### ***1.2 - republican liberty is not instrumental***

In the last chapter, I argued that republican citizens have a unique relationship between their liberty as nondomination and the ideals and institutions that support it. On a theoretical level, republican liberty as nondomination is accompanied by two interdependent forms of power, reciprocal and constitutional. These forms of power are constituent parts that comprise the essence of republican liberty and are recognised as such. The reciprocal form of power manifests itself in certain values and ideals such as civic virtue and citizenship. This form of power carries with it certain substantive benefits that mould and condition how individuals exercise their freedom and cast their final ends. The reciprocal form of power is supported in a legal and institutional manner by the constitutional form of power which may emerge in the form of strong laws or a legislative, executive, judicial, or other institution of the republican state. It follows that both the reciprocal and constitutional forms of

power are constituent components and are necessarily interdependent on one another. Without certain substantive goods that accompany the reciprocal power of nondomination that inform and track the common good, the ideals and institutions of the state will not be able to sustain republican liberty as nondomination. On the one hand, civic virtue and citizenship help transmit certain substantive values to individuals which help them both realise and maintain their republican liberty as nondomination. On the other hand, properly constituted laws and institutions — ones which were made by and track the interests of the citizenry — are not seen as restrictions of citizens' freedom. Instead, taken together, they serve to make up and form their freedom. In other words, civic virtue and citizenship, together with properly constituted laws and institutions, are interdependent component parts of republican citizens' freedom and represent the realisation of nondomination in their lives. Republican citizens have a close and intimate relationship with these constituent parts because they are their freedom and bring with them certain substantive benefits.

The nondomination experienced by republican citizens is formed by the constituent parts of the overall system of liberty which come in the aforementioned reciprocal and constitutional ideals and institutions of the republic. Without properly constituted laws and institutions, republican citizens are in a state of domination because they are exposed to arbitrary interference. For republicans, properly constituted laws and institutions are more than simply instrumental to the overall system of nondomination, they are the essence of their freedom and are a necessary part of it. In other words, they constitute their freedom. These ideals and institutions are viewed as the components that combine to make republican liberty as nondomination realisable. They do not relate to liberty in an instrumental manner in that the adherence to them will make it more likely that individuals will fulfill their obligations to justice.

For many liberals, as I discussed briefly above, individuals have an instrumental duty to observe the necessary virtues and values that secure their



freedom. In other words, for liberals certain virtues and ideals are essential not because they themselves are necessarily valuable, nor is their cultivation an intrinsically valuable exercise. Rather, these virtues and ideals, which can come in the form of certain rights or duties, are valuable because practising or cultivating them will make it more likely that individuals will fulfill their obligations of justice. For Kymlicka, liberal institutions like mandatory education are examples of instrumental goods because they ensure “that children acquire the capacity to envisage alternative ways of life and rationally assess them” (Kymlicka, 1996: 87). In other words, these types of institutions are not necessarily goods themselves, but rather help to cultivate certain virtues that make it more likely that individuals will fulfill their obligations to social justice. Republicans, however, do not view institutions or duties in the same manner. According to Quentin Skinner, Machiavelli argues that individuals’ commitment to republican institutions and ideals is not based on a belief that it is their ‘duty’ to support or cultivate them. Rather, the commitment to republican ideals and institutions represents the only way for individuals ‘to do well’ on their own behalf, and the only way to secure republican liberty as nondomination (Skinner, 1984: 219). Machiavelli argued that living a nondominating life and participating actively in the maintenance of republican liberty was more than an instrumental obligation, it was something that could bring the individual ‘glory’ (Machiavelli, *The Discourses*, 1965: 509). Therefore, republicans view these ideals and institutions as something of value *themselves* because they are not only the guarantor of their personal freedom. They also help to enrich their lives, to ‘do well’ as individuals, and may even bring them glory or other honours. Additionally, adherence to, and cultivation of, these ideals and institutions helps to serve the common good by maximising nondomination and securing individuals from arbitrary interference. Put another way, these ideals and institutions that help republican citizens cast their own ends into ones that do not dominate others not only secure and maintain republican liberty as nondomination. They also enable individuals to live a life of glory and

experience other goods associated with upholding the principles of republican liberty.

If citizens fail to understand the intrinsic value in the republican ideals and institutions that accompany nondomination, liberty may be lost. Individuals who do not develop the necessary virtues that accompany liberty as nondomination, or ignore its institutional arrangements, will undermine the necessary conditions that enable nondomination to be maximised. For republicans, when individuals view their freedom as merely a conduit through which they can achieve their own narrowly tailored ends, it is likely that individuals will seek their own narrow interests and thus interfere arbitrarily in the lives of others (Skinner, 1991: 198). For Kymlicka, individuals value their liberty because it allows them to choose their own narrowly tailored conceptions of the good. The values and virtues associated with their liberty are duties and preconditions for social justice, and thus are not necessarily intrinsically valuable themselves. However, as I have argued, the same is not necessarily true for republicans because the ideals and institutions associated with republican liberty as nondomination constitute their liberty. Through the reciprocal and constitutional forms of power, distinctive republican ideals and institutions not only secure individuals from arbitrary interference, they cultivate certain intrinsically valuable ideals that enable individuals to 'do well' on their own behalf. In the next section, I will argue that despite republicanism's non-instrumental conception of liberty, and the virtues and values that support it, nondomination is compatible with Kymlicka's belief that individuals must be free to revise rationally their conceptions of the good.

## **Section 2 - Autonomy, Individualism, and Civic Virtue**

Given that Kymlicka views liberty, and the virtues and values that support it, as instrumental goods in that they serve as necessary preconditions for social justice, it is individuals' capacity to choose those ends that they find valuable

which is a primary concern of the liberal state. For Kymlicka, then, an essential aspect of being free is individuals' capacity rationally to choose, question, and revise their conceptions of the good. In this section, I will argue that republicans agree with Kymlicka's contention that an important aspect of liberty is individuals' capacity to revise their life choices rationally. Similarly, republicans believe that for individuals to be truly in a position to evaluate and question their life plans, they must be in a situation where they have the freedom necessary to make such judgements. However, as I argued in the last section, republicans maintain that it is only by viewing liberty as nondomination, and the ideals and institutions that accompany it, as constitutive goods that ensures that individuals are in a meaningful position to question and revise rationally their life choices. If individuals lose the close and intimate relationship with their liberty and view it solely in instrumental terms, they may well create the conditions that undermine their liberty which may negatively affect their capacity to revise rationally their life choices. The goods that are associated with republican liberty as nondomination play an important role in not only the maintenance of freedom, they also interact with individuals in a substantive manner that affects the choices that they make. In this section, I will further develop this point and argue that the virtues and ideals of republican liberty as nondomination are not hostile to liberal aims such as autonomy and individuality. Furthermore, I will argue that the state must play a central role in the cultivation of these virtues and ideals associated with republican liberty. I will first present Kymlicka's defence of liberal neutrality as the best way to ensure that individuals have the capacity to revise rationally their life choices. I will then argue that republicanism can accomplish these same goals in a distinctive and non-neutral manner that enhances individuals' liberty by securing for them a distinctive republican context for choice.

## **2.1 - Kymlicka's 'context for choice'**

In addition to Kymlicka's instrumental view of liberty is his belief that individuals should be free from unnecessary external interferences as they seek to define and redefine their life plans. Kymlicka does not accept that individuals have fixed or unchangeable conceptions of the good (Kymlicka, 1990: 212). As individuals' lives change, so will the given circumstances in which they find themselves change. Liberal neutrality enables them to go back and question their prior judgements. It follows that each individual should have the capacity to reflect rationally on her ends and change them if she deems them no longer valuable. For its part, the state acknowledges and maintains "a sphere of self-determination" that must be respected by others, including itself, so that individuals are free from unnecessary interferences which may distort both the context in which individuals make choices, and those choices themselves (Kymlicka, 1998b: 133; also see Kymlicka, 1990: 200). Kymlicka believes that when left to their own devices, individuals will seek to find those things that are rewarding given their view of life. They will seek to investigate and compare different ways of life while constantly subjecting their choices to vigorous revision and questioning. Through this process, individuals are able to judge between competing versions of the good life and choose the one that suits them the best. Invasive state interference would be harmful to individuals and has the potential to take the value and meaning out of their self-determination as they seek to find the good life (Kymlicka, 1990: 203-4). Furthermore, intrusive state intervention has the potential to threaten the development of autonomy and individuality and to distort the context for meaningful choice that is necessary for individual agency (Kymlicka, 1998b: 139). For Kymlicka, no authority should be allowed such broad control over individuals' life choices. Ultimately, what is important is that individuals have the capacity and ability to make their own judgements, which in turn enables them to make and revise the necessary choices for their life plans free from state interference. In other words, for Kymlicka, it is the choosing that is important, not necessarily what is chosen.

Republicans also believe that individuals desire liberty to pursue their own chosen ends. Machiavelli maintained that different people will wish to pursue varying ends and that republican liberty as nondomination provided them with the security to do so. In his account of republican liberty we learn that some people will wish to pursue honour and power, while others will wish to enjoy a life of security and pursue more modest ends (Machiavelli, *The Discourses*, 1965: 204; also see Skinner, 1991: 196). These ends are not specified and do not appeal to some singular version of human flourishing. The substantive goods that constitute republican liberty secure individuals from external or internal threats to their freedom, which allows them to choose, question, and pursue their life choices as long as they do not cast their final ends in a manner that subjects others to arbitrary interference. Those who live under the conditions of republican freedom live their own lives according to the values and priorities that they set as long as these are consistent with republican liberty. On a wider scale, as a political body, the community will pursue those ends that ensure that the conditions of liberty as nondomination are maintained and enhanced so that individuals can make and question their own choices. Furthermore, as I argued in chapter 2, republican citizens who live in a state characterised by the ideal of freedom as nondomination experience certain benefits that enhance their ability to make choices and revise their life plans. Individuals are freed from the uncertainty and anxiety of any actual or threatened interference that does not track their interests. They do not have to plan strategically to defend themselves against potential dominators. It follows that they experience certain subjective and intersubjective benefits which enhance their ability to make choices. As Machiavelli argued, republican citizens make their choices knowing that they are safe to live their lives in their own manner and they seek the goods that they know they can enjoy (Machiavelli, *The Discourses*, 1965: 332). To this end, republicans believe that the institutions of government can be shaped in such a manner to provide the necessary security for individuals to pursue and revise their conceptions of the good while enhancing their liberty to do so.

## **2.2 - the republican 'context for choice'**

In many ways, liberals would endorse such republican moves as long as they were instrumental and did not advocate violating liberal neutrality. However, as outlined above, republicans believe that inherent within the wider theory of nondomination are necessary and intrinsically valuable virtues and ideals that accompany liberty as nondomination. Like liberal virtues, these virtues can and do aid in the development of the self by exposing individuals to different ways of life and alternative dimensions of personal identities (Pettit, 1997: 257). It is inevitable that as individuals interact with the ideals and institutions of the republic they will encounter ideas and values that are distinctively republican and may be alien to their way of life. Kymlicka maintains that liberal neutrality helps ensure a "free and fair context" for individuals to make the necessary judgements associated with rationally revising their life choices (Kymlicka, 1998b: 139). Republicanism too, helps to ensure such a 'context for choice', albeit a distinctively republican one. For republicans, the constant action and reaction to life in civil society helps to form an important context for choice for those citizens who know themselves to be free from any actual or threatened domination. The republican context for choice will regulate the availability of some comprehensive moral traditions and may even challenge or distort some individuals' final ends. It does this because the wider, and more pervasive, role assigned to nondomination makes it impossible for ends that dominate to exist within the republican state without being challenged. This context for choice is not, however, overtly coercive or determinate, but rather is a guarantee to those citizens who know themselves to be free from arbitrary interference and have the necessary security to choose, question, and revise their life plans within a republican state characterised by liberty as nondomination. The republican context for choice serves to regulate and educate those citizens who understand their freedom as nondomination. For republicans, then, by understanding their liberty as the lack of arbitrary interference in their life choices, citizens know themselves to be free to pursue

their own ends according to whatever conception of the good they may have in light of the regulative nature of nondomination. The republican state will seek to ensure that individuals are free from any actual or threatened arbitrary interference so that they themselves can decide those things that are valuable, and those things that are not, as long as their choices are consistent with others enjoying liberty as nondomination.

In this manner, republicanism is not hostile to the autonomy and individuality supported by Kymlicka. Republicans recognise the importance of autonomous choice in the development of individuals' various life plans. So where do the two approaches differ? For republicans, the key question is not whether or not autonomy and individuality are compatible with republican or liberal concepts, but rather what role the state should play in cultivating the ideals and values that accompany republican liberty as nondomination and why. Kymlicka's belief that the state should not publicly rank the intrinsic worth of the various conceptions of the good that are found in today's modern polity seems to suggest that the state should play no role in an individual's formulation of the good, but should play a role in the cultivation of autonomy. Indeed, Kymlicka maintains that without violating liberal neutrality, the state plays a central role in the development of these capacities and abilities through certain basic civil rights.

For Mill and other liberals, a basic argument for civil rights is that they help ensure that individuals can make informed judgements about the inherited practices of the community. For example, mandatory education ensures that children acquire the capacity to envisage alternative ways of life and rationally assess them. Freedom of speech and association (including the freedom to proselytize or dissent from church orthodoxy) ensures that people can raise questions and seek answers about the worth of the different ways of life available to them (Kymlicka, 1996: 87).

Thus, certain character traits and skills are promoted by the liberal state to ensure that individuals have the capacity and ability to revise their life choices. Because the state does not publicly rank the choices available to its citizens, it

does not violate liberal neutrality. Even though it seeks to instil certain skills and traits within the lives of its citizens, Kymlicka maintains that because this effort does not publicly rank the various life choices available to its citizens, liberal neutrality remains intact. Furthermore, as I will explore in Section 3, Kymlicka maintains that this effort must be free from any form of state perfectionism.

### ***2.3 - the republican 'psychologies' of civic virtue***

As discussed above, republicanism is not hostile to Kymlicka's belief in the importance of autonomy and individuality for individuals. However, republicanism approaches autonomy in a different manner than liberals that violates the type of neutrality endorsed by them because it favours a substantive version of civic virtue that places certain demands on individuals that are not purely instrumental. Instead, the republican state seeks to regulate the ends that individuals value and how they are expressed. To explore this issue further and develop a republican ideal of civic virtue that is not hostile to the kind of autonomy and individualism supported by Kymlicka, but yet is distinctively non-neutral, I will utilise Shelly Burt's useful typology of the three different 'psychologies' of civic virtue found in the republican tradition. Burt maintains that there are three related, but yet distinct, republican conceptions of civic virtue: the education of desires; the accommodation of interests; and finally the compulsion to duty (Burt, 1990: 23-38). Briefly, the education of desires approach is characterised by the attempt of the state to mould and condition the private desires of the individuals for public aims. Similarly, the accommodation of interests approach finds republicans structuring the institutions of government in such a way that the private interests of its citizens are fused with the public good. Finally, the compulsion of duty approach finds virtuous citizens serving their country "because of a rational understanding that it is their duty to do so" (Burt, 1990: 25-6).



Although Burt divides the psychological sources of civic virtue in the republican tradition into three different senses, most useful for my purposes here is a combination of the first two approaches as best represented by Machiavelli and the English republican theorists.<sup>3</sup> Quentin Skinner has argued that Machiavelli believed that republican citizens understand the law in such a way that their private interests are channelled in a manner that benefits the public good (Skinner, 1983: 10). By educating individuals' desires and by accommodating their private interests within the political institutions and constitution, republicans strive to regulate individuals' ends in such a way that the expression of those ends reflects a robust commitment to civic virtue. Burt argues that Machiavelli believed that a properly constituted republican education would instil the necessary virtues in individuals so that they resisted corruption, and instead sought goods that supported liberty and the common good (Burt, 1990: 28). Machiavelli maintained that if education could not instil any good in the citizens, the republic risked falling into corruption (Machiavelli, *The Discourses*, 1965: 496). Machiavelli believed that individuals had to be taught certain substantive values, such as *prudenza* (prudence), *animo* (courage), *temperantia* (temperance), which would help them secure and maintain republican liberty by informing and channelling their narrow self-interest (Machiavelli, *The Discourses*, 1965: 290-294). Thus, for Machiavelli, civic virtue had to be cultivated actively so that individuals would identify their own good with that of the republic. This would serve to keep corruption at bay by ensuring that individuals' narrow private interests did not take priority.

Furthermore, as Burt informs us, the writers of *Cato's Letters* believed that citizens were capable of fusing their interests with that of the public good

---

<sup>3</sup>Although Burt classifies Machiavelli with a tradition associated solely with the education of desires approach, I understand Machiavelli's account to be closer to that of Quentin Skinner. Skinner maintains that Machiavelli promotes a combination of the accommodation of interest approach and the education of the desires approach. See Burt (1990) p. 26, fn 9 for further discussion on this point.

because they saw the connection between the protection of their liberty and the promotion of a politics based on the common good. For these writers, personal liberty is secured and enhanced when citizens understand their common fates with one another, and thus their private interests find expression in a way that promotes civic virtue (Burt, 1990: 37). For Burt, Harrington's *Oceana* demonstrates that if constitutions are constructed in an appropriate manner, individuals' common interests will have priority over narrowly tailored private interests (Harrington, 1992: 172). Harrington advocates a political structure that serves to channel the various private interests of those found within the community so that they play off one another and become 'public' in nature once they are exposed to the political (Harrington, 1992: 416; also see Burt, 1990: 26). In other words, Harrington believed that individuals' private interests had to be exposed publicly and then channelled so that they cancelled one another out or at least led to a more legitimate balance of power. This type of thought demonstrates that the republican state must play an active role in channelling an individual's private, and sometimes, narrow interests into something that is more collective and aimed at a wider audience through its distinctive institutions. Similarly, Machiavelli believed that unless properly constituted, republican institutions would fall into the hands of those who sought to promote their own narrowly tailored private ends above those of the common good. An example of this is Machiavelli's belief that when Florence was faced with divisive factions and conflict, instead of using the public institutions to secure the common good for all, individuals sought to promote their own private interests at the expense of other individuals' liberty (Machiavelli, *The History of Florence*, 1965: 1145-1148, esp. 1146).

Thus, by combining the two senses of Burt's typology, republicans understand and accept that individuals have narrowly tailored private ends that are important and valuable to them. Moreover, as argued above, republicans understand that individuals will wish to pursue those ends that they themselves decide are important and valuable. However, without an active effort to shape

these ends and properly constituted republican institutions for them to manifest themselves, individuals will pursue their own narrowly tailored ends without deference to what is best for the community, which may put liberty at risk. By creating public structures that allow individuals to express their own self-interest without subjecting others to arbitrary interference, republican ideals seek to regulate the way in which individuals' private interests manifests themselves by moulding and conditioning those ends. Furthermore, republican forms of civic virtue and citizenship help to cultivate and shape individuals' desires in a particular republican fashion so that they value and express their ends in a manner that does not dominate others. It follows that republican forms of civic virtue and citizenship, when combined with distinctive republican institutions, help individuals to acquire the necessary skills that must accompany republican liberty as nondomination. Moreover, the cultivation of these skills and character traits is not instrumental in the creation or maintenance of social justice like in the liberal approach. They help form the essential component parts that constitute the freedom experienced by republican citizens and are intrinsically valuable because they help individuals live better lives that do not dominate others.

Many liberals, including Kymlicka, will object to the regulation of individuals' life plans in this way because it requires the public ranking of the intrinsic worth of individuals' conceptions of the good by the state. Republicans seek to regulate the ends that people value, whereas liberals seek to regulate simply how individuals behave in expressing their ends. Liberals, like Kymlicka, do not seek to go beyond that distinction. However, republicans do because not only will leading a nondominating life enhance individuals' overall position to pursue their chosen goals, certain valuable goods are available to them that will enhance their life. Thus, some individuals' life plans will be more successful than others in upholding the principles of nondomination. Those life plans that subject others to arbitrary interference will be challenged by the republican state in two important ways. In the first way, a dominator will be forced to account for

their domination and may face the sanctions of the state if they do not cease to interfere arbitrarily with others. Like the liberal approach, the republican state will regulate how individuals act and insist that they abide by the principles that govern social justice. In the second way, the republican state will seek to interact and inform individuals' conceptions of the good so that they not only develop an ability to cast their ends in a nondominating manner, but they also have the opportunity to enrich their lives and attain certain goods that can make their lives better. Where liberals distinguish between an individual *qua* citizen and *qua* individual, republicans make no similar distinction.

Without a determined effort by the republican state to create suitable institutions and to instil a rich sense of civic virtue in the lives of the citizenry, individuals, when pursuing their own narrowly tailored self-interest, may not recognise the necessary wider commitment that they must have in order to cast their life choices into ones that do not dominate others. These institutions, when combined with a robust account of civic virtue and citizenship, help individuals find a way in which they can publicly express those things that they have chosen for themselves without interfering arbitrarily with others. Moreover, in doing so, their lives are enriched. Thus, republican institutions cultivate specific forms of civic virtue and citizenship which seek to inform and shape the private interests of the citizenry. The republican state, through its institutions, seeks to accommodate the private interests that individuals express in a manner that channels it into the common good. In this manner, civic virtue, citizenship, and republican laws and institutions combine to help citizens formulate a politics of the common good that contains within it their own narrowly tailored needs and desires that can be revised in ways that are consistent with republican liberty as nondomination. Based on the principles of non-domination, republican ideals help to secure the necessary conditions of republican liberty for individuals so that they can successfully choose their own life choices free from any arbitrary interference. When combined with republican liberty as nondomination, civic virtue becomes more than the ability to place the common good above that of

individuals' own narrowly tailored self-interest. Civic virtue becomes the ability of individuals to cast their own ends in manner that does not subject others to arbitrary interference. In direct confrontation with liberal neutrality, then, republicanism believes that the state must necessarily play a distinctive regulative role in the lives of individuals as they develop and use their autonomy to revise their life choices. This regulation goes beyond how individuals act, and instead seeks to affect what they value. In later chapters, I will explore further how republican liberty as nondomination regulates the choices available to individuals without restricting their liberty, and the resulting distinctive version of civic virtue.

The republican state abandons liberal neutrality in favour of substantive values and ideals that constitute the liberty experienced by republican citizens. In the section above, I have argued that although republicanism does violate liberal neutrality, liberals have good reasons to accept this approach because it is not hostile to autonomy and individuality, nor does it prevent or deny individuals the ability to revise their life choices rationally. Instead, republican institutions and the civic virtue and citizenship that support them, regulate and channel the private desires of citizens in a manner that secures society as a whole from arbitrary interference and enhances individuals' lives. It does so through distinctive and substantive ideals that regulate individuals' final ends in a manner that is consistent with the maximisation of liberty as nondomination. However, liberals will still object to the republican project because it contains elements of state perfectionism. In the next section, I will explore this objection and develop a republican account of state perfectionism that liberals have good reasons to endorse.

### **Section 3 - Social or State Perfectionism?**

Thus far, I have argued that the republican project characterised by liberty as nondomination is not instrumental in its ideals or approach, and

violates liberal neutrality because it regulates the available life choices available to individuals by publicly ranking the intrinsic value of conceptions of the good. It does so through distinctive and substantive ideals and institutions that seek to instil republican versions of civic virtue and citizenship in the lives of individuals so that they can recast their final ends into ones that do not subject others to domination. In this manner, then, the state plays a more active and substantial role in the lives of its citizens than in Kymlicka's liberal approach. This type of state interference does not, however, curtail the liberty enjoyed by republican citizens because republicans believe that any interference that tracks their interests is not arbitrary, and thus does not dominate them. Closely related to Kymlicka's objection to the public ranking of values is his belief that any approach that abandons state neutrality raises the spectre of state perfectionism. This section will explore this objection and develop an account of state perfectionism that does not undermine the liberal approach.

### ***3.1 - against state perfectionism***

As discussed above, in addition to the instrumental approach and the liberal context for autonomous choice which keeps the state from unnecessarily interfering in individuals' capacity to revise their life choices, Kymlicka maintains that the liberal state must be free from any elements of state perfectionism. For Kymlicka, state perfectionism favours some life choices over others by publicly ranking their intrinsic value. In other words, state perfectionism promotes certain choices available to liberal citizens over others which potentially may threaten the development of autonomy and individuality and restrict liberty.

The state should be neutral amongst conceptions of the good, in the sense that it should not justify its legislation by appeal to some ranking of the intrinsic worth of particular conceptions of the good. The role of the state is to protect the capacity for individuals to judge for themselves the worth of different conceptions of the good life, and to provide a fair distribution of rights and resources to enable people to pursue their conception of the good (Kymlicka, 1998b: 133).

Thus, in being neutral, the liberal state does not publicly rank the intrinsic value of the choices that individuals make, but instead relies on a vibrant cultural marketplace where individuals can choose, question, and revise the choices that they have made. A vibrant cultural marketplace will ensure that a liberal society has a rich and diverse culture that provides the necessary options for meaningful and rewarding self-determination for its citizens. For Kymlicka, any state which actively intervenes in the cultural marketplace to encourage or discourage any particular conception of the good irreparably damages the capacity for true self-determination (Kymlicka, 1990: 217).

However, this is not to say that perfectionist values do not have an important role in the cultural marketplace. Kymlicka argues that the choice is not between perfectionism and neutrality, but rather between social perfectionism and state perfectionism. The cultural marketplace, which for Kymlicka should be free from state perfectionism, will be saturated with social perfectionism. Individuals will be able to determine for themselves how they rank the intrinsic value of each of the conceptions of the good in the cultural marketplace and choose, question, or revise their choices. Kymlicka has faith in the cultural marketplace to create and maintain the social conditions necessary for individuals to judge, choose, and revise their life plans according to their own preferences (Kymlicka, 1990: 219). In this manner the survival of different ways of life will depend on their relative merits or failures as judged by rational and autonomous individuals, rather than by the state. It is only within such a system of liberal state neutrality that individuals can evaluate fairly, and without undue state coercion, the various life plans available to them. For Kymlicka, perfectionist ideals are important, but are better situated in the realm of civil society free from any state coercion (Kymlicka, 1990: 219). In other words, the state is an inappropriate forum for the sort of genuinely shared deliberation and commitments necessary for the reflective capacities of individuals to flourish, because it represents a coercive apparatus with immense authority and the capacity to force the public ranking of values of different ways

of life on unwilling or unsuspecting individuals. State perfectionism will “serve to distort the free evaluation of ways of life, to rigidify the dominant ways of life, whatever their intrinsic merits, and to unfairly exclude the values and aspirations of marginalised and disadvantaged groups within the community” (Kymlicka, 1992: 178-9).

In the presence of state perfectionism and the public ranking of values, individuals may be forced against their will to defend publicly the various choices that they make as they seek to formulate their life plans. Kymlicka’s objection centres on his belief that state perfectionism may require individuals to acquire the skills and rhetoric necessary to articulate positions which are often deeply personal and sometimes controversial given prevailing public sentiments. If people failed to account for their choices publicly, Kymlicka maintains that they may be subject to state action which may force them to abandon their chosen ends against their will. In other words, to be compelled to defend certain ways of life may force unwilling individuals out of their chosen paths and into ones that have no real value to them (Kymlicka, 1992: 179). Thus, Kymlicka believes that many valuable ways of life may be limited severely which has the potential to lead to a tyranny of the majority as some life styles are eliminated because individuals either cannot or will not defend them publicly. This “dictatorship of the articulate”, as Kymlicka calls it, inherently discriminates against those who are inarticulate or come from backgrounds that do not value the publication of their own conceptions of the good. This could be true especially given today’s pluralistic society where many different social groups are either not understood by the majority or are denied appropriate forums in which to articulate fully their positions. This would stifle open and free evaluation of various life choices and reinforce the position of dominant ways of conceiving the good (Kymlicka, 1992: 179).

Another objection Kymlicka has to the public ranking of the value of different forms of life is that disadvantaged groups may have to change



fundamentally their way of life as they seek to explain certain cultural understandings that may be in conflict with some views held by the state. They would have to explain themselves using a language and discourse that may be alien to them and any adjustment that they make to be intelligible may force them to shift their way of life in a manner to which they object (Kymlicka, 1992: 180). This type of state hegemony would make it difficult for many of today's diverse groups to survive if they did not adopt some, or all, of the conceptions of the good put forth by state perfectionism and the public ranking of values forced on them by the coercive apparatus of the state. However, Kymlicka admits that these threats may also take place in a cultural marketplace free from state interference. "Insensitivity and prejudice will be problems no matter which model we choose, since both models reward those groups who can make their way of life attractive to the mainstream" (Kymlicka, 1992: 180). Kymlicka maintains that the state's power will likely complicate interactions in the marketplace because it will be in a dominant position to choose the forums and timing for any minority view to be aired.

In his view, the neutral liberal state gives culturally diverse groups more latitude when it comes to promoting or defending their life plans in the cultural marketplace. A cultural marketplace free from state coercion will allow minority groups to select the forum and time that suits their way of life best when they seek to engage others. Importantly, Kymlicka's position on state perfectionism in the cultural marketplace does not maintain that the state should be absent completely from the cultural marketplace. For Kymlicka, the state has a responsibility to interfere in the cultural marketplace to counteract any biases against minority views, especially when doing so redresses any historical or social bias (Kymlicka, 1992: 181). Furthermore, the state has a positive duty "to protect the cultural conditions which allow for autonomous choice" among diverse groups. This positive duty does not mean that the state abandons liberal neutrality, in fact, quite the opposite. In seeking to protect culturally diverse groups, the state is enforcing its neutrality by not forcing them to accept

dominant viewpoints. It does so because the over-riding goal of the state is to ensure that the conditions exist for meaningful autonomous choices which occur within a marketplace that is free from any state coercion through perfectionism or the public ranking of values (Kymlicka, 1992: 183).

As mentioned above, in many ways, republican liberty as nondomination has perfectionist qualities that would seem to violate liberal neutrality. At its most basic, perfectionism begins with a prior ideal of human excellence. It follows that it is the responsibility of a perfectionist state to promote that ideal so its citizens are assisted in their endeavours as they seek this excellence. For some, autonomy or *eudaimonia* are forms of excellence that are representative of perfectionists views. Indeed, some liberals, for example, Joseph Raz, believe that it is the responsibility of the state to “create morally valuable opportunities, and to eliminate repugnant ones” as it promotes autonomous choice (Raz, 1986: 417). The state, then, abandons any claim to neutrality and promotes those ideals and values that reflect a certain belief in what is valuable and what is not. However, for other liberals, like Rawls, human perfection should be pursued by individuals using their basic liberties to their own ends without any undue coercion from the state (Rawls, 1971: 328-9).

### ***3.2 - republican state perfectionism***

As for republicanism’s perfectionism, earlier I discussed how republican liberty as nondomination manifests itself in the lives of individuals in two interdependent forms of power, reciprocal and constitutional. Inherent within these forms, which serve to protect and secure individuals from any actual or threatened arbitrary interference, are ideals and values that may challenge or distort some individuals’ final ends. On the one hand, the reciprocal form of power relies on the realisation that agents can defend themselves against any form of domination because they realise that they too can act to interfere arbitrarily with others, and vice versa (Pettit, 1997: 67). Within the reciprocal

form of power, individuals can exercise their capacity for autonomous choice and choose those ends with which they identify while realising that others have the right and capacity to do the same. They understand that their commitment to republican liberty as nondomination means that those ends that they choose must not be cast in a manner that interferes arbitrarily with others. In other words, the common knowledge that they are on equal footing with others affects how they cast their ends. Individuals' final ends are chosen and pursued according to their own conceptions of the good under the realisation that these ends must be cast in a manner that does not subject others to domination. Furthermore, republican citizens recognise that casting their ends in this manner is connected to the realisation of other goods as well. As I argued earlier, the republican state cultivates certain intrinsically valuable goods that enables individuals to 'do well' on their own behalf (Skinner, 1984: 219). For Machiavelli, actively participating in the maintenance of republican liberty as nondomination was something that could bring individuals 'glory' and respect (Machiavelli, *The Discourses*, 1965: 509). As I argued above, Machiavelli believed that individuals had to be taught certain substantive values, such as prudence, courage, temperance, which would help them secure and maintain republican liberty by formulating their life plans in ways which do not subject others to domination (Machiavelli, *The Discourses*, 1965: 290-294). Nevertheless, individuals' ends remain open to rational revision within the scope of republican liberty for them to choose, question, and revise.

From a legal and institutional standpoint, the constitutional power of republican liberty seeks to promote the ideals of nondomination and secure the agent against any arbitrary interference. Once again, the state plays an active role in interfering in the lives of individuals by promoting certain perfectionist values that regulate individuals' ends. In many ways, however, these elements are not wholly perfectionist in that while they do require individuals to attain certain substantive values and virtues, like the ones discussed above, they also secure them from any actual or threatened arbitrary interference and thus

enhance the choices available to them. Therefore, at most they can be said to be quasi-perfectionist because they secure a vast range of final ends which are consistent with republican liberty that individuals can pursue while securing them from any interference that does not track their interests. Within republicanism, being a nondominator, that is, being an individual who can cast her ends in a manner that does not interfere arbitrarily with others, is valuable and individuals have good reasons to pursue it. For republicans, individuals should not pursue solely nondominating ends in order to fulfill their obligations to social justice. Rather, they should pursue these ends because their lives will be enriched and the full range of benefits that accompany republican liberty as nondomination will be available to them to utilise. Upholding the values and virtues associated with republican liberty as nondomination and abiding by its legal and institutional framework will free individuals from any actual or threatened arbitrary interference which will enhance their position to make their own informed decisions. Each of these benefits increases the range of options open to republican citizens because their liberty is more secure and they have an improved subjective and intersubjective status. Furthermore, as Machiavelli argued, the successful cultivation of republican versions of civic virtue and citizenship not only made the citizenry more secure in their freedom, it also made republics increase in wealth and opportunity (Machiavelli, *The Discourses*, 1965: 329). It follows, then, that those elements that appear perfectionist within republican thought are not as strict as some perfectionist accounts in that a wide range of final ends is available to individuals as long as those final ends cannot be said to dominate others. They secure a vast range of permissible final ends for individuals to pursue while maintaining the necessary commitment to republican liberty as nondomination.

Where Kymlicka's approach limits the state's role in the cultural marketplace to one of maintenance and promotion of instrumental values, the republican approach requires the state to interfere in the available life choices within the cultural marketplace in a distinctive manner. Thus, the key difference

between the liberal and republican approach is not over whether or not the state will play some type of regulative role in the lives of individuals because in both approaches the state does play a regulative role. What separates the two approaches is the scope of that role. The liberal state regulates the cultural marketplace in two main ways to ensure that individuals and groups are treated fairly and that justice prevails. In the first way, the liberal state relies on social perfectionism between individuals and groups. Within the liberal cultural marketplace, the relative success of life choices will in large part depend on whether or not they are rewarding and attractive to individuals and can attract and sustain adherents. In the second way, liberals believe that the state should play a limited and instrumental role in regulating the cultural marketplace. This role does not endorse actively any conception of the good, nor does it tell individuals what to value. Instead, the state regulates the behaviour and actions of individuals to ensure that they fulfill their obligations to social justice.

The republican state by contrast seeks to interfere, albeit nonarbitrarily, with individuals' choices in both of these areas by first, promoting certain substantive ideals and values that constitute individuals' understanding of the reciprocal power of nondomination, and second by regulating the available life choices through the constitutional power of nondomination in the cultural marketplace by challenging values and ways of life that are not consistent with republican liberty because they interfere with others arbitrarily. At the heart of these differences is republicanism's alternative conception of liberty as nondomination which holds that interference which tracks individuals' interests does not restrict their freedom. Therefore, through its perfectionism and the public ranking of values, the republican state abandons state neutrality without restricting the liberty enjoyed by its citizens. The republican state seeks to interfere, albeit nonarbitrarily, in individuals' conception of the good because doing so enhances their position to pursue their own choices and maximises nondomination. Moreover, as nondomination is maximised, individuals receive

certain substantive benefits which enrich their lives and allow them greater liberty to pursue their goals.

### ***3.3 - Kymlicka's objections***

But what of Kymlicka's objections that this type of state interference may negatively affect some individuals and groups. The first of these objections centres around Kymlicka's belief that state perfectionism may force some individuals to defend the various choices that they make publicly as they seek to formulate their life plans. This may force these individuals to acquire the skills and rhetoric necessary to articulate deeply held, and sometimes controversial, positions. Kymlicka's fear is that by forcing people to account publicly for their life choices they may be subject to state action which may force them to abandon their chosen ends against their will (Kymlicka, 1992: 179). Thus, some valuable life styles may be eliminated because individuals either cannot or will not defend them publicly. Kymlicka is especially concerned about the effects this type of state perfectionism may have on today's multicultural and pluralistic society where many different social groups are either not understood by the majority or are denied appropriate forums in which to articulate fully their positions (Kymlicka, 1992: 179). The second of Kymlicka's objections, and related to his first, centres around his belief that state perfectionism and the public ranking of the value of different forms of life may force disadvantaged groups to change fundamentally their way of life as they seek to explain and account for certain cultural understandings that may be in conflict with some views held by the state or other dominant forces within the cultural marketplace. To do this, Kymlicka fears that these individuals and groups may have to explain themselves using a language and discourse that may be alien to them, and any adjustment that they make to be intelligible may force them to shift their way of life in a manner in which they object. For Kymlicka, "there would be an inevitable tendency for minorities to describe and debate conceptions of the good in terms of dominant values, which then reinforces the cultural

conservatism of the dominant group itself" (Kymlicka, 1992: 180). Such interference by the state, for Kymlicka, would make it difficult for many of today's diverse groups to survive if they did not adopt some, or all, of the conceptions of the good put forth by state perfectionism and the public ranking of values forced on them by the coercive apparatus of the state.

In many ways, Kymlicka's concerns are well placed. However, for republicans, his solution is undesirable because it would fundamentally undermine republican liberty as nondomination. Kymlicka believes that minority and other traditionally disadvantaged groups should not be forced to account for their way of life to the state or others. Instead, they should be armed with the principles of social justice, protected in an instrumental fashion from would be interferers, and then allowed to pursue their conception of the good free from state coercion. However, cultivating and instilling instrumental values like autonomy and individuality that make it more likely that they will fulfill their obligations to social justice may fundamentally undermine their way of life and, thus, their conception of the good. For some, the principles of autonomy and individuality are incompatible with their chosen way of life and practising them *qua* citizen is undesirable, if not impossible. Asking these individuals and groups to fulfill their obligations to social justice will inevitably affect their conception of the good, especially if their conception of the good is incompatible with liberal principles. As they fulfill their obligations to social justice, they are asked by the liberal state to attain, and abide by, certain values and ideals, albeit instrumental ones. The effects on minorities or traditionally disadvantaged individuals or groups that prompted Kymlicka's concerns remain in a system characterised by liberal neutrality. When fulfilling their obligations to social justice, these individuals and groups will nevertheless have to embrace values and ideals that may be incompatible with their chosen conception of the good and way of life. They may be forced to adopt an identity *qua* citizen that fundamentally undermines their identity *qua* individual. If they suspect that they have been treated unfairly in the cultural marketplace they may have to embrace

alien values when representing their demands or grievances to the state. Republicans believe that Kymlicka's concerns are genuine and that every care must be taken to minimise any potential negative affects on minorities and other traditionally disadvantaged individuals and groups. However, the state must be able to communicate on some level with these individuals and groups through its ideals and institutions so that their interests can be accounted for and tracked.

The republican state must take seriously claims by minority and other traditionally disadvantaged groups and must seek to find a common ground upon which to communicate. However, if these groups or individuals are to reap the benefits of republican liberty as nondomination and be secure to pursue their chosen way of life, they must make an effort to be heard in a way that allows the state and others to track their interests. Likewise, the republican state must be able to listen and register these demands in a manner that respects individuals' or groups' method of communication. For republican liberty to secure individuals and groups from the domination of others, they must be willing to articulate and register just what their interests are so that they can be tracked by the state and others. If individuals and groups do not let others and the state know what their interests are, how can their interests be tracked and responded to appropriately without subjecting themselves to domination? To this end, fair and open access to republican institutions and a common language of citizenship and civic virtue helps to ensure that individuals and groups are not subjected to arbitrary interference, whether it comes from other individuals or the state itself. For the state and others to track the interests of all citizens, there must be a sufficient amount of virtue and participation in the forums of the state to register accurately just what those interests are (Pettit, 1998: 87). In other words, without a rich sense of republican civic virtue and properly constituted republican institutions, the maintenance of republican liberty as nondomination is imperiled. The necessary virtues that make up the republican version of citizenship help individuals articulate their own interests to the state and to



others who must account for and track them if they are to live truly nondominated lives. Republican citizenship helps to provide a common discourse for individuals to voice clearly and accurately their concerns and demands so that the state and others can register their interests and respond appropriately.

By promoting civic virtue and access to a common language of citizenship, the republican state prepares citizens to play the necessary active role in their own nondomination. To ensure that all individuals and groups have a fair and just opportunity to register accurately their interests to others, the state will seek aggressively to ensure that minorities and other traditionally disadvantaged individuals and groups are secured from the arbitrary interference of others and itself. Republicans understand that today's multicultural and diverse society will contain individuals and groups who hold minority or controversial conceptions of the good, and it will seek actively to secure these citizens from arbitrary interference. However, republicans also believe that these conflicting conceptions of the good exist within a marketplace that must resolve disputes and conflict in a conversational method (Skinner, 1996: 15-6; also see Pettit, 1997: 189). To this end, republican versions of citizenship promote the necessary substantive virtues that help individuals not to dominate others, which means that they must learn to account for and track the interests of their fellow citizens so that they can respond appropriately to their demands without dominating them. They must learn to listen and to attempt to understand why these individuals and/or groups have different values from themselves, just as others must learn to listen and attempt to understand their own viewpoints.

In subsequent chapters, I will defend this position more thoroughly, but for our present purposes my argument is that the republican state will seek aggressively to end the domination of all of its citizens, especially when certain citizens have been traditionally discriminated against. Furthermore, if my

argument is correct, because republican liberty as nondomination has tools that are not available to those liberal approaches characterised by neutrality, the republican state will be in a better position than Kymlicka's liberal approach to secure and protect these individuals and groups from arbitrary interference, which makes it more likely that their ways of life will flourish under republicanism. The benefits that accompany republican liberty as nondomination will enhance the position of minorities and other traditionally disadvantaged groups so that they can live their lives free from any interference that does not track their interests. They will be freed from any uncertainty or anxiety that they may experience from any actual or threatened interference that does not track their interests. Likewise, they will not have to plan strategically to defend themselves from arbitrary interference. Importantly, they will also have an improved subjective and intersubjective status. They will know that it is common knowledge that they are on equal footing with others and will feel confident in their position. They not only have the reciprocal power of nondomination on their side, they have an aggressive and strong constitutional power that protects their liberty from an institutional and legal standpoint to ensure that any interference they encounter tracks their interests.

To be sure, the republican state will confront those individuals or groups whose expression of their life choices or conceptions of the good causes the domination of others. The state's constitutional provisions will ask these individuals and groups to account for their domination, and may force sanctions on them if they do not recast their ends in a nondominating manner. To avoid the sanctions of the state, or possible retaliation from those they seek to dominate, individuals and groups must learn to account for and track the interests of others so that they can respond appropriately without dominating them. Once again, the substantive elements of republican citizenship and the virtues that accompany it help individuals and groups to do this. Not surprisingly, like the liberal approach, some conceptions of the good will fare better than others in a state characterised by republican liberty as

nondomination. However, it is only those moral doctrines that seek to dominate others who will be confronted by the state. Certain conceptions of the good that fundamentally seek to deny justice and liberty to others must be challenged aggressively by the republican state. By subjecting all life choices to evaluation and exploration, the republican state seeks to ensure that domination is minimised and that individuals and groups are free from any interference that does not track their interests.

Furthermore, in most cases, this process will not subject minority or other traditionally disadvantaged individuals or groups to unfair scrutiny by the state, but rather will serve to secure and protect them from more dominant viewpoints that do not track their interests. Those groups who hold more mainstream or prevailing conceptions of the good will also find their practices subject to scrutiny to ensure that they do not interfere arbitrarily in the lives of others, especially minority viewpoints. If they cast their ends in a manner that interferes arbitrarily with others, these individuals and groups will be challenged by the republican state as it protects those who are vulnerable to domination. Kymlicka is right to argue that this type of state perfectionism may eliminate or distort severely some individuals' and groups' final ends. However, if the republican state eliminates certain viewpoints that are so rooted in the domination of others that to change how they are cast would undermine fundamentally their viability, then so be it. The republican state must protect its citizens, especially the most vulnerable, from any actual or threatened arbitrary interference. If such lifestyles were allowed to flourish in the cultural marketplace and cause the domination of others, the multiculturalism and diversity found in today's modern polity would be at great risk. Republicanism seeks to challenge and root out dominating conceptions of the good in a more robust manner than liberalism. This is not to say that liberals will ignore certain individuals and groups who do not abide by the principles of justice. Kymlicka argues that without violating liberal neutrality, the state must intervene in the cultural marketplace to eliminate bias and other forms of discrimination (Kymlicka, 1992: 181). However, where

state intervention in a system characterised by liberal neutrality stops at regulating how individuals and groups behave, the republican state continues by challenging how individuals or groups cast their ends. If they cast their ends in a manner that subjects others to any real or threatened domination, they will be aggressively confronted.

While Kymlicka argues that the intervention by a state characterised by liberal neutrality is necessary to ensure that the cultural marketplace is free from bias and discrimination, he argues that any other regulation must take place below the level of the state. In other words, the state must play a minimal, albeit important, role in maintaining the viability of the cultural marketplace. The state makes no value judgements on the beliefs held in the cultural marketplace. Kymlicka maintains that individual autonomy is best promoted when judgements about different life plans are removed from any political influence from the state. According to Kymlicka, these “opportunities for collective inquiry simple occur within and between groups and associations below the level of the state – friends and family..., churches, cultural associations, professional groups and trade unions, universities, and the mass media” (Kymlicka, 1990: 220-1). Ultimately, for Kymlicka, liberal “neutrality requires a certain faith in the operation of non-state forums and processes for individual judgements and cultural developments and a distrust of the operation of state forums for evaluating the good.” Although he admits that nothing he has said “shows that this optimism and distrust are warranted,” he still maintains that the cultural marketplace must remain free from unnecessary state intervention because the state itself may suppress freedom, which in turn may deny individuals and groups the opportunity to choose, question and revise their life plans (Kymlicka, 1990: 222). Kymlicka believes that before the state is brought into the cultural marketplace, the forums of civil society for non-political debate should be improved to ensure that all groups have real equality and free access to the marketplace. According to Kymlicka, “culture which supports self-determination requires a mix of both exposure and connection to existing practices, and also

distance and dissent from them. Liberal neutrality may provide that mix but it is not obviously true....” (Kymlicka, 1990: 223). My contention is that Kymlicka’s faith in the operation of non-state forums and processes and his scepticism about state interference is misplaced because it weakens the ability of the state to intervene meaningfully in the cultural marketplace. I believe that the republican approach that I have defended in this chapter provides the necessary mix he desires in a more vigorous and robust manner than an approach which remains neutral. Without sacrificing key liberal aims, republican liberty as nondomination secures individuals and groups from arbitrary interference through its distinctive and substantive ideals and institutions. Individuals are free to revise their conceptions of the good rationally while being protected from any actual or threatened arbitrary interference from others.

## **Conclusion**

In each of the three areas discussed above which characterise Kymlicka’s liberal neutrality, the republican approach that I have proposed is non-neutral. First, republican liberty as nondomination, and the ideals and institutions that accompany it, cannot be said to be instrumental. Instead, republican forms of civic virtue and citizenship, when combined with properly constituted republican institutions constitute the liberty experienced by republican citizens. They are intrinsically valuable and are a necessary part of individuals’ freedom. Second, the republican state plays a distinctive regulative role in the lives of individuals as they develop and use their autonomy to revise their life choices. Those conceptions of the good that interfere arbitrarily with others or require the domination of others will be confronted by the republican state. To this end, liberal neutrality is abandoned in favour of substantive values and ideals that constitute the liberty experienced by republican citizens. Finally, the republican approach that I have put forward is characterised by certain quasi-perfectionist features that mould and condition the way in which individuals express their own chosen conception of the good. By promoting those values and virtues that help

individuals to cast their ends in a manner that does not subject others to arbitrary interference, republican liberty as nondomination abandons the kind of neutrality favoured by comprehensive liberals.

Kymlicka is right to suggest that liberals and republicans should be allies in confronting the many problems facing the modern polity. However, if these approaches are indeed to be allies, Kymlicka must embrace a more substantive approach that abandons liberal neutrality. However, my argument is that Kymlicka has good reasons to embrace the republican approach that I have presented because it is not hostile to autonomy and individuality, nor does it prevent or deny individuals the ability rationally to revise their life choices. Instead, republican institutions and the civic virtue and citizenship that support them, regulate and channel the private desires of citizens in a manner that secures society as a whole from arbitrary interference. It does so through distinctive and substantive ideals that regulate individuals' final ends in a manner that is consistent with the maximisation of liberty as nondomination. My argument is that the republican approach outlined above is more successful than the liberal approach characterised by neutrality in confronting the difficult issues experienced by the modern polity. In the next chapter, I will further explore this conception of republicanism to see if the same can be said when compared with the *political* approach of John Rawls.

## **Chapter 4 - Without Regret: The Comprehensive Nature of Nondomination**

A striking feature of John Rawls' political liberalism is his surprising contention that his theory of 'justice as fairness as a form of political liberalism' is compatible with classical republicanism (Rawls, 1993: 205). Rawls is careful, however, to draw a firm line between republicanism and what he calls civic humanism. For Rawls, civic humanism is that strain of thought often associated with forms of Aristotelianism which maintains that individuals are social or political beings whose essence is only fully realised in democratic societies that have widespread political participation. This participation in the democratic process is seen by Rawls as a form of the good life itself and is thus a comprehensive moral doctrine (Rawls, 1993: 206). This is not true, however, of his view of classical republicanism which he takes "to be the view that if the citizens of a democratic society are to preserve their liberties which secure the freedoms of private life, they must also have to a sufficient degree the 'political virtues' (as I have called them) and be willing to take part in public life" (Rawls, 1993: 205). Rawls believes that because republicanism does not presuppose any partially or wholly comprehensive philosophical, religious, or moral doctrine then it is not in 'fundamental opposition' to political liberalism.

This chapter seeks to challenge Rawls' contention that there is no fundamental opposition between political liberalism and republicanism. Furthermore, by exploring the differences between Rawls' approach and that of republicanism, this chapter argues that republicanism does presuppose certain comprehensive values which support republican liberty as nondomination without being classed as the sort of civic humanism which Rawls derides. Furthermore, if republicans were to restrict their approach only to the political, as does Rawls, liberty as nondomination could not be realised. In order to demonstrate that the two approaches are incompatible, I have divided this chapter into two sections. In section 1, I briefly outline Rawls' project and his

conception of republicanism. In section 1, I also broadly outline a liberal critique of Rawls' approach to highlight my overall strategy. Section 2 is divided into five sub-sections, each focussing in detail on crucial points in my argument against Rawls' claim. In sub-section 2.1, I explore how the republican conception of liberty differs from Rawls' in that it presupposes certain comprehensive values and virtues. In sub-section 2.2, I develop a substantive theory of republicanism that relies on certain inherently valuable ideals and institutions that constitute the liberty experienced by republican citizens. In sub-section 2.3, I argue that republican liberty as nondomination regulates the permissible ends available to individuals without restricting their liberty. It does so by securing individuals from arbitrary interference. Sub-section 2.4 examines how republicanism recognises the close and intimate relationship between the right and the good. Finally, in sub-section 2.5, I argue that republican liberty as nondomination differs from Rawls' political liberalism because it is not neutral in its aims. The gist of my argument is that in each of these five areas, republicans have good reason to stand back from Rawls' political project and instead develop their own account of how the modern polity can respond to the challenges facing it in a distinctively republican manner.

## **Section 1 - Political Liberalism**

### ***1.1 - a 'political' theory of justice***

In *Political Liberalism*, Rawls attempts to move away from a conception of justice that relies on any wholly or partially comprehensive moral or philosophical doctrines. Instead he argues for a theory of justice that is more limited in scope and is freestanding "starting from the fundamental ideas of a democratic society and presupposing no particular wider doctrine" (Rawls, 1993: 40). In making this move, Rawls attempts to strengthen the stability of his theory of justice in the face of many incompatible conceptions of the good (Mulhall and



Swift, 1996: 175). The three distinguishing features of a political conception of justice for Rawls are

that it is framed to apply solely to the basic structure of society, its main political, social, and economic institutions as a unified scheme of social cooperation; that it is presented independently of any wider comprehensive religious or philosophical doctrine; and that it is elaborated in terms of fundamental ideas viewed as implicit in the public political culture of a democratic society (Rawls, 1993: 223).

Thus, the scope of the political conception of justice must be general and limited in nature. It must not seek to affirm or rely on any comprehensive doctrines which fall outside of the 'political'. Furthermore, the political conception of justice must be founded on ideas that are embedded within the political culture of the modern democratic polity. Rawls argues that once the political conception of justice is widely shared it can help obtain an 'overlapping consensus' which it can then be embedded within. Rawls' attempt to recast his earlier work is based on three important assumptions about the political culture of modern democratic society. Firstly, Rawls maintains the "diversity of reasonable comprehensive religious, philosophical, and moral doctrines" is a permanent feature of today's democratic culture (Rawls, 1993: 36). This 'fact of reasonable pluralism' leads us to Rawls' second assumption that "a continuing shared understanding on one comprehensive religious, philosophical, or moral doctrine can be maintained only by the oppressive use of state power" (Rawls, 1993: 37). Finally, since no one reasonable comprehensive doctrine can be affirmed by all citizens, the theory of justice affirmed by today's democratic society must be limited to what Rawls calls "the domain of the political" and the values that support it (Rawls, 1993: 38). The upshot of Rawls' project is an effort to construct a theory of justice that is free from any reliance on reasonable comprehensive doctrines so that today's democratic society, which is characterised by a 'fact of reasonable pluralism', can be stable and secure justice. The benefit of this move, according to Rawls, is that by recognising that there are many reasonable, but yet incompatible, comprehensive doctrines

present in today's democratic society, and constructing a theory of justice that is free from any reliance on any comprehensive doctrines, individuals will be able to affirm a more limited and freestanding conception of justice that, as outlined above, only applies to the basic structure of society.

In unpacking Rawls' approach, several key points emerge that have a crucial bearing on my argument in this chapter. The first point concerns what Rawls means when he speaks of a comprehensive doctrine. As I discussed earlier, for Rawls, "a doctrine is fully comprehensive when it covers all recognized values and virtues within one rather precisely articulated scheme of thought; whereas a doctrine is only partially comprehensive when it comprises certain (but not all) nonpolitical values and virtues and is rather loosely articulated" (Rawls, 1993: 175). Thus religious, moral, and philosophical doctrines are comprehensive when they inform and permeate the ideas and values of either the whole or part of an individual's life. The next important point Rawls makes is in qualifying the type of individual in which he is interested as one that is 'reasonable'. For Rawls, persons can be said to be reasonable "when, among equals, they are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so" (Rawls, 1993: 49). Furthermore, for Rawls, "the reasonable is an element of the idea of society as a system of fair cooperation and that its fair terms be reasonable for all to accept is part of its idea of reciprocity" (Rawls, 1993: 49-50). It follows, for Rawls, that reasonable individuals must also be prepared "to recognize the burdens of judgement and to accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime" (Rawls, 1993: 54). Thus reasonable individuals will have a political identity that embraces the 'political' principles of justice, and a nonpolitical identity that affirms some religious, moral or philosophical comprehensive doctrine. Accepting the burdens of judgement and the ideals which govern the idea of public reason, these individuals will interact in the political sphere *qua* citizens. These

individuals recognise the 'fact of reasonable pluralism' and accept that others may hold different, but equally legitimate, comprehensive doctrines.

Broadly speaking, Rawls' argument thus far is that, given the fact of reasonable pluralism, in fundamental issues concerning justice and in matters affecting the basic structure of society, reasonable individuals who have accepted the idea of public reason and embraced the burdens of judgement, will affirm a 'political' theory of justice which is embedded within the public political culture of democratic society. This 'overlapping consensus', as Rawls calls it, helps to ensure that the polity remains stable because the political conception of justice does not affirm any comprehensive religious, philosophical, or moral doctrine. It follows, then, that reasonable individuals will bracket off their nonpolitical comprehensive doctrines when engaging in 'political' issues because any reliance on those doctrines would be tantamount to giving them priority over other reasonable comprehensive doctrines. Thus individuals embrace one set of values *qua* citizen and may embrace another set of values *qua* individual. On the one hand, in individuals' nonpolitical lives, they are free to follow their own religious, philosophical, or moral comprehensive doctrines and these inform and guide this part of their lives (Rawls, 1993: 215). On the other hand, because these individuals are reasonable and accept the requirements of public reason and the burdens of judgement, they can embrace a set of 'political virtues' which are for the most part instrumental in nature and aimed at supporting only "a political conception of justice for the main institutions of political and social life, [and] not for the whole of life" (Rawls, 1993: 175). In other words, for Rawls, the justification of the use of political power must be in terms that uphold the idea of public reason. It follows that individuals must engage in the political domain as citizens who have bracketed off their comprehensive identities.

For Rawls, within a reasonable political conception of justice, ideas of the good must be political in nature and "...are, or can be, shared by citizens

regarded as free and equal; and...do not presuppose any particular fully (or partially) comprehensive doctrine" (Rawls, 1993: 176). It follows that within Rawls' approach, in debates about issues of fundamental justice and in matters concerning the basic structure of society, the right is prior to the good (Rawls, 1993: 173). Thus, within political liberalism, reasonable individuals only bring their 'political' persona to bear on fundamental issues that deal with justice and concern the basic structure of society. The use of political power is limited and narrow in scope so that it can only be directed at fundamental questions of justice, and not at validating or legitimating any single reasonable comprehensive doctrine or version of the good (Rawls, 1993: 60). Rawls' approach, then, put simply, is a freestanding approach derived from ideas implicit in the public culture of a democratic society. It asks individuals to lay aside their comprehensive claims when it comes to matters of fundamental justice and instead embrace a reasonable non-comprehensive 'political' approach. Any claim made by the state will be based on a limited, or political, doctrine and not on ideals whose origins and legitimacy are dependent on any partially or wholly comprehensive doctrine. For the most part, as outlined above, individuals in Rawls' political state are asked to bracket off their own comprehensive moral doctrines when they enter the political sphere.<sup>1</sup> Thus, in order to secure justice as fairness, the structures and institutions of the state are governed and informed by the non-comprehensive political values and ideals of political liberalism.

---

<sup>1</sup>According to Rawls' proviso, which he calls the "wide view of public reason," individuals may also bring in their own reasonable comprehensive claims to the public sphere "provided that in due course public reasons, given by a reasonable political conception, are presented sufficient to support whatever the comprehensive doctrines are introduced to support" (Rawls, 1996: li-lij) Thus, Rawls believes that reasonable individuals should make every effort to embrace public reasoning based on political ideals. However, comprehensive ideals may be introduced insofar as they are backed up by political ideals and, at some point, these ideals begin to merge with political values.

Not surprisingly, Rawls' project is not as straightforward as it seems at first glance and it has been the focus of much criticism. It is not my intention to go into these critiques in painstaking detail. Instead I want to focus on Rawls' claims about republicanism and criticise him from that vantage point. To that end, I will not question in depth the viability of Rawls' shift to the political except where it has a direct bearing on my argument. Before proceeding, though, I will outline briefly the general case against Rawls' shift to the political because this critique's strategy is similar to my own. I will then take up my argument beginning with Rawls' conceptualisation of republicanism.

### ***1.2 - a general critique of Rawls' move to the political***

Although there is much within Rawls' political liberalism to criticise, the general direction of these critiques centres on one broad point: as he presents it, Rawls cannot completely remove the nonpolitical comprehensive elements from his 'political' conception of justice. Indeed, Rawls himself admits as much, albeit with 'regret' (Rawls, 1993: 200). The upshot of this critique is that Rawls' purely 'political' conception of justice is unattainable as he presents it. An example of this general critique is found in Eamonn Callen's recent work where he suggests that the political virtues that support the fair terms of cooperation in the idea of public reason have the effect of bringing "autonomy through the back door of political liberalism" (Callen, 1997: 40). Callen's argument is that the active acceptance of the burdens of judgement will necessitate the attainment of certain reflective skills and character traits that will require agents to assess critically certain conceptions of the good which lie outside of the basic structure of society. For Callen, "future citizens must be taught to think in particular ways about doctrines that properly lie outside the scope of public reason: they must become critically attuned to the wide range of reasonable political disagreement within the society they inhabit and to the troubling gap between reasonable agreement and the whole moral truth" (Callen, 1997: 40). In other words, in securing active agreement on the fair terms of cooperation, and in accepting the

burdens of judgement and the associated understanding of reciprocity, agents' nonpolitical beliefs will either intentionally or unintentionally be affected in a profound manner by the state. The mere acceptance of the burdens of judgement in agents' political lives will affect their view of the good in their nonpolitical lives. In accepting the burdens of judgement individuals must also accept a particular version of autonomy which cannot be separated from their nonpolitical beliefs. To accept Rawls' burdens of judgement "enjoins us to be ethically autonomous to a substantial degree and, given the requirement of reciprocity, to respect the autonomy of others when we cooperate politically with them" (Callen, 1997: 40). Moreover, for Callen, the benefits of Rawls' argument have profound, and welcome results for individuals faced with the fact of reasonable pluralism (Callen, 1997: 41-51). These benefits concern individuals' ability to develop the virtues associated with autonomy such as critical reflection, mutual respect, and toleration. In other words, Callen maintains that under his version of liberal civic education, individuals are exposed to certain (partially) comprehensive goods that have a profound and beneficial effect on their nonpolitical lives.

However, Rawls' defence against the type of argument put forth by Callen is remarkably straightforward. For Rawls, the restricted scope and generality of political liberalism means that its ideals and virtues can be separated out from other, more comprehensive, doctrines without undermining its primary goals (Rawls, 1993: 200). This is because even though the political virtues might, in some cases, contain certain substantive ideals that appear to be very close to the comprehensive ideals of autonomy and individuality, the restricted area in which they operate means that they do not come into conflict with individuals' reasonable comprehensive doctrines. Thus, for Rawls, the necessary virtues and skills required to help form the fair terms of cooperation and support the burdens of judgement are political in nature and restricted in scope so that they do not offend against reasonable comprehensive doctrines. In essence, then, it is a standoff between Rawls and critics like Callen. However, as I will argue,

there is no standoff between republicans and Rawls. I will argue that adopting Rawls' 'political' limits would fundamentally undermine the republican project.

Callen is certainly not Rawls' only critic, but the general shape of his critique is helpful to the presentation of my argument because it shows the general strategy that it will take. Furthermore, Callen's argument demonstrates that there are potential benefits to individuals when the state promotes or affirms certain comprehensive goods. For Callen, these goods come in the form of a partially comprehensive doctrine of ethical autonomy that affects the whole of individuals' lives (Callen, 1997: 41). I will argue that if Rawls wants to separate completely the political from the comprehensive, a republican state characterised by liberty as nondomination cannot support that move, especially if, as mentioned above, it is done with regret.

### ***1.3 - Rawls' republicanism***

Instead of regretting the potential effects that the political virtues might have on an individual's reasonable comprehensive doctrine, as Rawls does, republicans would not only welcome these effects, but would actively promote them. In other words, far from regretting the impact that the political virtues might have on an individual's conception of the good, republicans who support the ideal of liberty as nondomination would see this impact as good in that it helps cultivate a certain type of citizen. However, this is not true of Rawls' view of republicanism. In attempting to support and sustain his project, Rawls asserts that justice as fairness interpreted as a political doctrine is not in fundamental opposition to republicanism. For Rawls, republicanism, as opposed to civic humanism, is not based on any wholly or partially comprehensive doctrines and is thus available to be utilised within political liberalism. Moreover, Rawls' conceptualisation of republicanism is less straightforward than it appears at first glance.

Acknowledging the role played by Machiavelli in influencing republican thought, Rawls also names Alexis de Tocqueville as another republican exemplar (Rawls, 1993: 205, fn 37; de Tocqueville, A., 1969). Rawls maintains that a central feature of republicanism is the claim that a society that wishes to be free needs a widespread commitment to participate in democratic processes by an active and informed populace. Rawls stresses that unless a citizenry is prepared actively to engage one another in the political arena, then the political institutions will fall into the hands of those who seek “to impose their will” on others and thus liberty would be lost (Rawls, 1993: 205). Although Rawls invokes Tocqueville as a more appropriate representative of republican thought than Machiavelli, implicit in his reading of republicanism are ideals and values that read very much like the approach I outlined and defended in part 1 of the thesis. Therefore, based on what Rawls writes in the text (and not what he implies in the footnote) I take his account to be essentially neo-Roman.<sup>2</sup> Rawls’ description of republicanism is neo-Roman in the same way that the conception of republicanism that I explicated in part 1 of the thesis is distinct from the type of civic humanism he derides. Rawls’ conception of republicanism ties the

---

<sup>2</sup>Tocqueville’s thought is often used by writers in contrasting ways. Bellah, for example, evokes Tocqueville to illustrate the civic humanist foundations of American mores while Macedo takes Tocqueville to be a liberal (Bellah, 1985; Macedo, 1988). Most recently, it is interesting to note that one of Rawls’ fiercest critics Michael Sandel has also evoked an essentially Tocquevillian republicanism in his latest work *Democracy’s Discontent* (Sandel, 1996). Sandel’s complaint is that the primacy of, and attention to, a Rawlsian system of rights has left America’s public philosophy bereft of the reflective and critical capacities necessary for individuals in today’s modern polity to flourish (Sandel, 1996: 4). As I outlined in earlier parts of the thesis, Sandel’s solution is to invoke a neo-Athenian version of republicanism that he believes influenced the American founders who espoused a theory of self-government and active participation. These ideals were central to the maintenance of liberty so that citizens have the necessary environment or community in which to maximize the exploration of their true selves and to flourish as political animals. This neo-Athenian inspired doctrine not only requires that citizens are taught and encouraged to play active public roles, but also maintains that the government must sacrifice any claims to neutrality among competing ideas of the good. It thus fits more closely with Rawls’ definition of civic humanism. (Sandel, 1996: 5-6).



maintenance of liberty to the existence of certain virtues and ideals exhibited by an informed and active citizenry who willingly take part in public life, which in turn prevents those who wish “to dominate and impose their will on others” from doing so. Rawls’ adoption of the language of nondomination is telling in that he implicitly acknowledges that the neo-Roman republicans held an alternative conception of freedom. In the next section, I will explore Rawls’ claim in detail and demonstrate that if republicans were to adopt Rawls’ restricted political approach, the ideal of liberty as nondomination would be undermined.

## **Section 2 - Fundamental Opposition?**

The central argument of this chapter is that if Rawls maintains that justice as fairness is a purely political conception, he cannot hold that there is no fundamental opposition between his approach and republicanism. In other words, my argument is that republicanism cannot be reduced to political liberalism without undermining its alternative conception of liberty. Therefore, I maintain that republicans should resist any effort to join up with Rawls’ political project. The values and ideals that support the republican approach, as I argue below, are not only substantive in nature, they purposely affect individuals in their nonpolitical lives and thus are at least partially comprehensive. In seeking to support my claim that republicanism is not reducible to political liberalism, I will advance my argument in five sub-sections. The first sub-section will compare and contrast Rawls’ conception of liberty with the conception of liberty as nondomination developed in chapter 2. From this alternative conception of liberty, sub-section 2 will explore how the ideals and institutions that support republican liberty as nondomination are not instrumental in nature, but rather are constitutive of the liberty experienced by republican citizens. In sub-section 3, I explore the regulative nature of republican liberty as nondomination and its relationship with the ideals and values that support republican versions of citizenship and civic virtue. In sub-section 4, I will argue that republicans recognise that the right and the good are more than just complementary; that

they are deeply related, inseparable, and interdependent. Because the values and virtues that support republican liberty as nondomination reflect the interdependent, close, and more intimate relationship between the right and the good, they are accordingly more substantive and will affect individuals' reasonable comprehensive doctrines. Finally, in sub-section 5 I argue that republican liberty as nondomination is not a value neutral approach and is thus incompatible with Rawls' contention that his political project reflects a neutrality of aim. Republicanism cannot be said to be neutral in its aim because it regulates individuals' final ends in a distinctive republican manner that reflects its greater commitment to securing the conditions of nondomination for its citizens.

### ***2.1 - republican liberty as nondomination: a distinct conception of freedom***

As I argued earlier, it is my belief that Machiavelli's approach, and subsequent approaches influenced by him, offer a compelling account of liberty that shares many of the same goals as contemporary liberalism. This approach seeks to explore alternative conceptions of liberty and asserts that liberty should be conceived of as the absence of arbitrary interference or domination (Pettit, 1997; Skinner, 1997). By briefly reviewing the republican conception of liberty set out earlier, I will build and expand on the substantive differences between the republican and Rawlsian conceptions of liberty. Supporters of the republican conception of liberty suggest that the traditional liberal benchmark of freedom as the lack of interference is fatally flawed and is one of the root causes for much of today's disillusionment with the liberal idea (Skinner, 1992: 215). Within republican thought, individuals are free to the extent that they are free to act without being exposed to any actual or threatened arbitrary interference from another. For republicans, then, individuals are free to the extent that they are not subject to the mastery of another. That is, they are free to the extent that they are not subject to any interference, or threat of interference, that does not track their own *arbitrium* (Pettit, 1998: 84).

In comparison, Rawls virtually accepts *in toto* Gerald MacCallum's useful definition of freedom as a triadic concept discussed in chapter two (Rawls, 1971: 202). MacCallum states, "freedom is thus always *of* something (an agent or agents), *from* something, *to* do, not do, become, or not become something; it is a triadic relation" (MacCallum, 1991: 102, emphasis in original). Rawls goes on to add that "persons are at liberty to do something when they are free from certain constraints either to do it or not to do it and when their doing it or not doing it is protected from interference by other persons" (Rawls, 1971: 202) He does, however, allow that certain interferences or limits are inevitable and even necessary to ensure the primacy of the basic liberties. Of primary concern for Rawls is the total system of liberty and how each of the basic liberties fits together to form a complete system of freedom. The restrictions allowed in Rawls' conception of liberty are, therefore, judged on how, taken together, they uphold the total system of basic liberties consistent with the two principles of justice (Rawls, 1971: 203; Rawls, 1993: 294-9).<sup>3</sup> Thus, for Rawls, "the best arrangement of the several liberties depends upon the totality of limitations to which they are subject, upon how they hang together in the whole scheme by which they are defined" (Rawls, 1971: 203).

Rawls goes on to suggest that the evaluation of legitimate interference is controlled by the reasonable ordering of preferences that emerges from the two principles of justice. The primacy of the basic liberties of individuals means that certain other liberties could be restricted or regulated when doing so enhances the total system of liberty. Put simply, then, for Rawls, liberty can only be restricted for liberty's sake (Rawls, 1971: 201-5; Rawls, 1993: 294-9). Individuals in the original position must decide reasonably which liberties to

---

<sup>3</sup>Following an objection by H.L.A. Hart, Rawls has modified his earlier position regarding the primacy of equal liberty to read as the primacy of the basic liberties. For our purposes here, however, this clarification does not alter the fundamental point of how and why Rawls would restrict liberty. For further discussion, see Rawls (1993: 289-371) and Hart (1978: 551-55). For commentary on this point see Kukathas and Pettit (1990: 130-1).

restrict in order to ensure that individuals have a coherent and complete set of basic liberties so that they can live their lives without undue interference (Rawls, 1971: 250). For Rawls, the point is to maximise individual liberty by minimising any unjust interferences in the pursuit of an individual's own ends (Skinner, 1992: 213). While Rawls is quick to point out that liberty can be restricted, he is also very careful to point out that it can only be limited when one of the basic liberties is at risk, "and never...for reasons of public good or of perfectionist values" (Rawls, 1993: 295). Citing the necessary use of rules of order in the regulation of free speech as an example, Rawls suggests that the regulation of some of the basic liberties actually will have the effect of enhancing the total system of liberty (Rawls, 1993: 295-6). What is central for Rawls here is how the basic liberties fit together to form a complete and just system of liberty that protects a core area of an individual's activity. Each of these basic liberties can be, when necessary, regulated or restricted in such a manner that when combined with the other basic liberties, a more complete system of total liberty emerges. Moreover, as mentioned above, the basic liberties are regulated or restricted not for the public good nor for perfectionist goals, but only to ensure that a complete and total system of equal liberty can be secured for every individual.

So how does Rawls' conception of liberty differ from the republican conception? Indeed, at first glance, the contrast between Rawls' approach and that of republicanism appears to be slight. To be sure, the two approaches would agree that individuals who are subjected to both domination and interference have unnecessary restrictions on their liberty and therefore cannot be said to be free. They would also agree that those who are not subjected to any domination or interference can be said to be free. However, Pettit argues that republicanism and liberalism diverge over how they each view those subjects who are dominated, but not subject to any interference, and those who are interfered with but not subjected to any domination (Pettit, 1997: 21-7). In the first case of divergence, as I argued in the first part of the thesis, for

republicans any degree of dependency, or even the threat of dependency, on others or on institutions amounts to an arbitrary restriction of liberty. An individual who does not experience any arbitrary interference but is still in a position of subservience to another is not considered to be free. Furthermore, for republicans, whether or not individuals actually experience any arbitrary interference, if there is the threat of arbitrary interference, freedom is considered to be restricted. In this case, then, the mere *vulnerability* to having liberty restricted is considered to be domination (Patten, 1998: 808-9). In the second case of divergence, republicans view any interference that tracks individuals' common interests and ideals as not only being consistent with their liberty, but as enhancing it as well (Pettit, 1998: 84). This interference cannot be said to be arbitrary — it is not something that denies individuals' interests or desires with impunity — but rather it considers what their interests actually are and responds appropriately.

However, it is not clear that Rawls would accept Pettit's claims of divergence. Indeed, Pettit, when drawing this conclusion, seems to use an overly strict characterisation of liberalism's zeal to guard the individual from any interferences. As I outlined above, Rawls does not wholly accept the strict interpretation of liberty as non-interference. To be sure, he argues that while individuals should be free from any unnecessary interferences, some regulations or restrictions on the basic liberties are necessary and even serve to strengthen and enhance the total system of liberty. Likewise, republicans argue that interferences that are not arbitrary and track the interests of the citizenry have a similar effect of enhancing the total system of liberty. Furthermore, republican conceptions of liberty are, like Rawls' conception, essentially negative in nature, albeit with a significant difference. The two approaches, however, differ in two important respects. In the first respect, the two approaches differ in what they consider to be the primary measure of freedom, which, for republicans, is not the

absence of interference as such, but rather the absence of mastery.<sup>4</sup> In the words of Pettit, “it requires something other than the absence of interference. It requires the absence of dependency upon the will of another and the absence of vulnerability to interference at the will of that other: it requires the absence of mastery or domination by any other” (Pettit, 1998: 84). Unlike some strict liberal negative conceptions of liberty, republican liberty acknowledges that certain forms of interference are not necessarily wholly restrictive of an individual’s freedom when a total system of liberty is in place. In many ways, for republicans, it is these very ‘interferences’ that protect and enhance liberty.

The difference lies in the fact that under Rawls’ system, these interferences are viewed as regulations or restrictions that serve to enhance the total system of liberty. Whereas, for republicans, these interferences, which are not arbitrary, do not have a similar causal sequence like that of Rawls’ approach where a restriction here may yield an enhancement there. In other words, there is no one step back, two steps forward. That is, under a system characterised by republican liberty as nondomination, interferences which are nonarbitrary are not viewed as being restrictions or regulations in the same sense as they are in Rawls’ approach. I will discuss this point more fully in the next section, but my argument here is that the two approaches have different measures of freedom, which supports my contention that they have different conceptions of liberty. Furthermore, because these two accounts have different conceptions of liberty, they have different underlying values and ideals: and this has a profound effect on their overall respective approaches.

As I outlined above, Rawls maintains that liberty can never be restricted for “reasons of public good or of perfectionist values” (Rawls, 1993: 295). However, as I argued in earlier chapters, republicans believe that nondomination has two interdependent forms of power, one reciprocal and one

---

<sup>4</sup>For a further discussion of republican liberty as a negative form of freedom see Skinner (1984).

constitutional, that protect and enhance individuals' freedom. Within these two forms of power are important distinctions that further separate the republican approach from that of Rawls. I will summarise this argument briefly so that I can contrast it further with Rawls' approach. Taken together, nondomination's reciprocal and constitutional forms of power constitute a resilient core of protection that not only allows individuals to determine which nondominating ends they will pursue, but also frees them from the inevitable uncertainty, anxiety and fear of subordination that they may experience as they constantly act and react against those who seek to interfere arbitrarily with them (Pettit, 1997: 83-90). In addition, the resilient core of republican liberty as nondomination places citizens on an equal footing and gives them certain subjective and intersubjective benefits that are both defensive and offensive in nature. They are defensive because agents realise that they too can defend themselves and act to interfere arbitrarily with others. These benefits are offensive because an improved subjective and intersubjective status also affects the way in which individuals cast their final ends in a manner that does not interfere arbitrarily with others. The offensive benefits of the reciprocal power of nondomination help to cultivate not only an ideal type of citizen, but an ideal type of individual. These substantive benefits are actively promoted from a legal and institutional standpoint by the constitutional power of nondomination and purposely affect individuals' nonpolitical lives. Through the ideals and institutions of the state, republican liberty as nondomination affirms an individual's capacity to pursue her own objectives within the larger scheme of nondomination which is not solely limited to the political realm. Such pervasiveness cannot be the case in Rawls' political liberalism because such moves are expressly forbidden.

Rawls' approach is aimed firmly at only interacting and influencing that part of an individual's life that is carried out in the political realm. Rawls does not want to affirm and actively promote a set of nonpolitical comprehensive values. However, republicanism does. In these two respects, the differences

that emerge from the liberal and republican conceptions of liberty necessarily render the two accounts incompatible. Within the republican conception of liberty as nondomination, there is no restriction or regulation of liberty for liberty's sake. Such causal sequences are unnecessary. At a deeper and more fundamental level, both the reciprocal and constitutional forms of power of republican liberty as nondomination actively cultivate certain ideal types of individuals who cast their ends in a nondominating fashion, and all without regret. The next sub-section will build on the distinctions between the two approaches' conceptions of liberty outlined above by exploring the constitutive nature of republican ideals and institutions.

## ***2.2 - republican liberty is more than a 'political good'***

The republican conception of liberty differs from that of Rawls in that the primary measure of freedom is not the degree to which individuals are free from interference, but rather the extent to which individuals are free from any actual or threatened arbitrary interference. As discussed in the last chapter, some liberals, including Rawls, maintain that there is no fundamental opposition between republicanism and liberalism because both of their accounts of liberty are instrumental in nature. For Rawls, in many ways, political institutions and ideals, including forms of citizenship and civic virtue, are not necessarily goods in themselves, but rather are "purely instrumental to individual or associational ends" and as such are "at best a means to individual or associational good" (Rawls, 1993: 201). However, he also maintains that these political institutions and ideals can be defended as goods, as long as they are defended as 'political' goods and not justified as such by reference to comprehensive doctrines (Rawls, 1993: 203). It is in this manner that Rawls maintains that republicanism is not in fundamental opposition to his political project. Because both conceptions of liberty are held to be essentially negative in nature, the thought is that for the most part the republican commitment to civic virtue and public service is instrumental to the ends that individuals pursue. Even so, for Rawls, these



instrumental goods can be defended as goods themselves as long as they are restricted suitably to the political.

However, as I argued earlier, republicans believe that liberty as nondomination, unlike Rawls' conception of liberty, contains within it ideals and institutions that are intrinsically valuable and that constitute the liberty experienced by republican citizens. In other words, the values of civic virtue and republican citizenship and certain properly constituted republican institutions are goods themselves which have far reaching consequences for an individual's nonpolitical life. One obvious reply that Rawls has to my claims is that the type of republicanism that I am defending is the type of republicanism which he associates with civic humanism (Rawls, 1993: 205-6). However, as I have argued earlier, I believe that this is not the case and that the republicanism that I defend is the type that Rawls believes to be compatible with his political project. In this sub-section, I will build on the distinction between republicanism and political liberalism offered above and further develop the idea that the ideals and institutions that support liberty as nondomination affect an individual's nonpolitical life and are not inspired by civic humanism. I will also argue that they are not instrumental to the realisation of Rawlsian negative liberty, but instead constitute the freedom enjoyed by republican citizens and regulate the availability of potential life choices.

Rawls takes civic humanism to be a form of Aristotelianism that holds that individuals are social, or political, animals "whose essential nature is most fully realised in a democratic society in which there is widespread and vigorous participation in political life" (Rawls, 1993: 206). For Rawls, civic humanism so understood has all of the defects of what Constant referred to as the liberty of the ancients and is thus a non-political comprehensive doctrine. As we saw earlier, Michael Sandel accepts the general thrust of Rawls' definition of civic humanism and maintains that central to republican theory "is the idea that liberty depends on sharing in self-government" (Sandel, 1996: 5). For Sandel, self-

government is the only type of political system that can sustain the necessary resources for “the moral energies of a vital democratic life” (Sandel, 1996: 24). Thus, for both Rawls and Sandel, liberty in the civic humanist strain of republicanism is related to self-government by definition. In other words, freedom cannot be defined without specific reference to democratic self-government. However, the same cannot be said of republican liberty as nondomination. According to Pettit, the necessary ideals and institutions that accompany republican liberty as nondomination do not define the liberty they confer (Pettit, 1998: 86). Unlike the liberty outlined in Rawls’ reading of civic humanism, republican liberty is not defined by reference to any specific institution like that of democratic self-government. Put another way, there is no specific requirement that republican freedom can only be realised with reference to particular institutions present in the state such as democratic self-government (Pettit, 1998: 86). Republican liberty as nondomination can only be defined by reference to how well individuals are protected from arbitrary interference.

Instead, the ideals and institutions that accompany republican liberty as nondomination constitute the liberty experienced by republican citizens. They do not relate to liberty in the same instrumental manner that characterises Rawls’ approach. For republicans, properly constituted laws and institutions — laws and institutions which are made by and track the interests of those they govern — are more than simply of instrumental value to the overall system of nondomination. In other words, these ideals and institutions which accompany republican liberty as nondomination are the essence of individuals’ freedom and are a necessary part of it. The interference that republican citizens experience due to the presence of these ideals and institutions is not viewed as a restriction or regulation of their freedom because this interference is not arbitrary. There is no need to restrict or regulate some liberty here to enhance liberty over there. According to Pettit, “the nondomination as such precedes such causal sequences. It comes into existence simultaneously with the appearance of the appropriate institutions; it represents the reality of those institutions in the

person of the individual” (Pettit, 1997: 107).<sup>5</sup> In other words, civic virtue and citizenship, together with properly constituted laws and institutions, are component parts of republican citizens’ freedom and represent the realisation of nondomination in their lives. Republican citizens have a close and intimate relationship with these constituent parts because they are their freedom and bring with them certain substantive benefits. These benefits cannot be limited only to the political realm in the way that Rawls wants them to be. Moreover, republicans do not believe that they should be.

The subjective and intersubjective benefits that citizens realise under a system characterised by republican liberty as nondomination cannot, and should not, only apply to the political part of individuals’ lives. They cannot, because nondomination is more than a political approach. Republicans do not just want to prevent arbitrary interference in the political realm or by individuals who use the institutions that constitute the basic structure of society. Republicans want

---

<sup>5</sup>For a further discussion of how republican ideals and institutions constitute the liberty experienced by republican citizens see Pettit (1997) pp. 106-9 and Pettit (1998) pp. 86-7. Pettit maintains that republican institutions act in the same manner as the antibodies in our bodies which constitute our immunity to certain diseases.

Consider the connection between the antibodies that make someone immune to a certain disease and that immunity itself. The connection is not definitional, since immunity to the disease can be defined and understood without reference to the antibodies. But neither is the connection causal, for it is not as if the immunity is something distinct from the antibodies; being immune, for the person in question, comes to nothing more and nothing less than having those antibodies. The antibodies do not cause the immunity, as we say, they constitute it (Pettit, 1998: 86).

Thus, freedom as nondomination is not defined by any specific reference to an institution such as participation in democratic government, nor is it caused by an institution that inhibits would be interferers in an individual’s life. An individual does not have to wait for an institution to inhibit a would be offender before realizing their nondomination. They have it when they are not subject to any arbitrary interference (Pettit, 1997: 107-9).

to prevent arbitrary interference in both the political and nonpolitical aspects of individuals' lives. It follows that to do so means that certain ideals and values must permeate both the political and nonpolitical realms of society. The subjective and intersubjective benefits that citizens realise under a system characterised by republican liberty as nondomination should not only apply to the political part of their lives because republicans want citizens *qua* individuals to realise that they are on an equal footing with others so that they can look them in the eye. If citizens experience arbitrary interference in their nonpolitical life, republicans do not consider them to be free: to republicans, these individuals are in a state of domination. To this end, republican liberty as nondomination will regulate the available life choices that individuals have in their nonpolitical lives so that all domination, whether it occurs in the political or nonpolitical realm, is challenged and minimised. In the next sub-section, I will explore how republican liberty as nondomination regulates the available life choices permissible for individuals in not only their political lives, but their nonpolitical lives as well.

### ***2.3 - the regulative nature of nondomination***

As I argued in chapter 3, the constant action and reaction to life in civil society helps to form an important *republican* 'context for choice' for those citizens who know themselves to be free from domination and who can choose and revise their life plans according to their own needs and desires.<sup>6</sup> The republican context for choice regulates the availability of some comprehensive moral traditions and may even challenge or distort some individuals' final ends. It does this because the wider, and more pervasive, role assigned to the reciprocal and constitutional forms of power that support nondomination will actively challenge some individuals' final ends and seek to eliminate or change those ends that lead their adherents to interfere arbitrarily with others. This

---

<sup>6</sup>As I outlined in the last chapter, Will Kymlicka often speaks of a 'context for autonomous choice'. See Kymlicka (1990) pp. 199-237.

context for choice serves as a guarantee to those citizens who know themselves to be free from arbitrary interference, and have the necessary security to choose, question, and revise their life plans in light of their nondomination. Moreover, the republican context for choice serves to regulate the final ends available to citizens in light of republican liberty as nondomination. As I argued above, the republican state does not regret the nonpolitical impact of nondomination and the values and virtues that support it. Instead, republican liberty as nondomination affects individuals' nonpolitical lives because arbitrary interference or domination has no place in a republican state characterised by republican freedom.

These values and ideals have a certain perfectionist quality to them because they exist prior to individuals' final ends and purposely affect individuals' nonpolitical lives. Rawls' political liberalism too, has some of these same elements. However, Rawls' defence of 'justice as fairness' as a non-perfectionist political doctrine centres around his contention that while 'justice as fairness' is similar to perfectionism in that it promotes "certain traits of character, especially a sense of justice" and "manage[s] to define an ideal of the person," it does so "without invoking a prior standard of human excellence" (Rawls, 1971: 327). For Rawls, human perfection is something that the state should not define and instead should be determined by individuals using their basic liberties to their own ends without any undue coercion (Rawls, 1971: 328-9). However, the values and ideals of republican versions of civic virtue and citizenship exist prior to individuals' final ends and help to mould and condition those final ends into ones that do not subject others to arbitrary interference. Individuals, in their nonpolitical lives, are taught the necessary substantive skills and virtues that help them to cast their final ends in a manner which is consistent with republican civic virtue.

Once again, because republican liberty as nondomination seeks to minimise arbitrary interference in the whole of society, and not just in political

domain, the ideals and institutions that support republican liberty must not be limited in the way that Rawls favours. By limiting nondomination in the manner that Rawls wants to, the republican state would be hard pressed to minimise arbitrary interference because the virtues and values that support republican liberty would be restricted to the political sphere. The result would be increased corruption as individuals sought to dominate others and thus gain advantage over them in their nonpolitical lives. Ultimately, liberty would be threatened in both the political and nonpolitical realms. For Machiavelli, placing the individual good over the common good would almost certainly bring about a rise in corruption and the loss of liberty (Machiavelli, *The Discourses*, 1965: 329). For republicans, cleaving off the political from the nonpolitical would undermine and threaten liberty as nondomination and usher in an environment of unrestrained individual freedom, or *licenza*. This is not to say that in a system characterised by political liberalism, outside of the political domain individuals will be involved in a complete free-for-all. To be sure, these individuals will be subject to laws and institutions that govern the whole of society. However, as I argued in the last chapter, the difference lies in the realisation that where liberals want to regulate how individuals behave, republicans want to regulate what they believe.

For republicans, by understanding their liberty as the lack of arbitrary interference in their life choices, citizens believe themselves to be free to pursue their own ends according to whatever conception of the good they may have in light of the regulative nature of nondomination. Nondomination as a political principle, as I argued above, will inevitably affect certain nonpolitical beliefs and character traits. But the only fixed ideal of human excellence that it promotes is that of an individual's ability to express her ends in a manner that does not subject others to arbitrary interference. The state, through its ideals and institutions, will promote actively those activities aimed at securing the republican context for choice. That is, the state will seek to ensure that individuals are free from any actual or threatened arbitrary interference so that they themselves can decide those things that are valuable and those things that

are not as long as their choices are consistent with liberty as nondomination. Living a nondominating life enriches individuals' lives and helps them to 'do well' on their own behalf (Skinner, 1984: 219). For Machiavelli, fulfilling one's obligation to the community by living a nondominating life and actively participating in the maintenance of republican liberty was more than a duty, it was something that could bring the individual 'glory' (Machiavelli, *The Discourses*, 1965: 509). However, the republican account of perfectionism is a 'thin' or minimalist account.

As I argued above, the type of republicanism that I defend is not the same as the republicanism associated with civic humanism. In that account, human flourishing is tied specifically to the development of the self into an ideal type within a certain type of community characterised by democratic self-government. However, there is less specificity in the republicanism outlined in my argument. The particular ends that individuals pursue are not tied to their flourishing in a singular specific fashion or to their realising their true nature as political animals. The regulation of these ends is not about a specific activity, it is about a range of activities that can be said not to dominate others. It is about securing individuals from any threatened or actual interference that does not track their interests. This, in turn, brings them certain benefits that are not available under a system characterised by the ideal of freedom as noninterference. These benefits increase the range of activities available to individuals who are secure in their liberty and free from the uncertainty and anxiety that accompanies the ideal of freedom as non-interference. These citizens know that they are on an equal footing with others and can look them in the eye. Each of these benefits increases the range of options open to republican citizens because they are more secure in their liberty. Thus, there are important subjective and intersubjective benefits to republican citizens. Machiavelli maintained that the republican commitment to the cultivation of civic virtue, citizenship, and the common good allowed republics to increase in wealth and opportunity, and, more importantly, to be more secure in their liberty (Machiavelli, *The Discourses*,

1965: 329). Thus, those elements that appear perfectionist within republican thought are not as strict as some perfectionist accounts. Within a state characterised by republican perfectionism, a wide range of final ends are available to individuals as long as those final ends cannot be said to involve the domination of others. Furthermore, citizens who attain the character traits and skills associated with republican perfectionism will be better able to 'do well' by themselves.

These elements are, as I argued in chapter 3, at most quasi-perfectionist in nature because while republicans have a firm idea of what types of ends are acceptable — those that do not involve the domination of others. They also believe that the character traits associated with republican perfectionism secure a wide range of final ends available to individuals to pursue unhindered by the state or others. Within republicanism, then, being a nondominator, that is, being an individual who can cast her ends in a manner that does not interfere arbitrarily with others, is an ideal of human excellence. However, there is nothing metaphysical nor mysterious about republican liberty, nor does it appeal to some rigid *a priori* idea of what individuals specifically should do to flourish or 'find themselves' (Skinner, 1984: 217). Thus, the perfectionism inherent in the republican approach is about securing those conditions that allow individuals to determine what is valuable and what is not within a vast range of final ends that cannot be said to dominate others. Moreover, in promoting these perfectionist elements without regret, republicanism recognises that certain life choices support nondomination better than others, and thus acts to secure republican liberty so that all citizens can pursue their own chosen ends free from arbitrary interference. Because the substantive values and virtues that support nondomination do affect the nonpolitical lives of individuals in the republican state, republicanism can be said to be, according to Rawls' definition, at least a partially comprehensive doctrine. The comprehensive nature of republican liberty as nondomination is also reflected in the intimate nature of the relationship between the right and the good. In the next sub-section, I will



explore this relationship and argue that for republicans, the right cannot be prior to the good. Instead, the relationship between the right and the good, for republicans, must be far more intimate than it is in Rawls' account.

#### **2.4 - the close and intimate relationship between the right and the good**

A key area of criticism of Rawls' project has come from those theorists who challenge his insistence that the right is prior to the good. Michael Sandel, among others, has argued that Rawls' insistence on giving priority to the right has undermined community and caused widespread disillusionment with the liberal state (Sandel, 1996: 10-1). However, Rawls maintains that even though political liberalism is not based on any wholly or partially comprehensive goods, the good itself is not completely abandoned in favour of the right. Rawls explicitly states that the "right and the good are complementary," and that no approach can "draw entirely upon one or the other." What is required, then, for Rawls, is a combination or mix of the two that support a political conception of justice that places the right prior to the good (Rawls, 1993: 173). Rawls maintains that the theory laid out in *Political Liberalism* satisfies this requirement without recourse to any wholly or partially comprehensive philosophical or moral doctrines. If we follow Rawls' line of reasoning, the type of republicanism that I have been defending would also place the right prior to the good. Furthermore, this position would be reflected in the nature of the values and virtues that support republican liberty as nondomination. In this sub-section, I will argue that this necessarily cannot be the case because the values and virtues that support republican liberty as nondomination will interact with an individual's nonpolitical self.

Rawls acknowledges that political liberalism will need a meaningful set of values and virtues that support the political theory of justice and the institutions that accompany it (Rawls, 1993: 195). These, 'political virtues', as he calls them, are not said to be based on any wholly or partially comprehensive

values, and thus do not violate the political project. Instead they are embraced by reasonable individuals in an instrumental manner or seen as purely political goods (as discussed in the section above). In this area in particular, Rawls seems to move closer to the republican project by advocating republican ideals to help 'thicken' up his account of the necessary values and virtues that will accompany his project.<sup>7</sup> However, for Rawls, the use of republican values and virtues, such as strong versions of citizenship and the cultivation of an active populace, to help complete his project is a justifiable move because he does not believe that the two approaches are in fundamental opposition. To support his position, Rawls evokes Benjamin Constant's famous distinction between the liberty of the moderns and that of the ancients. However, I will argue that unlike republicans, Rawls does not follow Constant closely enough, and thus fails to acknowledge the gains to be had from a closer and more intimate relationship between the right and the good. Furthermore, I will argue that without a closer and more intimate relationship between the right and the good, the republicanism that I have defended collapses and liberty as nondomination is lost.

Constant maintained that there was a clear distinction between the 'liberty of the ancients', which reads very much like Rawls' reading of civic humanism, and the 'liberty of the moderns', a negatively based conception of liberty that promotes the right of the individual to be free from unnecessary interferences (Constant, 1988: 309-328). Constant believed that the liberty of the ancients undermined the cause of individualism by promoting values and virtues that

---

<sup>7</sup>Nicholas Buttle has argued recently that it is possible to defend a "broadly Rawlsian interpretation of citizenship which combines both liberal and republican themes." However, Buttle fails to account for republican conceptions of liberty as nondomination and the necessary support structures that accompany such a conception. Instead he argues that the main difference between republicanism and liberalism is one of emphasis. While I accept his general thesis that republicanism and political liberalism may share many of the same ideals and goals, there are important differences that must be accounted for before combining the two traditions (Buttle, 1997: 147-52).

subjected the individual self to the will of the common good. For Constant, “among the ancients the individual, almost always sovereign in public affairs, was a slave in private relations” (Constant, 1988: 311). It was the liberty of the moderns, for Constant, that freed the individual from the domination of the common good by securing “the enjoyment of security in private pleasures” and ensuring a protected space within which to act freely (Constant, 1988: 317). Just as Constant endorses the liberty of the moderns, Rawls too believes that individual liberty must be a central ideal of political liberalism. However, Rawls fails to appreciate fully the implications of Constant’s theory of liberty when he develops a ‘political’ account of the necessary virtues and values that support political liberalism. Constant believed that even though the liberty of the moderns was paramount over the liberty of the ancients, no just system could completely abandon the institutional priorities of ancient liberty. What was necessary, for Constant, was to “learn to combine the two together,” a position that, as we saw above, Rawls advocates when assigning the right priority over the good (Constant, 1988: 327; Rawls, 1993: 173). Where Rawls goes astray is in his failure to recognise that it was beneficial that the institutions that represented the liberty of the ancients had a substantive role in not only securing and supporting individual liberty, but in providing the citizenry with the necessary moral nonpolitical education as well. According to Constant:

Institutions must achieve the moral education of the citizens. By respecting their individual rights, securing their independence, refraining from troubling their work, they must nevertheless consecrate their influence over public affairs, call them to contribute by their votes to the exercise of power, grant them a right of control and supervision by expressing their opinions; and by forming them through practice for these elevated functions, give them both the desire and the right to discharge these (Constant, 1988: 328).

In this manner, Constant combines the different senses of liberty much in the same way as Rawls combines the right and the good. For Constant, the liberty of the moderns is prior to the liberty of the ancients, even though the latter plays an important role in the moral education of the citizenry. However, for Constant, the liberty of the ancients was not restricted to achieving solely the ‘political’

education of the citizenry, and thus had an important nonpolitical function in shaping the moral character of the citizens through substantive values and virtues. Constant believed that the institutionally driven moral education of ancient virtues had an important and substantive role in the nonpolitical development of individuals. For Constant, the teaching of ancient virtues to citizens “enlarges their spirit, ennobles their thoughts, and establishes among them a kind of intellectual equality which forms the glory and power of a people” (Constant, 1988: 327). In other words, the virtues and values of the liberty of the ancients should not be abandoned by modern liberty because they aid in the development of individuals’ nonpolitical moral lives.

However, as we saw above, Rawls claims that these values and virtues must be political in nature and not based on any wholly or partially comprehensive goods. Despite the political nature of these values, then, for Rawls, the right and the good are ‘complementary’. Furthermore, Rawls informs us that “no conception of justice can draw entirely upon one or the other, but must combine both in a definite way” (Rawls, 1993: 173). However, Rawls seems to want it both ways. For Constant, ancient virtues were not only instrumental because they helped secure modern liberty, they were essential goods because they contributed to the nonpolitical moral development of individuals. Without this nonpolitical moral development, Constant believed that modern liberty alone was insufficient to maintain meaningful freedom. In many ways, Rawls too recognises this point. He maintains that the ‘political’ virtues will have to constitute the ideals that support and “characterise the ideal of a good citizen of a democratic state” (Rawls, 1993: 194-5). Education, for Rawls, will have to include certain virtues like toleration and an appreciation of the constitutional and civil rights that support political institutions. These virtues will require that citizens have the ability to stand back and reflect rationally on not only their own life choices, but also those of others. Rawls even admits that “certainly there are some resemblance between the values of political liberalism and the values of the comprehensive liberalism of Kant and Mill.” But this is

unavoidable and the consequences must be accepted with 'regret'. Nonetheless, they do not violate the 'political' nature of his project because of their narrow scope and generality (Rawls, 1993: 199-200). Even if these virtues are general in nature and narrow in scope, Rawls implicitly admits that they will affect an individuals' nonpolitical moral development. The political virtues, by Rawls' own admission, cannot be completely constrained in the manner that his theory requires. The implication of Rawls' admission is that these political goods will spill over into the nonpolitical, albeit that this is a matter of regret. For republicans, however, this overlap is not viewed as something that has to be regretted: it is something that is actively sought and that has positive benefits.

Like Constant, then, republicans fully appreciate and embrace the role that political institutions and education must play in the lives of citizens in conveying the values and virtues that support liberty as nondomination. And, as argued above, these values and virtues help to constitute the liberty experienced by individuals in the republican state. They help mould and condition individuals' life choices and instil in citizens a rich sense of civic virtue. In other words, they substantively contribute to individuals' nonpolitical moral development, and all without Rawls' 'regret'. Republicans cannot support Rawls' position for two main reasons. The first, as I argued in the last sub-section, is that if republicans restrict nondomination and the ideals and institutions that support it to the political realm, the benefits to citizens who know themselves to be free from the uncertainty and anxiety caused by threatened or actual domination will be fundamentally undermined. I will develop this point further in chapter 6, but my argument here is that unless the virtues and values associated with republican liberty as nondomination can take root in both the political and nonpolitical domain, republicanism will fail. It follows that the second reason republicans cannot support Rawls' position is that those citizens who are free from domination in the political realm will not be necessarily free from domination in the whole of their lives if nondomination is limited in scope. Domination which occurs outside of the political realm will undermine the

subjective and intersubjective benefits of nondomination because individuals' position of equal footing with others will only apply to political issues. In individuals' nonpolitical lives, where they may be subjected to domination because the virtues and values which accompany republican liberty have not taken root, they will not reap the benefits of republican liberty and may not be able to look others in the eye. In other words, for republicans, if nondomination is to be maximised, its values and ideals cannot be restricted solely to the political domain. Republican liberty as nondomination not only needs to permeate the whole of society if it is to be successful, it needs substantive inputs from the whole of society and not just the political realm. Republicans believe that for nondomination to permeate society and take root in the hearts and minds of the citizenry, it must be actively promoted by the state.

For republican liberty as nondomination to be maximised, there must be sufficient belief in the capacity of the laws and institutions to prevent arbitrary interference. However, if nondomination is restricted to the political, the laws and institutions of the state will be fatally undermined. Machiavelli maintained that "just as good morals, if they are to be maintained, have need of good laws, so the laws, if they are to be observed, have need of good morals" (Machiavelli, *The Discourses*, 1965: 241). Thus, the laws and institutions of the republic can only be fully effective if they have a sufficient degree of legitimacy and allegiance among the people and are recognised as the norms of society, not just the norms of politics. To this end, as I argued in the last chapter, the republican state will promote certain character traits and virtues through distinctive versions of citizenship and, in doing so, will educate individuals in the substantive ideals of nondomination. Furthermore, it follows that civic virtue and participation are essential republican components of liberty because they help the state track properly the interests of the citizenry. It follows that for these ideals and institutions to be truly effective, there must be a sufficient amount of virtue and participation in the forums of the state to register accurately just what those interests are (Pettit, 1998: 87). The necessary virtues that make up the

republican version of citizenship help individuals articulate their own interests so that the state, and their fellow citizens, can account for and track their interests and respond appropriately. Unlike Rawls' liberal state, the republican state does not ask individuals to bracket off their nonpolitical, religious, philosophical, or moral comprehensive doctrines. As I will argue in the next section, once again, republicans cannot endorse Rawls' political position because asking individuals to bracket off their interests and recast them in political terms makes it impossible for the republican state and others to track their interests. If their interests cannot be tracked, they will inevitably be subject to arbitrary interference, and thus dominated.

My argument in this section has been that following Rawls' move to assign outright priority to the right over the good would fundamentally undermine the republican project. Instead, republicans recognise, like Constant, that the virtues that accompanied the liberty of the ancients represent a positive feature that, when taken together with the liberty of the moderns, enriches individuals' lives and better secures their liberty. To that end, the republican state promotes civic virtue and access to a common language of citizenship in order to support the intimate relationship that individuals have with the ideals and institutions that secure their freedom as nondomination. In this manner, the republican state helps citizens to play the necessary active role in securing themselves from arbitrary interference. To help support this effort, the republican state educates future citizens in the ways of politics and government and also teaches them the necessary civic virtues that help individuals not to dominate others. As I argued in the last sub-section, this, in turn, affects how individuals cast their final ends. Citizens who live in a republican state characterised by freedom as nondomination will have a duty and responsibility not to dominate others. If they do, the state's constitutional provisions will ask them to account for their domination and may force sanctions on them if they do not cease. In each of these areas, the republican state, without regret, affects individuals' nonpolitical lives so that their liberty is enhanced and their lives enriched. Once again,

where liberals want to regulate how individuals behave, republicans want to regulate how they cast their final ends. This, however, highlights another area in which the kind of republicanism that I have been defending is not compatible with Rawls' political liberalism. In the next sub-section, I will argue that the republican state characterised by liberty as nondomination cannot be neutral in the same way as Rawls' 'political' state.

### ***2.5 - republicanism is not value neutral***

As I argued earlier, because republican liberty has certain perfectionist qualities, it cannot be said to be strictly neutral. Thus, another distinction between Rawls' political project and republicanism has to do with Rawls' insistence that the value and promotion of certain character traits or virtues by a state characterised by political liberalism (and thus a republican state by inference) does not violate neutrality.<sup>8</sup> For Rawls, these virtues are political in nature and thus are distinguishable "from the virtues that characterise ways of life belonging to comprehensive religious and philosophical doctrines..." (Rawls, 1993: 195). As I argued above, Rawls maintains that the state must support itself through particular ideals and institutions that maintain and enhance justice as fairness as a political doctrine. For Rawls, even though these virtues are political, they may be regarded by some as goods themselves, but this still does not violate their neutrality because they do not affirm any religious, philosophical, or moral comprehensive doctrines (Rawls, 1993: 202-4). Rawls, however, is careful to qualify the type of neutrality he is defending. To be sure, because the political virtues and justice as fairness as a political doctrine are goods, they are not neutral in a procedural sense. The institutions of the state and the political virtues do presuppose some forms of public 'political' goods, but since they are goods nonetheless there is no neutrality of procedure (Rawls,

---

<sup>8</sup>Rawls, however, is right to argue "that the term neutrality is unfortunate [because] some of its connotations are highly misleading [and] others suggest altogether impracticable principles" (Rawls, 1993: 191).



1993: 202). Another sense in which political liberalism is not neutral for Rawls is in its effect. Rawls maintains that some forms of the good life will fare better than others, while some may come into conflict with the structures and principles of the state. Because of this, the state is likely to favour some forms of moral character over others, while encouraging certain moral political virtues (Rawls, 1993: 194). However, Rawls does defend political liberalism as a doctrine which displays a neutrality of aim. In other words, the aims of justice as fairness are neutral because it is a non-comprehensive doctrine which seeks a common ground to provide citizens with equal opportunities to pursue permissible conceptions of the good life (Rawls, 1993: 190-5). Among these permissible conceptions of the good life, political liberalism makes no judgements about the relative worth of the decisions made by reasonable individuals. Central to this assertion is Rawls' belief that a political conception of justice is compatible with reasonable comprehensive moral and philosophical doctrines.

However, republicanism fails Rawls' 'neutrality of aim' test because its aims are not neutral in the sense that nondomination and the reciprocal and constitutional forms of power that support it actively challenge some individuals' final ends and seek to eliminate or change those ends that lead their adherents to interfere arbitrarily with others. Furthermore, the republican state recognises and promotes certain nonpolitical goods which support the principles of nondomination as a central ideal. However, these goods are not restricted to purely political goods in the same way as in Rawls' project. In the last chapter I argued that the republican state must abandon any claims to neutrality by advocating and supporting certain substantive ideals, institutions, and versions of civic virtue and citizenship that support and maintain the principles of nondomination. Furthermore, the ideals and institutions of nondomination can be said to be quasi-perfectionist in nature and are relevant to the whole of an individual's life. To this end, the republican state will set up certain procedures and forums in a distinctively republican manner. It will interact and adjudicate between the many moral traditions that comprise the republic in a distinctive and

substantive manner guided by the principles that support republican liberty as nondomination. In doing so, the quasi-perfectionist elements of republican citizenship and civic virtue educate individuals in the distinctive and substantive ideals of nondomination which stress some goods over others. Individuals will realise the reciprocal and constitutional power of republican liberty because it regulates or shapes the ways in which they evaluate their needs. By recognising these essentially common goods as legitimate ends for the state to promote, republicanism abandons liberal neutrality and stands in contrast to Rawls' political liberalism.

If republicans were to accept the thrust of Rawls' neutrality of aim, the maximisation of nondomination would be hampered. The aim of a state characterised by the ideal of freedom as nondomination is to promote those ideals and values that support republican liberty in both the basic structure and the whole of society. It does so, as I argued earlier, not in an instrumental manner, and not because these ideals and values are purely 'political' goods. The republican state advocates certain character traits and particular republican ways of doing things to enhance the position of its citizens and secure the republican context for choice. Moreover, if the republican state is to maximise liberty as nondomination, individuals cannot be asked to bracket off their comprehensive ideals. Rawls' liberal state asks individuals to bracket off their comprehensive beliefs when interacting with the state over issues of basic justice, and instead embrace a 'political' identity. However, insisting that individuals bracket off these ideals fundamentally undermines the republican effort to track their interests. Even though republicans fully understand the importance of individual decisions, they also recognise and appreciate the inability to bracket completely private preferences from public expositions (Burt, 1992: 162-3). David Miller has argued that it is essential to the republican project that the state not limit "what sort of demand may be put forward in the political forum" (Miller, 1995: 447). To this end, if the republican state and others are to track individuals' interests, individuals must be asked to register

their interests as they are, comprehensive or not. Nondomination cannot be sustained by a citizenry that only registers what their 'political' interests are, especially if these 'political' interests vary greatly from their comprehensive beliefs.

When certain comprehensive doctrines challenge the principles of nondomination by subjecting individuals to arbitrary interference, the state will act with the bias of republican liberty as nondomination to secure liberty and maintain the republic. Rawls argues that because the types of goods supported and promoted by political liberalism are not comprehensive in nature and have neutral aims, justice as fairness is a 'political' doctrine. In contrast, republicans maintain that nondomination and the comprehensive values that support it are not value neutral.<sup>9</sup> That is, the substantive principles of nondomination are biased in a distinctive republican manner that gives precedence to life choices that do not interfere arbitrarily with others. The republic promotes the values and ideals that support such lifestyles.

This is not to say that the republican state has recourse to unlimited state activity in the lives of its citizens. As mentioned before, the republican state must not itself be a dominator. Pettit argues that

there will be significant limits on what the republican state should attempt, since it is clear that an excessively powerful state can easily become dominating; and there will be recognition of the fact that, even if law does not itself dominate, it does reduce the ease or range of choice in which people can enjoy nondomination; nonarbitrary law offends in a secondary way against nondomination (Pettit, 1998: 95; also see Pettit, 1997: 76-7).

---

<sup>9</sup>Although Pettit asserts that the republican state reflects a 'shared-value' neutrality, I maintain that any element of value violates basic strict neutrality and therefore cannot claim to be neutral. For a further discussion of Pettit's position, see 'Reworking Sandel's Republicanism' (Pettit, 1998: 91).

Once again, civic virtue and participation play a positive role in checking the power of the state and ensuring that it does not dominate. Republican values and ideals are subjected to constant and rigorous efforts of contestability which not only ensures that they respond to the various demands placed on them, but also helps to educate those citizens who place these demands on the state in the ways of government and of a varied and pluralistic society (Pettit, 1997: 230-4). However, just as individuals can become corrupt and seek to dominate others, the state too can become corrupt and seek to dominate those it is supposed to protect. The state must track the interests of its citizens and ensure that they are free to choose, question, and revise their life choices without arbitrary interference from either others or the state. In chapter 6, I will develop this point further. However, my contention in this chapter is that for the type of republicanism that I am defending to secure liberty as nondomination, its aim cannot be neutral in the way that Rawls maintains it is.

## **Conclusion**

In each of the five areas outlined above, republicanism cannot endorse Rawls' political approach without fundamentally undermining its alternative conception of liberty. Republicans do not regret the impact that their theory has on individuals' nonpolitical lives. Instead, republicans embrace the substantive and pervasive nature of the values and virtues that support republican liberty as nondomination. Republicans maintain that their conception of liberty is both distinct from, and an improvement on, Rawls' conception. The benefits of republican liberty as nondomination over the ideal of freedom as non-interference contribute to individuals' development in the whole of their lives. To restrict this development to the political domain, even if possible, would threaten republican liberty as nondomination and open the door for increased corruption and *licenza*. It follows that the ideals and institutions that accompany republican liberty as nondomination constitute the freedom experienced by republican citizens. These components are more than instrumental goods.

Taken together they are citizens' means of realising nondomination. Furthermore, the ideals and institutions of republican liberty, which come in both reciprocal and constitutional forms of power, regulate the final ends available to individuals in their political and nonpolitical lives.

The distinctive republican regulation of permissible final ends reflects the republican belief in the interdependent and intimate relationship between the right and the good. While securing a wide range of permissible final ends, the quasi-perfectionism of republican ideals, such as civic virtue and citizenship, moulds and cultivates individuals in a distinctive republican manner. This perfectionism means that the republican state is not neutral, but instead aims to maximise nondomination, and thus the values and virtues that support it, in the whole of society. For the republican state to maximise nondomination, it cannot ask individuals to bracket off their comprehensive identities when entering the political arena. If the republican state and others are to track an individual's interests, they must first know just what that interest is, comprehensive or not. The upshot of my argument is that if republican liberty as nondomination is to succeed in freeing individuals from arbitrary interference, the values and ideals that accompany it must take root in the whole of an individual's life and cannot be restricted to the political domain. In other words, republican liberty as nondomination must rely on, and affect, certain virtues and values that permeate the whole of society. Therefore, despite Rawls' insistence to the contrary, there is fundamental opposition between political liberalism and republicanism. Furthermore, the republicanism which I have presented is distinct from what Rawls calls civic humanism. It is a negatively based theory of freedom that contains within it certain substantive and intrinsically valuable virtues and ideals that help secure individuals from arbitrary interference.

## Part 3

### Nondomination: The Challenge of the Modern Polity

Thus far I have argued that republicanism is a non-neutral doctrine that promotes the values and ideals of liberty as nondomination. For republicans, citizenship, civic virtue, and other forms of participation are intrinsically valuable, non-instrumental goods which have quasi-perfectionist elements that provide stability and are able to command allegiance without actual or threatened domination. To this end, republican citizens are provided with a distinctive republican context for choice that secures the necessary conditions for individuals to choose, question and revise their life choices.

In part 2, I argued that republicanism can be distinguished from both the political liberalism of John Rawls and from liberal neutralists like Will Kymlicka. However, thus far my argument has concentrated on the philosophical nuances of these rival approaches and important questions remain about republicanism's effectiveness in today's modern polity. At the forefront of the important issues facing republicans is how they will cope with 'the fact of pluralism'. Republicanism will have to demonstrate that nondomination is a fluid doctrine and that the ideals and institutions of the republican state can respond to the changing needs and demands placed on it by today's multicultural and pluralistic society. In the next, and final, part of the thesis I will explore these issues and, in so doing, will further distinguish the contemporary republican approach I have presented from its rival liberal accounts. Central to the value of republican theory in contemporary discourse is its response to the 'fact of pluralism'. For if republicans want to be taken seriously, then they must demonstrate that their theory can not only cope with the difficulties confronting today's diverse citizenry, but that their contribution adds something of substantive value to the modern polity and offers an improvement upon the liberal standard. Republicans need

to bring their theory out of the history of ideas and offer compelling arguments that challenge liberalism's hegemony in contemporary discourse.

This part of the thesis will also revisit some important issues raised in earlier parts. In doing so, I will argue that a contemporary account of republicanism is a relevant and compelling approach that can breathe new life into current debates. In chapter 5, I develop and defend a contemporary republican account of pluralism and argue that republican liberty as nondomination can address many of the problems confronting the modern polity. In chapter 6, I revisit three important themes developed in the thesis, education, institutions, and social norms, and unpack them in a manner that explores the contemporary claims of republican liberty as nondomination.

## Chapter 5 - Factions and Diversity: A Republican Dilemma

Responding to what John Rawls has called the 'fact of pluralism', liberal theorists have broadly reacted in two related, but yet distinct manners. On one side, some liberals like Will Kymlicka and Ronald Dworkin have argued that Kantian autonomy and Millian individualism guided by liberal neutrality is the most appropriate way to cope with the many incompatible moral and philosophical doctrines found in today's diverse and multicultural societies (Kymlicka, 1989; Dworkin, 1978). These theorists argue that the values of autonomy and individuality are essential ideals for the development of the self and that liberal neutrality is imperative to the modern polity if it is to ensure justice and equal respect among the many competing ideas of the good. Furthermore, these liberals believe that the capacity of individuals to form, question, and revise their ideas of the good must be an essential feature of the modern state. On the other side, others led by John Rawls have proposed an alternative liberal theory that they believe is more successful in coping with today's pluralism, while at the same time respecting the impossibility or undesirability of autonomy for some people (Rawls, 1993). These theorists argue that by abandoning comprehensive moral and philosophical claims, a more limited, but yet still liberal, *political* theory of justice is possible.

However, as I have been arguing throughout this thesis, there is another alternative, which although distinct from liberalism, is compatible with many of its aims. This chapter argues that although they have largely remained silent, republicans have a distinct and compelling account of liberty that can cope with the pluralism found in today's modern polity. Such an account is possible by building on the central assertion that individuals desire freedom from arbitrary interference. By exploring historical republican remedies to the diversity of interests found within ancient republics, I will argue that today's modern polity can seek to secure the necessary conditions of liberty as nondomination, and



provide its diverse citizenry with the conditions to live their lives according to their own chosen ends.

To explore this issue thoroughly, this chapter is divided into three sections. Section 1 briefly outlines how some republicans have addressed the pluralism confronting the modern polity. Additionally, in section 1 I will briefly summarise my argument thus far and discuss how a distinctive and neo-Roman republican approach to pluralism is possible using nondomination as its central ideal. I will also discuss how nondomination relates to distinct republican technologies that were developed in response to the internal tumults caused by different and diverse interests found in Rome and later in Florence. Section 2 seeks to bring these republican ideals out of the history of ideas by using Machiavelli as a starting point to construct a compelling contemporary republican response to pluralism. By securing liberty as the absence of arbitrary interference, the republican state can move the liberal project forward by abandoning state neutrality and offering a richer and more robust account of citizenship and civic virtue. Finally, section 3 will explore what a contemporary republican approach would look like by comparing it with rival approaches. Taken as a whole, this chapter will demonstrate that liberty as nondomination is a resilient and fluid doctrine which can respond to the many changing needs and demands placed on it by a multicultural and pluralistic society.

## **Section 1 - The Republican Response to Pluralism**

### ***1.1 - the republican alternative: a false start***

In response to liberalism, some theorists have recently embraced the republican model as a way forward. However, as I have argued earlier, republicanism is not a monolithic doctrine and there are different versions that have significant differences. Despite holding many of the same ideals and values, these other versions of republicanism endorse a more positive

conception of liberty and are based on specific accounts of human flourishing. As I outlined in the first part of the thesis, Michael Sandel's recent work has embraced a conception of republicanism that follows his earlier more Aristotelian philosophy of human flourishing. Sandel believes that the strength of his republican argument is its ability to define rights in light of a particular conception of the good society — the self-governing republic — and not according to principles that are neutral among conceptions of the good. Sandel maintains that self-governing republics value the necessary link between self-government and the cultivation of civic virtue. Thus Sandel's republicanism regards moral character as a public, not merely private, concern (Sandel, 1996: 25).

The republican tradition emphasizes the need to cultivate citizenship through particular ties and attachments. More than a legal condition, citizenship requires certain habits and dispositions, a concern for the whole, and orientation to the common good. But these qualities cannot be taken as given. They require constant cultivation. Family, neighbourhood, religion, trade unions, reform movements, and local government all offer examples of practices that have at times served to educate people in the exercise of citizenship by cultivating the habits of membership and orienting people to common goods beyond their private ends. A public life that fails to nurture these practices or is indifferent to their fate fails to cultivate the virtues essential to self-government as the republican tradition conceives it (Sandel, 1996: 117).

Thus, for Sandel, if individuals are to be free, self-government and the virtues and versions of citizenship that accompany it are essential elements that must be forcefully promoted by the state. These distinct and intrinsically valuable versions of civic virtue and citizenship are cultivated by the political communities and institutions that represent the people. For Sandel, citizens see these institutions as part of themselves and identify their good with them. In *Democracy's Discontent*, Sandel uses the United States as an example of a rights based liberal community that has eroded the very qualities that it needs to flourish.

Sandel argues that the U.S. is characterised by a 'procedural republic' which he takes to be a type of liberalism that "asserts the priority of fair procedures over particular ends" (Sandel, 1996: 4). Based on Rawls' earlier neo-Kantian work, Sandel believes that the procedural republic avoids endorsing conceptions of the good by asserting the 'priority of the right' and state neutrality. Furthermore, Sandel believes that the liberal conceptualisation of the self, which he refers to as the unencumbered self, ultimately is flawed because it exists without any understanding of moral experience and does not account for "certain moral and political obligations that we commonly recognize....[such as] solidarity, religious duties, and other moral ties that may claim us for reasons unrelated to a choice" (Sandel, 1996: 13; also see Sandel (1984: 81-96). For Sandel then, the unencumbered self is the archetypical liberal citizen whose only responsibility is to respect the rights of others and not advance their good unless they have agreed to do so. For Sandel, the unencumbered self has a detrimental impact on the community and subsequently the state. The liberal vision, for Sandel, "is not morally self-sufficient but parasitic on a notion of community it officially rejects" (Sandel, 1984: 91). Thus the procedural republic's fatal weakness is its inability to maintain the moral energies of a vital democratic life; and thus it creates a moral void that fails to satisfy one of the main tenets of his version of republicanism — the cultivation of civic virtues that will prepare citizens to share in self-rule (Sandel, 1996: 24). The effect of the procedural republic in the United States, Sandel posits, is a sense of loss and disenchantment by the populace, a feeling that the common good is no longer good and that people have little actual control of their own lives. For Sandel, the only way to overcome this danger is to reinvigorate civic virtue and promote community and citizenship at the expense of liberal neutrality among competing ideas of the good (Sandel, 1996: 24).

In another republican approach, David Miller has argued that the republican version of citizenship is well equipped for today's multicultural

society. Miller, less stringently than Sandel, accepts, like the liberal approaches outlined above, that there must be limits to what is permissible in light of the deep diversity present in modern society (Miller, 1995). Central to this approach is that agreement cannot necessarily be found among the competing versions of the good, and that the Rawlsian and neutralist approaches fail to acknowledge that some individuals will not ever be able, or even want, to adopt a political or more complete account of justice. However, like Rawls' theory of political liberalism, Miller argues that problems related to political justice should be settled by an effort to engage those who subscribe to the many competing versions of the good in the public sphere. Thus Miller accepts the thrust of Rawls' effort to delineate the dual nature of individuals' identities. Individuals have a non-political self that is situated within their own private sphere governed by their own beliefs, and a political self that emerges in the public sphere where other important issues, including political ones, must be dealt with. The public/private split emerges from a collective effort to determine which issues should be subject to public control, and which areas should be left to be governed by individuals (Miller, 1995: 447). Within this public sphere, citizens identify with their political community in some manner and are committed to promoting its well being through engagement in a common good (Miller, 1995: 444). Thus, Miller believes that issues concerning justice and the state should be addressed by the members of society in a public forum for the benefit of the common good.

For Miller, a strong version of republican citizenship is the key to engaging in a common debate that addresses these important public questions. The specifics of the republican version of citizenship help to provide the necessary common skills and technologies that are available to all and serve as essential components in effective dialogue. These questions, it is argued, should be settled through open and inclusive discussions utilising the necessary skills and forums of the republic that hold out the promise of a substantial degree of consensus (Miller, 1995: 444). Groups and individuals who hold

competing versions of the good are given the necessary skills and forums to legitimate their claims in the public sphere and to pursue them. However, unlike Rawls, Miller believes that republicanism does not ask individuals or groups to bracket off their non-political identities when debating public matters. Realising that it is not possible for some individuals to bracket off their identity, Miller maintains that republicans legitimate difference and diversity by encouraging those whose identities are an essential part of their private and public being to engage with others in dialogue as themselves, unencumbered or encumbered. According to Miller,

[t]he republican conception of citizenship, then, places no limits on what sort of demand may be put forward in the political forum. It does not discriminate between demands stemming from personal convictions...and demands stemming from group identity.... In all cases the success of any particular demand will depend upon how far it can be expressed in terms that are close to, or distant from, the general political ethos of the community. It requires of citizens a willingness to give reasons for what they are claiming, but not that they should divest themselves of everything that is particular to them before setting foot in the arena of politics (Miller, 1995: 447).

Furthermore, Miller states that it is not necessary for citizens to “regard political activity as the *summum bonum* in order to adopt the republican view.” Instead, they can embrace a more modest standpoint that holds that “although politics is indeed a necessary part of the good life, different people can be expected to give it a different weight according to their own personal values” (Miller, 1995: 448).

From both Sandel’s and Miller’s account, then, their version of republicanism can be said to be an effort to provide the modern polity with strong versions of civic virtue and citizenship in the hope of reinvigorating public debates in light of the moral pluralism found in the modern polity. However, my argument is that there is another republican approach that is firmly based in the thought of neo-Roman writers. If my argument is sound, however, then how well can it cope with the difference and diversity found in the modern nation-state

without undermining the values that are important to individuals and diverse communities? Moreover, how can it prevent the institutions of government from being used against diverse individuals and communities? In the next section, I will take up these questions and argue that a neo-Roman republicanism that countenances liberty as nondomination can answer these questions while remaining a distinct and compelling doctrine.

### ***1.2 - republican liberty as nondomination***

In the first two parts of the thesis, I argued that central to republican theory is its alternative conception of liberty as nondomination. For the purposes of this chapter, I will briefly summarise my argument in this subsection. For republicans, individuals are considered to be free when no one, or thing, exercises mastery, either real or threatened, over them. Within republican thought, individuals are free to the extent that they are free to act without being exposed to any actual or threatened arbitrary interference from another. For republicans, then, individuals are free to the extent that they are not subject to the mastery of another. That is, they are free to the extent that they are not subject to any interference, or threat of interference, that does not track their own *arbitrium* (Pettit, 1998: 84). Crucial to republican liberty is the realisation that in order for agents not to be in a position under domination, their interests must be accounted for or tracked. Importantly, for republicans, the converse is also true; individuals must take account of and track other individuals' interests before they can act without dominating them. To track someone's interest, however, does not mean that their wishes or desires are followed blindly. Rather, it means that their demands must be evaluated and responded to in an appropriate manner that considers just what their interests are in light of nondomination.

Furthermore, I have argued that there are two interdependent forms of power, reciprocal and constitutional, that accompany the republican conception

of liberty which provide the necessary security to protect and enhance freedom. Importantly though, while allowing individuals to determine which ends they will pursue, these forms of power also free them from the inevitable uncertainty, anxiety and fear of subordination that they may experience as they constantly face those who seek to interfere arbitrarily with them (Pettit, 1997: 83-90). First, the reciprocal form of security relies on the realisation that agents can defend themselves against any form of domination. They realise that they too can act to interfere arbitrarily with another and vice versa (Pettit, 1997: 67). Second, the constitutional authority seeks to promote the ideals of nondomination through the legal and institutional framework of the state to secure the agent against any arbitrary interference. The constitutional authority seeks to prevent arbitrary interference before it can actually interfere with other agents. Because the constitutional authority is governed by the principles of nondomination, it too cannot dominate. That is, it must be based on the interests and ideals of those it seeks to protect (Pettit, 1997: 68). Republican liberty affirms the capacity of individuals to pursue their own objectives consistent with nondomination, while securing the necessary conditions for avoiding any type of coercion or situation of servitude which would make individual liberty impossible. Consequently, in order for the reciprocal and constitutional securing agents to be truly effective, they must be accompanied by the necessary virtues that inform and track the common good, which is essential to maintaining republican liberty. For republicans, these forms of power are not barriers to their freedom, but instead are the foundation upon which their freedom firmly resides (Skinner, 1984: 217-9; also see Mouffe, 1993: 38).

Republicans understand that republican laws and institutions cannot be successful in maintaining and enhancing nondomination if there is not sufficient moral belief in not only their legitimacy, but also their capacity to prevent arbitrary interference. Machiavelli maintained that "just as good morals, if they are to be maintained, have need of good laws, so the laws, if they are to be observed, have need of good morals" (Machiavelli, *The Discourses*, 1965: 241).

Republicans believe that strong and well-grounded laws and institutions can only be fully effective if they have a sufficient degree of legitimacy and allegiance among the people and are recognised in the norms of society (Pettit, 1997: 241-2). To this end, civic virtue and citizenship play important roles in securing the conditions of nondomination. The republican state will promote certain character traits and virtues through distinctive versions of citizenship and, in doing so, will educate individuals in the substantive ideals of nondomination. Importantly, as individuals come to realise the reciprocal and constitutional power of nondomination, the ways in which they evaluate their needs will be shaped in two important areas. First, if the state is to track properly the interests of its citizens, then there must be a sufficient amount of virtue and participation in the forums of the state to register accurately just what those interests are (Pettit, 1998: 87). The necessary virtues that make up the republican version of citizenship help individuals articulate their own interests to the state and to others who must account for and track them if they are to live truly nondominated lives. Republican citizenship helps to provide a common discourse for individuals to voice clearly and accurately their concerns and demands so that the state and others can register their interests and respond appropriately. If individuals are not prepared to let the state or others know what their interests are, how can others or the state not dominate them? By promoting civic virtue and access to a common language of citizenship, the republican state prepares citizens to play the necessary active role in their own nondomination.

In the second area, republican citizenship not only educates future citizens in the ways of politics and government, but also teaches them the necessary virtues that help individuals not to dominate others. Not to dominate others, citizens must learn to account for and track the interests of their fellow citizens so that they can properly respond to their demands. They must learn to listen and to attempt to understand why these individuals and/or groups have different values from themselves. As I noted earlier, according to Quentin Skinner, this



sentiment is associated with the type of Renaissance humanism that influenced Machiavelli and other subsequent republican writers. For republicans, then, the "watchword ought to be *audi alteram partem*, always listen to the other side." Thus, the most suitable model to fit the republican emphasis on listening to the other side is that of a dialogue and "a willingness to negotiate over rival institutions concerning the applicability of evaluative terms. [Republicans] strive to reach understanding and resolve disputes in a conversational way" (Skinner, 1996: 15-6; also see Pettit, 1997: 189). To be sure, nothing in republican theory suggests that individuals have to agree with or accept alternative points of view or change their own beliefs in light of them. Indeed, they will most often reject the claims of others. But, as I argued in chapter 2, they must first make an effort to listen to and understand their differences so that they do not interfere arbitrarily with them. In short, they must learn to cast their own interests in a manner that does not dominate others. Essential to this endeavour, then, is an effort to account for and track the interests of others which civic virtue and republican citizenship helps them to do.

Republican citizens understand that nondomination is not a one way street. Citizens who live in a republican state characterised by freedom as nondomination will have a duty and responsibility not to interfere arbitrarily with others. If they do, the state's constitutional provisions will ask them to account for their domination and may force sanctions on them if they do not recast their ends in a nondominating manner. To be sure, there can and will be deep disagreements in a republican state, but domination must be minimised. To avoid the sanctions of the state, individuals must learn to account for and track the interests of others and to respond appropriately without dominating them. Republican citizenship and the virtues that accompany it help individuals to do this. Not surprisingly, some comprehensive ideals will fare better than others in a state characterised by republican liberty as nondomination. However, it is only those moral doctrines that seek to dominate others which will be confronted by the constitutional form of nondomination. Thus, all competing ideas of the good

are tolerated, allowed access to the public forums, and tracked as long as they do not arbitrarily interfere with others. Nondomination will not solve all disagreements, nor does it seek to. Indeed it is likely to cause quite a few as citizens actively engage one another as they, and the state, attempt to account for and track the interests of the many competing conceptions of the good held by those who comprise today's modern polity. Some may argue that the inevitable conflict and discord brought about by a population that is constantly engaging with itself will be a strain on stability and threaten liberty. Republicans, however, disagree because while internal discord and tumults may be threats to liberty, they can also be crucial components of it. Admittedly, nondomination and the effort to end actual or threatened domination in any form is likely to bring difference and diversity out into the open. But it does so in a non-threatening manner. In order to secure and maintain liberty, republicans believe that we must be prepared to explore our differences guided by the ideals and values of republican citizenship and civic virtue. The tumultuous, but yet vibrant, society that emerges from such a project is an important component of republican liberty. In order to explore further how contemporary republicanism can respond to pluralism in a distinct and compelling fashion, the next section will look at how Machiavelli responded to challenges to liberty from the different interests that comprised the Roman republic and the Florentine city-state. In doing so, it is my intent to construct a compelling contemporary republican response to pluralism.

## **Section 2 - Discord And Diversity: The Life and Death of the Republic**

### ***2.1 - Machiavelli's break with the past***

A controversial, but yet significant aspect of republican theory has been the enigmatic role assigned to civic discord and its relation to stability and liberty. Many Roman writers believed that one of the keys to maintaining a republic was to ensure that there was internal concord. Cicero's *concordia ordinum* was the basis of the belief that the common good took precedence over factional or

selfish interest (Skinner, 1990a: 130). Machiavelli challenged this belief by arguing that one of the keys to maintaining republican liberty was a progressive and inclusive effort to tolerate and institutionalise the inevitable clash of internal divisions found within republics. Building on the republican conception of liberty discussed above, a closer look at this debate will be a useful exercise in light of the deep diversity facing today's modern polity. This section will first look at the role of civil discord in republican thought before exploring republican remedies and technologies that were designed to cope with vastly different interests. At the heart of this issue is Machiavelli's belief in the connection between liberty, good education, and good laws and institutions. Using this as our starting point, it is possible to construct a contemporary republican response to pluralism.

In the opening chapters of *The Discourses*, Machiavelli recounts how the early tumults of Rome were important to the laws and institutions that ensured republican liberty. Machiavelli believed that Rome's liberty was enhanced by the clashes that resulted from the different dispositions of the upper classes and the populace. It was this type of inevitable conflict that was not only necessary for republics, but a healthy sign of a free and prosperous state.

Nor can a republic in any way reasonably be called unregulated where there are so many instances of honourable conduct; for these good instances have their origin in good education; good education in good laws; good laws in those dissensions that many thoughtlessly condemn. For anyone who will properly examine their outcome will not find that they produced any exile or violence damaging to the common good, but rather laws and institutions conducive to public liberty (Machiavelli, *The Discourses*, 1965: 203).

Central to Machiavelli's understanding of Roman liberty was a belief that although internal discord and conflict required constant vigilance and attention, the resulting political activity and its subsequent influence on the creation of good laws and institutions designed to accommodate the diversity of interests was a necessary strength of republican government. Importantly, it was Machiavelli's belief that education, civic virtue, and the laws and institutions of

the state were not only inextricably connected to and dependent on one another, but to liberty as well. Thus, without sufficient levels of education and virtue, the laws and institutions of the state would suffer, resulting in the loss of liberty. Consequently, in republics the maintenance of liberty as nondomination is directly tied to sufficient levels of education and civic virtue. For Machiavelli, then, tumults and internal conflict are not only unavoidable, but their proper management has important implications for the successful maintenance of republican liberty as nondomination.

Machiavelli's republican contemporaries, however, exalted the stability found in the Venetian republic that accorded with the *concordia ordinum* of Cicero and relied on a mixed constitution that vested political power in the nobility. Against the backdrop of intense civil discord among many of the Italian city-states, Machiavelli's contemporaries celebrated Venice and the harmonious co-existence between the classes that became its hallmark and, subsequently, the characteristic most likely to be coveted by observers. Later republicans, most notably James Harrington, seized on Venice's stable and tranquil image and promoted it as the ideal republican model. In *The Commonwealth of Oceana*, Harrington's treatise on republican government, he advocated an elaborate constitutional mechanism based primarily on the Venetian model that would control men's appetite for corruption and avarice through rotating representative bodies (Harrington, 1992: 33). In this way, private differences were controlled and directed into the common good which resulted in a stable and tranquil environment. *Oceana* sought to balance out private interests so that, in many ways, they cancelled themselves out. Such measures, for Harrington, were aimed at structuring society in a narrow and specific fashion that eliminated the tumults of Rome, and instead emulated tranquil Venice.

However, the question of whether to emulate Rome or Venice amounts to a false choice for republicans. Although Machiavelli never explicitly acknowledges the pluralism inherent within his world view, some critics have

argued that implicit within his thought is the basis for a republican account of difference and diversity (Berlin, 1981: 75; Parel, 1992: 111; and Garver, 1996: 206). Machiavelli challenged the belief that there was only one supreme value system. Machiavelli's world was a complex one in which the various humours that comprised his society were in constant conflict with one another, with sometimes disastrous consequences. However, as I argued above, Machiavelli realised that society was comprised of many different and sometimes incompatible values and thus challenged the prevailing wisdom of the consequences of tumults and internal conflict. For Machiavelli, according to Berlin, "society is, normally, a battlefield in which there are conflicts between and within groups. These conflicts can be controlled only by the judicious use of both persuasion and force" (Berlin, 1981: 41). In order to secure liberty, then, Machiavelli embraced the goodness that could come of such conflicts if they were controlled and directed in a distinctive republican fashion. For Garver, "Machiavelli discovers in factions the value of diversity and plurality...." Furthermore, Machiavelli advocated a republican model that would incorporate these incompatible ends within itself and navigate around them with deliberation and activity (Garver, 1996: 206-8). Machiavelli's solution to this dilemma was to use history to learn how to deal positively with difference and diversity without risking the security or liberty of the republic. By contrasting the fortunes of Rome and Florence, Machiavelli develops an account of how to cope with diversity and difference by constructing distinctive republican laws and institutions that would channel the dynamic energy created by an active populace.

## **2.2 - Rome vs. Florence**

Writing in the *History of Florence*, Machiavelli elaborates on, and in many ways seems to contradict, his earlier affinity for civil conflict and internal discord. Florence, for Machiavelli, was a city that was caught between two extremes: it was not entirely capable of preserving its liberty while unable to accept servitude

(Machiavelli, *The History of Florence*, 1965: 1128). Instead of creating the conditions that would make Florence great, the tumults and internal conflicts brought about misery and servitude for its inhabitants. Even in the *Discourses* we can see Machiavelli's initial affinity for civil discord begin to wane, and in book 1, chapter 37 he seems to contradict himself by suggesting that the internal power struggle between the *grandi* (nobility) and the *popolo* (people) over the Agrarian law was one of the causes of the decline in the Roman republic (Machiavelli, *The Discourses*, 1965: 272-275, esp. 274). Gisela Bock, however, has argued that these differences are not necessarily contradictory, and instead highlight a much more substantive point about Machiavelli's belief in the necessary connection between education, virtue, and the institutions and laws of the republic (Bock, 1990: 181-201).

In his detailed history of the city-state, Machiavelli recounts how time and time again factions seized power only to be plagued by divisive inner conflict which made them susceptible to being overthrown. The resulting conflicts greatly weakened Florence and created the conditions for the population to become corrupt and to be completely at the mercy of the rulers, regardless of who they were (Machiavelli, *The History of Florence*, 1965: 1031). Casting the struggle for power as not only one between the *grandi* and the *popolo*, but these classes amongst themselves, Machiavelli continuously recounts how these power struggles tore Florence apart. In book III of the *History of Florence*, Machiavelli directly compares the Florentine situation to that of Rome and concludes that although both cities were beset with similar internal divisions, the outcomes of such divisions were very different. Thus, even though the tumults in Rome and Florence had similar causes, these causes had very different effects on liberty (Bock, 1990: 188). "In the two cities diverse effects were produced, because the enmities that at the outset existed in Rome between the people and the nobles were ended by debating, those in Florence by fighting." Furthermore, "it must be that this difference of effects was caused by the different purposes of the two peoples, for the people of Rome wished to enjoy

supreme honours along with the nobles; the people of Florence fought to be alone in the government, without any participation in it by the nobles” (Machiavelli, *The History of Florence*, 1965: 1140).

For Machiavelli, then, the civil discord found in Rome differed from that found in Florence because in the case of the former, the resulting remedies — good laws and institutions — were the very strengths and hallmarks of republicanism that he celebrated. Whereas in the case of Florence, internal discord led only to violence, death, and ultimately the loss of liberty and servitude. Furthermore, the motivations of the citizens were different in each case, with the Florentines desiring power and the Romans liberty. For Machiavelli, Florence went from slavery not to republican freedom, as the Romans did, but to unrestrained liberty or *licenzia* (Parel, 1996: 140-1). Thus, it is important to note how differently the Florentines and the Romans conceived their self-interests and the effects this had on their liberty. For the Romans, their self-interest was tied to a larger concern for the common good, whereas the Florentines held a narrow and atomistic conception of self-interest that directly contributed to their inability to construct a true republican state characterised by liberty as nondomination. Thus, in Florence, the different groups were always at odds with one another because they each pursued their own narrow self-interest without any regard for the interests of the whole (Parel, 1992: 108). Without proper motivations, then, groups become factions and threaten the security of liberty and the maintenance of the republic.

In addition to their different motivations, another key reason for the failure of the Florentine republic, for Machiavelli, was that in Rome suitable institutions were set up to give reasonable expositions of internal conflict so that the diversity and difference found in the citizenry had suitable public outlets. In *The Discourses* book 1, chapter 7 Machiavelli argues that essential to the stability of republics are the many public forums and institutions which provide proper outlets for disagreements and differences between the various humours that

comprise the republic (Machiavelli, *The Discourses*, 1965: 211).<sup>1</sup> That Florence lacked proper republican institutions was, for Machiavelli, a key reason for its inability to be free. The lack of appropriate outlets for the disagreements and differences within and among the many factions found within Florence resulted in the uncontrollable and ultimately destructive civil discord that prevented liberty from being realised. In Florence, the constitution and law became the primary instruments of factional conflict, whereas in Rome it became the means of controlling the tumults and calumnies of group conflict (Parel, 1992: 108). It also resulted in many citizens becoming disillusioned with the ability of the state to secure liberty and caused them to pursue self-interest and power instead. Thus, Machiavelli believed that in order to maintain liberty, proper republican institutions were essential. Furthermore, if these institutions were to support liberty, they necessarily had to be inclusive and open to the many different interests found within the republic so that vibrant public debates could take place. If republican institutions did secure liberty, Machiavelli believed that individuals would be less likely to pursue their own private interests, and more likely to respect the common good. An example of Machiavelli's belief in proper public forums and inclusionary government is his prescription for Florence in the *Discourse on Remodelling the Government of Florence*. In this short work, Machiavelli stresses the need for inclusive public bodies comprised of representatives from the various classes and guilds found in Florence (Machiavelli, *Discourse on Remodelling the Government of Florence*, 1965: 101-115). For Machiavelli, it was important that proper republican institutions were available to the various humours found in Florence because an inclusive and open government would secure the necessary conditions for republican liberty and free the people of Florence from their self-inflicted servitude.

Important for our purposes here is a closer look at how Machiavelli characterises the different interests and humours that contributed to the conflict

---

<sup>1</sup>For a good discussion on the role of humours in Machiavelli's political writings see Parel (1992: 101-112; 140-152) and Iverson (1997: 58).



in Rome and later in Florence. In light of the many interests that comprise the modern polity, it will be important to ask ourselves if any parallels can be found between the conflicts described in Machiavelli's work and the conflicts found today. Machiavelli often wrote of how the *umori* or main social groups — the *grandi*, *popolo*, and sometimes the *plebs* — struggled against one another for power. Indeed, it is this example that he relies on early in *The Discourses* as he celebrates the internal tumults found in Rome between the Senate and the *plebs*, and how the resulting laws and institutions served as the foundation and protector of Roman liberty (Machiavelli, *The Discourses*, 1965: 202-204). Later in the *Discourses*, Machiavelli further explains the differences between the two groups by stating that the *grandi* have a longing to dominate and the *popolo* a desire to be free from domination (Machiavelli, *The Discourses*, 1965: 204). Bock maintains that even in Machiavelli's use of language, we can discern just how his varied view of civil discord manifested itself in his writings and whether or not he was expressing positive or negative opinions (Bock, 1990: 182-3).

The variegated vocabulary he uses in this connection would not seem to leave any doubt as to the negativity of the phenomenon: *discordia (civile)*, *divisione*, *odio*, *inimicizie*, *disunione*, *disordine*, *disparere*, *parti*, *sètte* and occasionally, *fazioni* and *contenzioni*. On the other side, to the vision of a well-ordered city he applies a vocabulary that includes such terms as *unione*, *amicizia*, *quiete*, *pace*, *stabilità*, *amore* or *amore della patria* (Bock, 1990: 182-3).

An example of this can be found in the later books of the *History of Florence* where Machiavelli's language turns decidedly negative as he explicitly recounts how the different factions began to divide among themselves resulting in great tumults and pain to the citizens of Florence. In book VII, Machiavelli heaps disgust on how the *sètte* (sects, factions) began to cause Florence new and more serious problems than the earlier tumults caused by the struggle between the *grandi*, *popolo*, and *plebs*. Importantly, the *sètte* were quite distinct from the differences found in the *umori* that had occupied much of Machiavelli's attention in the *Discourses* and earlier parts of *The History of Florence*. According to Bock, "the divisions [were] not between the horizontal class-like *umori*, but

between vertical groups such as families (*case*), clans, client groups, [and] patronage systems” (Bock, 1990: 196-7). Machiavelli is careful to point out that the *umori* were unavoidable naturally occurring groupings that could be controlled by proper laws and institutions. The *sètte*, however, presented a more serious and often fatal problem for republics and needed constant attention (Bock, 1990: 196-7).<sup>2</sup> According to Machiavelli, these types of private and un-natural divisions represent a real threat to liberty and should be avoided. *Sètte* or factions which sought power to dominate others and to promote their own private good above that of the common good are fatal for republics and result in the loss of liberty and, thus, servitude. It follows that it is only those factions that have a narrow conception of self-interest and seek to dominate others that are real dangers to the republic.

### ***2.3 - legitimate difference and diversity***

That Machiavelli believed that factions should be avoided does not, however, mean that republicans do not look favourably on diversity and difference. Importantly, it should be remembered that despite the language Machiavelli employed to describe the various interests and differences found within the community; certain conclusions remained constant and are extremely useful for addressing the problems facing a modern polity characterised by deep moral pluralism. For Machiavelli, legitimate difference and diversity were naturally occurring phenomena and the only way to cope appropriately with them was to tolerate and institutionalise them within a true republican constitutional framework that sought to secure and promote liberty (Bock, 1990: 201). An important distinction for Machiavelli was the origin and motivation of the different humours found in the republic and which kind could legitimately make public claims. For Machiavelli, factions were selfish and un-natural groups who sought to subjugate others to their own private interests and, thus, represented a real threat to liberty and should be opposed. Different in nature to factions, however,

---

<sup>2</sup>For further discussion see Bock (1990: 197-8).

legitimate claims of diversity and difference do not necessarily represent a threat to liberty. Machiavelli believed that internal tumults were inevitable given the different dispositions of the many divisions found within republics. Because such divisions could be fatal to liberty, Machiavelli argued that the best course of action was for the republic to give them appropriate public outlets where their competing interests could find meaningful expression. Additionally, the effects of such an inclusionary government would strengthen the republic because a republic that progressively responded to the challenges presented to it by diversity and difference was one that was the most likely to secure and enhance liberty for its citizens. And it was only in an ideal republic that the different dispositions of the citizenry could find their proper public expositions without threatening liberty. To be sure, difference and diversity are, for Machiavelli, real and constant threats to liberty. However, despite the inherent risks associated with a diverse citizenry, difference and diversity help to form crucial components of republican liberty. “They are both the life and the death of the republic” (Bock, 1990: 201).

Thus, factions, brought on by legitimate and naturally occurring difference and diversity, can have inherent value for republicans. Machiavelli believed that by bringing competition out into the open so that it could be observed and checked, republics would contain the necessary flexibility and energy to secure republican liberty. For Machiavelli, the Romans found, albeit by accident, “the right means for safely using the energy factions supply” (Garver, 1996: 206). While the aim of some factions may be the promotion of their own narrow self-interests, the result of the activity generated by them can help support the common good when combined with proper republican institutions and laws (Garver, 1996: 207). According to Machiavelli:

Thence it comes that a republic, being able to adapt herself, by means of the diversity among her body of citizens, to a diversity of temporal conditions better than a prince can, is of greater duration than a principedom and has good fortune longer (Machiavelli, *The Discourses*, 1965: 453).

By factoring in the given nature of diversity and difference, republics have many ways of doing things and increased flexibility when it comes to securing liberty for its citizens (Garver, 1996: 209). Factions may cause republics to be unstable at times, but they require individuals to keep maximum vigilance and attention which leads to the creation of good laws and institutions that can offer innovative solutions to the often complex problems brought about by a population defined by difference and diversity.

#### **2.4 - good laws and institutions**

From the threats to liberty caused by discord and conflict emerge necessary, but yet dynamic, laws and institutions which secure and enhance freedom for republican citizens. The content and forms of these laws and institutions are aimed at preserving the common good and not promoting any private or factional interests (Machiavelli, *The History of Florence*, 1965: 1145-1148, esp. 1146). Furthermore, good laws and institutions will affect republican citizens in a positive manner by educating them in the ways of nondomination. Important in Machiavelli's belief in the rule of law is an understanding that no one is exempt from it and that all those who stand before it do so as equals.<sup>3</sup> Echoing Cicero, Machiavelli believed that civic inequality created very dangerous conditions for republics because it resulted in unmanageable conflict (Viroli, 1990: 153). Without civic equality, then, it is easy to see how republican liberty is lost because corrupt factions place their own narrow interests above that of the community (Machiavelli, *The Discourses*, 1965: 306-10, esp. 310). Another important feature of Machiavelli's strong belief in equality is his insistence that all citizens have access to public offices. Without open public access, some citizens may lose faith in the laws and institutions of the republic because they do not see them promoting the common good, but rather believe

---

<sup>3</sup>As I noted in chapter 1, it is important to note that Machiavelli's equality is not social or economic in nature, but rather legal and political. For further discussion see Bock (1990: 189).

that they are being used for private gain (Machiavelli, *The Discourses*, 1965: 242). The resulting damage to the republic is twofold. First, the republic loses access to a wide range of good ideas and potentially virtuous citizens, and second, citizens are denied proper avenues to make demands on the state, which may result in them seeking satisfaction through their own narrow self-interests at the expense of the common good. Returning to the *Discourse on the Remodelling the Government of Florence*, Machiavelli argues that unless public offices are open to the most qualified, and not just those from certain groups or classes, many virtuous and intelligent citizens will be alienated from the government which may force some to seek power through subversive factions (Machiavelli, *Discourse on the Remodelling the Government of Florence*, 1965: 101-115). Furthermore, in *The Discourses* book 3, chapter 25 Machiavelli argues that one of the reasons that the Roman republic survived as long as it did was the openness of public offices regardless of income or group membership. All citizens, rich or poor, were able to make demands on the state to register their interests.

Machiavelli argues that the only positive way to deal with the prevalent difference and diversity found within society was to incorporate all the groups into the political system so that they can use republican citizenship and technology to resolve their differences without threatening liberty. To support this claim, Parel maintains that in a properly constituted republic, diverse social groups can resolve their differences “through the medium of the constitution and the law....so that no group can dominate public affairs or put their own narrow self-interest forward as the only way” (Parel, 1992: 107). In this way, the diverse groups share power and serve as a check on each other. This ensures that the republic as a whole provides for the satisfaction of all the relevant groups that constitute it. To this end, the republic encourages the development of citizens from as many different backgrounds and beliefs as possible within the larger scope of republican liberty (Parel, 1992: 107-8). Thus citizenship, civic virtue, and education all play essential roles in republican government and in the lives

of republican citizens. Without widespread civic virtue and citizenship, the laws and institutions of the republic will inevitably be driven by private interests, and therefore dominate some individuals or groups. The necessary engagement in the machineries of government, in whatever form, ensures that narrow private interests do not rise to the level of domination and that the common good prevails. Because Machiavelli's faith in the goodness of people was limited, he believed that unless proper republican institutions were in place, some individuals would seek to promote their own private interests and dominate others causing liberty to be lost.<sup>4</sup> Isaiah Berlin has argued that Machiavelli believed that "only [an] adequate education can make [citizens] physically and mentally sturdy, vigorous, ambitious, and energetic enough for effective co-operation in the pursuit of order, power, glory, and success" (Berlin, 1981: 40). Furthermore, certain traits of character are necessary for republics to develop in order to secure republican liberty. "By developing certain faculties in [citizens], of inner moral strength, magnanimity, vigour, vitality, generosity, loyalty, above all public spirit, civic sense, [and a] dedication to the security, power, glory, [and] expansion of the *patria*" (Berlin, 1981: 43-4). For Berlin, then, Machiavelli's values were not purely instrumental, but moral and ultimate (Berlin, 1981: 57). That is, these values were not merely a means to well being or wealth, they were goods themselves and had inherent value. Thus, within Machiavelli's thought, republics had good and compelling reasons not only to tolerate the diversity found within society, but to develop and exploit the benefits brought on by such differences in order to secure liberty. As in the case of Rome, Machiavelli believed that the various dispositions of the groups that constituted society when combined with strong and just laws and institutions yielded a stable, but yet fluid, balance that secured liberty and maintained the vitality of the republic.

---

<sup>4</sup>For a useful discussion on Machiavelli's view of people see Ivison (1997: 65-6). Also see Berlin (1981: 41).

Furthermore, as discussed above, Machiavelli envisioned a close and intimate relationship between the laws and institutions of a republic and the citizens that comprised it (Machiavelli, *The Discourses*, 1965: 486). For Machiavelli, an important interdependent relationship existed between the governed and the rules that governed them. Because of this interdependent and intimate relationship, republican institutions and the laws that emerge from them are directly related to the level of education and virtue found in the citizenry and vice versa (Machiavelli, *The Discourses*, 1965: 241). The higher the quality of debate and deliberation, the higher the quality of law with respect to nondomination will follow. To this end, the inevitable internal tumults and conflicts that emerge from a population defined by difference and diversity must be channelled by republican institutions into appropriate outlets to produce successful policies that do not dominate and secure liberty while at the same time they promote the common good over private interests (Machiavelli, *The Discourses*, 1965: 421). A tumultuous populace, for Machiavelli, was the logical extension of an active citizenry and thus a manifestation of civic virtue (Skinner, 1978: 181). Thus, republican institutions and laws need virtuous citizens, just as virtuous citizens need good laws and institutions to protect and enhance their freedom. And as discussed earlier, Machiavelli directly correlates the relative goodness of people to the quality of laws and institutions and to their maintenance and security of liberty.

A Tribune, and any other citizen whatever, had the right to propose a law to the people; on this every citizen was permitted to speak, either for or against, before it was decided. This custom was good when the citizens were good, because it has always been desirable that each one who thinks of something of benefit to the public should have the right to propose it. And it is good that each one should be permitted to state his opinion on it, in order that the people, having heard each, may choose the better. But when the citizens became wicked, such a basic custom became very bad, because only the powerful proposed laws, not for the common liberty but for their own power, and for fear of such men no one dared to speak against those laws. Thus the people were either deceived or forced into decreeing their own ruin (Machiavelli, *The Discourses*, 1965: 242).

Thus, republican institutions and laws are a reflection of the level of virtue found in the population and vice versa. Proper republican institutions and laws help to channel the conflicting interests of the different and diverse humours found among the population while at the same time rendering a free and open society secure in its freedom. A republican state characterised by liberty as nondomination is not hostile to pluralism. In fact, it relies on the energy generated by a healthy and diverse population to secure important components of republican liberty. It does so in a distinct, but yet compelling manner, that not only expects the inevitable clash of diversity and difference in republican forums, but in many ways relies on them to help secure republican liberty.

Education and civic virtue form important components of republican versions of citizenship that are directly linked to the quality of institutions and laws that emerge from an active and diverse population. Because certain inherent conflicts and tumults are inevitable, republicans believe that good institutions and laws are essential to the maintenance of liberty. If individuals want security and liberty given the diversity inherent within society, they need a well-ordered republic to help them achieve it (Parel, 1992: 140). Republicans understand that diversity and difference are real threats to liberty, but they also believe that they play important roles in securing liberty as nondomination. Respecting individuals as citizens, republicans believe that appropriate public forums and outlets help channel the dynamic energy of the various humours found within the republic. Because the success or failure of republican laws and institutions is directly related to the cultivation of civic virtue through particular versions of republican citizenship, a rigorous public effort is necessary. Liberty can be threatened by difference and diversity, but it can also be secured by it.

### **Section 3 - Coping with Pluralism**

In the historical section above, I have attempted to outline just how Machiavelli responded to the challenges to liberty caused by the difference and



diversity found in ancient Rome and later in Florence. I have argued that important lessons can be learned from exploring how Machiavelli responded to difference and diversity, and that the republican tradition can be helpful in addressing contemporary concerns by stressing the intimate connection between liberty as nondomination, civic virtue, citizenship, and good laws and institutions. To be sure, my claim is not a historical one, but rather one that seeks to use Machiavelli's historical account to provide a firm foundation to the contemporary claims of nondomination as a public philosophy. While Machiavelli's experiences with difference and diversity can not be said to be of the same kind as the radical and deep diversity comprising the modern polity, it is my belief that we can take the main thrust of his thoughts and construct a compelling contemporary republican account of pluralism. This section seeks to bring Machiavelli's remedies to difference and diversity out of the history of ideas and construct the foundation for a distinctive republican account of pluralism. To explore fully my contemporary claims, it will be useful to look at Charles Taylor's criticism of the liberal state to delineate the key differences between Sandel's brand of republicanism, liberalism, and my neo-Roman version of republicanism.

### **3.1 - respecting the 'other'**

Responding to Michael Sandel's claims in *Democracy's Discontent*, Charles Taylor has recently suggested that much of the discontent in today's modern liberal polity does not necessarily come from the actual measures put forth by the liberal state, but from what individuals see as the motivation behind these measures (Taylor, 1998: 216). In other words, liberal remedies to the problems facing the modern polity are not necessarily problematic in themselves, it is the motivation behind them that causes some in society to withdraw from politics and heap disdain on the liberal state. Because the liberal state has asked them to bracket off their own personal value systems in light of a liberal commitment to reasonable agreement, those who disagree are branded

unreasonable. Taylor's fear is that the liberal state's definition of reasonableness is too stringent and that by labelling unreasonable those who do not, or cannot, bracket their own value systems, the liberal state exacerbates the conditions for fundamental conflict among those groups and communities that comprise it. Instead, he argues, the liberal state should be less concerned with expressing itself with recourse to fundamental expressions of justice through procedural claims and more concerned with doing what is right to the 'other'.

To illustrate his point, Taylor uses a hypothetical example of Christian parents advocating school prayer in the public school system to argue that the liberal state undermines its own position by unnecessarily degrading those who disagree with its policies. Liberals, he argues, have two broad ways in which they can react to demands for Christian prayer in schools. On the one hand, they can deny these demands by asking the Christian parents to consider the feelings of those in the school who do not share their belief in Christianity. The upshot of this approach is that all those who are party to the decision, and their comprehensive doctrines that motivate them, are recognised as making legitimate demands on the state. This public recognition lets them know that they have a place in the deliberative community, and that their value system is at least respected, if not officially adopted. For Taylor, because an individual's identity is at least "partly shaped by recognition or its absence....nonrecognition or misrecognition can inflict harm [and be] a form of oppression" (Taylor, 1994: 25). On the other hand, the state could deny the request by stressing how these demands are inconsistent with the latent moral principles of the modern liberal polity because they violate fundamental procedures — in this case the separation between church and state (Taylor, 1998: 217). This denial, the kind of denial that Taylor believes liberals often opt for, would have the effect of demonstrating that these values are inconsistent with principles that we all reasonably could agree upon. Thus, instead of recognising the value that these ideals have to their adherents, these ideals and the lifestyles that promote

them are deemed unreasonable. Taylor argues that liberals need to find an alternative way of framing the debate that doesn't give precedence to procedural principles, but rather gives each identity and value a fair hearing in light of the circumstances present (Taylor, 1998: 218). The liberal reply to this, according to Taylor, is to promote equal respect and fair procedures that adjudicate according to the principles that reasonable comprehensive doctrines can accept. But, for Taylor, "we are left with the paradox, that a theory which is meant to be based on equal respect ends up offering what many supposed beneficiaries cannot help seeing as the very opposite of respect" (Taylor, 1998: 219). Taylor's solution is to adopt an approach that puts consideration of the 'other' at the fore instead of procedural values. He advocates a deliberative process that asks all those involved to listen and try to understand the demands of others in the deliberative community. However, this system cannot exist on its own, it must embody a strong commitment from those who participate in it in order to maintain itself and function properly. Like Sandel, Taylor believes that the civic humanism of Aristotle and Arendt is needed to ensure that there is proper allegiance and participation in the deliberative process. And like Miller, Taylor believes that those who do participate in the process should not be asked to bracket off their comprehensive identities in order to participate (Taylor, 1998: 221). Taylor's complaint is that liberals unnecessarily start a cultural war based on difference and diversity by branding a lot of valid and important beliefs unreasonable.

Now I have some sympathy with Taylor on this issue. And while my solution is quite different from his, it is one that I believe he would have good reasons to accept. As I argued in chapter 4, Miller is right to maintain that liberal attempts to deal with diversity and difference by asking individuals to bracket off their comprehensive identities are impossible in light of the deep pluralism in the modern polity (Miller, 1995). Furthermore, as I have argued above, liberal attempts to cope with diversity and difference by resorting to strict liberal neutrality and equal respect are also deeply troubling. But the solution

is not to embrace the human flourishing of the civic humanist approach. Rather, I believe that nondomination can help solve this problem without deeply offending either civic humanists or liberals. As I outlined in section 2, Machiavelli and those later neo-Roman republicans who followed him, did not have a singular supreme version of human flourishing. What they did have was a belief that liberty as nondomination had to be a key organising principle in constituting a republic. Additionally, instances of difference and diversity had to be tolerated and institutionalised within the technology of the state so that no one was subject to actual or threatened domination. The interdependent connection between liberty, good laws and institutions, and civic virtue and citizenship was important, but not because it embraced a singular version of human flourishing as civic humanists would have it. This intimate connection is important to republicans because it maintains and enhances liberty as nondomination and thus secures individuals and communities from domination. Furthermore, it gives republican citizens an opportunity to embrace certain goods that help them to do well and enriches their lives. Without sacrificing many of the key ideals of the civic humanist version of republicanism, my neo-Roman version would contain the strong commitment to citizenship and civic virtue that Sandel, Taylor and Miller advocate. Likewise, it would abandon strict state neutrality in favour of a distinctive republican bias that countenanced liberty as the absence of mastery. It would strive for a vibrant public culture where political activity was cherished. So how would this version of republicanism cope with Taylor's hypothetical example and how is it different from liberal approaches?

By starting with a conception of liberty that conceives freedom as the absence of domination, republicanism can satisfy Taylor's call to focus on the 'other' when faced with deep divisions, but without a singular version of human flourishing. A republican state characterised by nondomination requires that individuals not dominate others, just as it requires that the state itself should not be a dominator. What this requires is an effort to discover just what individuals'

and communities' true interests actually are. And to do this, all parties to the issue must be willing to sit down and listen and attempt to understand what each other party's interests actually are. For the state, and the citizens that comprise it, to not be dominators they must track the interests of the 'other'. Moreover, as discussed above, this doesn't mean that diverse interests always get their way, or that their wishes or desires are followed blindly. No state could operate in that manner. To track someone's interest, rather, means that their demands must be evaluated and responded to in an appropriate manner that considers just what their interests are in light of nondomination. It means that the state, and those individuals who are party to the issue at hand, must account for and then appropriately respond to the demands being made in light of the greater republican commitment to nondomination. So, in the case of school prayer, the republican state would have institutionalised and inclusive procedures that encouraged each party to engage one another in an open and public forum using the language of civic virtue and citizenship. This knowledge would be gained from not only their own experiences and particular socialising agents, it would also be gained from the republican state's own distinct civic education in virtue and citizenship. The decision being made would take all opinions and values of the participants into account before an appropriate, and most importantly, nondominating decision was reached.

Each participant would stand before the forum as equals, and each comprehensive or encumbered identity would receive proper recognition by the state as a legitimate nondominating value system (if indeed they are nondominating). Each would be asked to consider the 'other' and how their decision might impact on the many incompatible, but equally legitimate, value systems found in the polity. In difficult cases such as these, the key word for the republican state must be accommodation. Shelly Burttt has argued that the modern polity must be prepared to accommodate wide ranging dissension from those individuals and groups whose final ends are in conflict with the state, especially over forms of public education (Burttt, 1994: 51-70). The republican

state has a responsibility to ensure that both proponents and opponents of school prayer in Taylor's hypothetical example can register their interest in a fair and meaningful manner so that each party's interests can be tracked and responded to appropriately. A republican state will seek to minimise, to the extent possible without sacrificing its larger commitment to nondomination, the arbitrariness of its decisions by accommodating a wide range of comprehensive moral doctrines by finding compromise solutions that ensure that all parties to the dispute are not subjected to arbitrary interference. Thus Taylor's concerns are met, but without relying on a singular conception of the good that contains a thick version of human flourishing. In the next chapter, I will explore my argument further when I develop and defend a republican approach to civic education. But what about liberals, how would they see this process?

### ***3.2 - nondomination and tracking values***

Liberals often complain about republicanism in both its neo-Roman and civic humanist forms. As I argued earlier, some liberals like Alan Patten charge that neo-Roman republicanism adds nothing to the liberal state because its values and ideals are instrumental in nature. Furthermore, for Patten, republicans place too much emphasis on active, and thus intrusive, versions of citizenship (Patten, 1996: 26; 36 esp. fn 41). Similarly, liberals such as Stephen Macedo and William Galston both believe that republicanism's focus on activity is too intrusive into each individual's personal sphere and results in unwarranted interference in their conception of the good (Macedo, 1990: 99; Galston, 1991: 225). Even John Rawls, as I argued in chapter 4, believes that the republican commitment to activity can be troubling, especially if it falls outside of the basic structure of society. However, as I argued earlier, the republican commitment to activity is not just instrumental, nor does it necessarily restrict individuals' freedom by interfering in their personal identity. Because republicans do not see interference as such as a restriction of their freedom, the real question is not about whether or not this activity is interference. The crucial question for

republicans is whether or not this activity is arbitrary? And in response to this question, republicans would argue that this interference is not arbitrary because it tracks the interests of the people while securing the conditions for them to pursue their chosen ends, as long as those ends are nondominating, by protecting them from actual or threatened domination. The republican commitment to activity is centred on the republican belief that citizens wish to be free from mastery. That is, they desire freedom as nondomination, and to achieve this, they must be willing to be active in letting their interests be known so that the state, and other citizens, can track and appropriately respond to their demands. And, as I argued in section 2, this process is best fulfilled by certain republican technologies and a strong commitment to republican versions of civic virtue and citizenship. Furthermore, for republicans there is an interdependent relationship between liberty as nondomination, good laws and institutions, and civic virtue and citizenship. With the goal of ending domination, the republican state has distinct inclusive and open public forums which allow demands from any particular comprehensive moral doctrine. Separating those demands which come from factions from those which come from legitimate diverse moral traditions, the public forums of the republic help to form the common good and secure those individuals and communities from any actual or threatened domination. Furthermore, the republican polity relies on the dynamic energy created by its diverse communities to help secure and enhance liberty as nondomination.

Another common complaint from liberals is that republicanism has not only an overly narrow definition of civic virtue and citizenship, but one which is fundamentally biased with respect to cultural minorities and women. Donald Moon has charged that republicanism's versions of civic virtue and citizenship are too stringent because they rely on a strong commitment that not everyone can achieve (Moon, 1993: 148). Furthermore, Moon charges that republicanism relies on versions of civic virtue and citizenship that are rooted in ancient and exclusionary values that carry an inherent bias. Thus, for Moon, republican

virtue and citizenship contribute to a privileged status that in its very essence excludes women and minority groups because its fundamental ideals are based on values that are inherently biased. Moon has a point: the classical republican image of virtue and citizenship was focussed on ideals that were inherently biased. Furthermore, some republican constitutional mechanisms favoured the wealthy aristocracy of a privileged few and sought to protect their status as full citizens while the rest of society existed at a level far below. As I argued in chapter 1, the Machiavellian image of virtue is inherently tied to his view of military discipline and the willingness to take up arms to protect the beloved *patria*. Women and minority groups did not figure in the ancient republican image of citizen. There is no doubt that this approach must be emphatically jettisoned. But republican liberty as nondomination as a contemporary public philosophy requires as much. Nondomination has no time for exclusive elitist approaches to government that limit citizenship and subject large segments of the population to the interests of the few (Pettit, 1997: 96). A republican state characterised by nondomination must be a state that takes seriously the troubling historical and present realities of the shortcomings of equal treatment of cultural minorities and women. Indeed, the modern republican state must actively seek to address these complaints and redress past injustices of domination. According to Pettit, even though historically freedom as nondomination was only accessible to privileged males, its principles are cultural and gender free. In short, nondomination makes sense for all individuals, regardless of background or gender. In order to move beyond the pre-modern republican image of civic virtue and citizenship as the privileged domain of landed males, modern republicanism must progressively seek to end the domination of women and cultural minorities by actively fighting both real and threatened domination (Pettit, 1997: 139-46). Thus Moon's concerns are well placed, but nondomination can rise above and satisfy them.

Returning to our school prayer example then, liberals have good reasons to accept the republican solution because the ideals and procedures of



republicanism are in many ways consistent with the liberal cause. Furthermore, republicans hold a negative conception of liberty that allows individuals to pursue their own chosen ends free from any actual or threatened domination as long as those ends are consistent with republican liberty. Where republicans will differ with liberals, though, is in the area of strict state neutrality and in asking individuals to bracket off their comprehensive identities. Thus, claims for school prayer would be evaluated in light of a greater republican commitment to nondomination. If the participants to the issue all reach agreement that ensures that no domination can occur with the outcome, then the issue is not about labelling one group or the other unreasonable. It is instead about arriving at a conclusion that does not dominate individual or community beliefs. Unlike liberals, then, republicans use nondomination as a tracking value. That is, the type of public justification that republicans prefer moves beyond whether or not a belief can be said to be reasonable to whether or not a belief can be said to be dominating. Thus, despite the claims of John Christman, there is a substantive difference between liberty as nondomination and other normative liberal claims (Christman, 1998: 205). The distinction emerges when we consider the differences in using nondomination as a tracking value and not limiting participation to those who are 'reasonable'. The key differences between liberals and republicans, then, are that in the first case, republicanism cannot be said to be neutral because it stands for the supreme value of nondomination and acts with a particular bias against dominators to cultivate certain valuable ideals and virtues that enable individuals to do well. In the second case, where liberals' seek to arrive at procedures that all reasonable comprehensive doctrines can agree upon, the republican goal is to arrive at procedures that do not dominate any of the comprehensive doctrines present in society, whether or not liberals would consider them to be reasonable or unreasonable.

### ***3.3 - a contemporary republican account of pluralism***

Republicanism takes a different approach to pluralism than the liberal accounts outlined above by starting with a conception of liberty that conceives freedom as the absence of domination. Accompanying this alternative conception of liberty are necessary and substantive ideals and institutions that constitute republican freedom. Furthermore, republicanism does not only accept the inevitability of moral pluralism, it seeks to harness and utilise the dynamic energy created by difference and diversity to help secure and enhance liberty. Just as Machiavelli accepted as given that some individuals and groups hold different, and sometimes incompatible value systems, a contemporary republican account of pluralism must also use this as its starting point. Republicans believe that given the pluralism present in today's society, a well constituted republic characterised by liberty as nondomination is the best way forward. For republicans, the choice is stark. We can either go down the path taken by Florence and hold a strictly negative conception of liberty and allow individuals or groups to develop into factions by promoting their own narrow self-interest and risk losing liberty as nondomination. Or we can let Rome serve as our model and seek to accommodate a wide range of possible final ends within the scope of nondomination by combining a rich account of citizenship with strong and robust institutions and laws. Furthermore, by understanding and incorporating the intimate and interdependent connection between education, civic virtue, good laws and institutions, and liberty, the modern polity characterised by liberty as nondomination seeks to allow its diverse groups both the ability and access to publicise their interests so that the arbitrary interference they may experience can be minimised.

This effort will manifest itself in two main areas. In the first area, on a more nonpolitical and social level, republican liberty as nondomination requires that citizens acquire certain character traits and values through specific forms of citizenship that will assist them not only in their own nondomination, but in their

ability to cast their ends in a nondominating fashion. Because Machiavelli believed that there was an intimate relationship between good citizens and good laws and institutions, the republican approach must contain a robust account of citizenship. These values will help them acquire specific forms of civic virtue which will help them to cast their own life choices in a manner that does not arbitrarily interfere with others. By teaching citizens how to articulate and effectively publicise their interests through distinctive forms of republican citizenship, the republican state does not ask individuals and groups to bracket off their comprehensive identities like political liberalism when determining matters of basic justice. Furthermore, by maintaining that citizens' life choices must not dominate others, the republican state moves beyond comprehensive liberals' insistence on toleration and mutual respect. To be sure, republican forms of citizenship rely on more than the mere tolerance or respect of another's life choices.

Republicanism teaches the necessary values and virtues that help individuals and groups ensure that their life choices do not arbitrarily interfere with others, just as it teaches others how not to dominate their life choices. Thus, the primary goal of republican citizenship is the inculcation of civic virtue and values aimed at teaching individuals the necessary skills of nondomination and how to cast and express their ends in a nondominating fashion which helps them to do well. A republican state characterised by liberty as nondomination requires that individuals not dominate others, just as it requires that the state itself should not be a dominator. Individuals and groups must be willing and able to make an effort to discover just what each other's true interests actually are. And to do this, all parties to the issue must be willing to sit down, listen, and attempt to understand what each other's interests actually are. As stated above, republicans attempt to solve disputes and arrive at mutual understandings in a conversational manner. Thus, the most appropriate model to fit the republican emphasis on listening to the other side is that of a dialogue (Skinner, 1996: 15-6; Pettit, 1997: 189). For the state, and the citizens that comprise it, to not be

dominators they must track the interests of others in society. However, this doesn't mean that diverse interests always get their way, or that their wishes or desires are followed blindly. No state could operate in that manner. To track someone's interests, rather, means that their demands must be evaluated and responded to in an appropriate manner that considers just what their interests are in light of the greater republican commitment to nondomination.

In the second area, republican liberty as nondomination requires that fair and strong forms of laws and institutions are available so that the diverse populace has inclusive, open, and nondominating public forums. Following what Machiavelli believed made Rome more successful than Florence, contemporary republicans maintain that if we are to harness properly the power of diversity and difference and use it to secure and enhance liberty as nondomination, we must have a strong and properly constituted system of fair and just laws and institutions. That is, if we are to harness and channel the energy created by an active citizenry characterised by difference and diversity, the republican state must have a well ordered system of public forums and other governmental institutions available to individuals and groups where they can publicise their interests so that they can then be tracked. Republican institutions must be able to accommodate the various methods and ways in which individuals communicate to one another and must be designed to ensure that all points of view are able to be presented, no matter how encumbered they may be. The ability of the republican state to minimise arbitrary interference in the lives of individuals is dependent on both the laws and institutions and the level of citizenship and civic virtue found in the citizenry. With the goal of ending domination, a contemporary republican state must have distinct inclusive and open public forums which allow demands from any particular comprehensive moral doctrines. Separating those demands which come from factions from those which come from legitimate diverse moral traditions, the public forums of the republic help to form the common good and secure those individuals and communities from any actual or threatened domination.

Where liberals use mutual respect, toleration and reasonableness as their regulative value, the republican state uses nondomination. In this way, the republican approach is further distinguished from the liberal approach because it requires more than mutual respect and toleration, and does not limit participation to those who are considered to be 'reasonable'. As we saw above, for some liberals, only those doctrines which can be said to be reasonable can be allowed access to the public forums and help determine matters of basic justice. Rawls has argued that only those doctrines which accept the burdens of judgement and truly understand the principle of reciprocity can legitimately help to constitute the overlapping consensus, and thus participate in determining matters of basic justice (Rawls, 1993: 58-61). Those who do not, or cannot accept these principles are labelled 'unreasonable' and not allowed to participate in the political process unless they disown these kinds of comprehensive views. Alternatively, republicanism does not seek to limit participation by excluding some members of society who may hold unpopular or controversial views. Republicanism is instead concerned with arriving at principles that do not dominate individuals' or communities' beliefs, however extreme or controversial they might be. Unlike liberals, then, republicans insist that citizens employ the tracking value of nondomination. In other words, the type of public justification that republicans prefer moves beyond whether or not a belief can be said to be reasonable, to whether or not a belief can be said to be dominating.

## **Conclusion**

The republican state does not seek to deny the pluralism present in today's society. It accepts it as what it is. To be sure, non-liberal moral doctrines will be able to exist within the republic and participate freely in its forums and help shape the laws and institutions. But only if their non-liberalness does not require the domination of others. If they do, they will be challenged by the state. Individuals and groups within a republican state can be non-liberals, but they

cannot be non-republicans. That is, they cannot be dominators.<sup>5</sup> Those citizens whose ends arbitrarily interfere with others will first be asked to be a part of the deliberation so that all parties to the issue can register their interests, and second to identify with and approve of the method and manner in which the decision are made so that they can see that their interests were tracked, even if they were not adopted (Pettit, 1997: 198). They will be asked to participate actively in the process so that their interests are fairly and openly registered before being considered along with everyone else's. The state and others will then appropriately respond to their demands and the burden will be on them to explain why it is that these ends arbitrarily interfere with them. Individuals and groups who refuse to recast their ends into ones that do not arbitrarily interfere with others will risk encountering either the domination of those they arbitrarily interfere with, or confrontation with the state which may force sanctions on them if they do not cease to express their ends in a nondominating fashion.

The republican state that is characterised by liberty as nondomination can cope with the deep moral pluralism found in the modern polity. It can do so without endorsing a singular version of human flourishing, and without sacrificing several important liberal goals. By illustrating how Machiavelli responded to the challenges brought about by his experiences with difference and diversity, contemporary republicans can use his solutions as the foundation

---

<sup>5</sup>An example of this approach can be found in Machiavelli's view of the difficulty republics faced when confronted with the ideals of Christian morality. Machiavelli opposed Christianity on the grounds that its value system was inconsistent with the secular, and more superior, virtues of the value system found in his neo-paganism. For Machiavelli, Christian morality fundamentally undermined the necessary virtues that were needed to secure liberty and nurture the kind of society that would maintain the republic (Berlin, 1981: 45-6; also see Garver, 1996: 197). However, despite believing that Christian morality was incompatible with republican values, Machiavelli maintained that individuals could still subscribe to both, as long as their commitment to liberty was real and strong. For Machiavelli, Christians could come over to republican thinking without having to sacrificing their ultimate ends, whereas republicans could only accept the full thrust of Christian morality by ceasing to be republican (Garver, 1996: 215).

of their contemporary remedies. By stressing the interdependent relationship between liberty as nondomination, good laws and institutions, and civic virtue and citizenship, the republican state can cope with moral pluralism. By tolerating and institutionalising the moral pluralism found within the modern polity, the republican state uses the dynamic energy and activity generated by difference and diversity to secure and enhance liberty as nondomination. Individuals and groups are free to pursue their own final ends, as long as those ends do not seek to dominate others. The republican polity will be characterised by strong versions of civic virtue and citizenship which will help ensure that no one group or community is subject to the domination of another. Citizens will engage each other in the inclusive and public forums of the republic using nondomination as their supreme tracking value to construct fair and just laws and institutions. The next chapter will explore just what these distinctive republican institutions look like and how individuals and communities will interact with them.

## **Chapter 6 - The Three Pillars of Republicanism: Education, Institutions, and Social Norms**

In the last chapter I argued that a republican state characterised by liberty as nondomination can cope with the deep moral pluralism found in the modern polity in a way that respects the liberal concern for diversity. It does so in a manner that does not endorse a singular version of human flourishing and secures individuals from arbitrary interference. By stressing the interdependent relationship between liberty as nondomination, good laws and institutions, and civic virtue and citizenship, the republican state holds out the promise of securing individuals and groups from arbitrary interference. However, the promise of liberty as nondomination is not one which can be created and sustained without a concerted effort. As we have seen throughout this thesis, the ideals and values of republican liberty as nondomination require constant attention. The crucial question now is how to nourish and sustain the republican project? Without a purposeful and resolute effort, republican liberty as nondomination is unattainable. As Philip Pettit has argued, if republicanism is to breathe and live as a real force in public philosophy, its ideals and institutions must become resident in the habits and hearts of the citizenry. That is, if individuals and groups are to live their lives free from arbitrary interference, the ideals and institutions of republicanism must take residence in their habits, and be embedded in the norms of civil society (Pettit, 1997: 241).

Crucial to this effort are three main areas in which the republican state interacts with individuals and groups and transmits the necessary virtues that help to maintain and enhance republican liberty: civic education, institutional design, and social norms. As I argued in the last chapter, Machiavelli maintained that there was an intimate and close relationship between education, good laws and institutions, and liberty. This chapter will explore how specific forms of republican education, distinctive republican institutions, and republican social norms interact positively with individuals and communities to transmit the



necessary virtues that support liberty as nondomination. The first section will explore the distinctive and vigorous educative effort that supports and enhances republican ideals and institutions by teaching citizens not only how not to be dominators, but also how to use both the formal and informal institutional apparatus of the republican state. This section will also explore the important role of political education in keeping the state under control and making sure that it does not become a dominator itself. Section 2 will build on these themes and apply them to the distinctive republican institutions that serve to support liberty as nondomination. It will explore how citizens and groups will relate to these institutions as they experience the regulative nature of nondomination. Finally, section 3 will discuss the powerful role of social norms in the republican project. If the republican project is to succeed, these norms must support liberty as nondomination.

## **Section 1 - Educating the Republic**

Contemporary liberal theories of civic education argue that certain ideals and values are essential to the survival of the modern democratic state. For many, mutual respect and toleration combine with the essential features of the modern democratic state to ensure that future citizens are prepared to participate fully in today's multicultural and diverse society. The content of this effort, then, is crucial to its success. However, the content of this effort may have negative effects on certain individuals or groups who have heavily encumbered comprehensive identities that are often at odds with liberal ideals and values. In this section, I first plan to explore some of the compelling reasons liberals have put forth in relation to education and its civic content. I will then explore what a republican version of civic education might look like. If the republican state is to be successful, specific forms of civic education are essential to the overall republican project of minimising arbitrary interference.

### ***1.1 - two liberal approaches to civic education: Gutmann and Callen***

Amy Gutmann has put forth an intriguing and compelling approach to liberal civic education. In this account, Gutmann argues that an essential feature of any liberal democratic state must be the ability to transmit and nurture certain liberal political virtues that ensure a vibrant public culture. Furthermore, this political education "has moral primacy over other purposes of public education in a democratic society. [It] prepares citizens to participate in consciously reproducing their society, and conscious social reproduction is the ideal not only of democratic education but also of democratic politics..." (Gutmann, 1987: 287). So that individuals are prepared for the active role they must play in maintaining their own liberty, education must be structured in such a manner that they have access to a common language of citizenship and the capacity to involve themselves actively in public affairs. For Gutmann, then, "democratic education supplies the foundations upon which a democratic society can secure the civil and political freedoms of its adult citizens without placing their welfare or its very survival at great risk" (Gutmann, 1987: 289). Thus, a proper liberal democratic education is essential if individuals are to keep their liberty intact and secure the survival of the liberal state. Gutmann believes that the liberal state must embrace and teach certain comprehensive liberal doctrines such as individuality and autonomy which not only help to support the continuity of the state and secure liberty, but aid in the development of the self. By fostering such values as mutual respect, Gutmann maintains that the liberal approach to civic education will expose individuals to different ways of life and give them the necessary tools with which to evaluate their own choices when it comes to making personal decisions about conceptions of the good (Gutmann, 1995: 564).

The thrust of Gutmann's project is to require that minimum standards of civic education are thoroughly integrated into the public school curriculum regardless of the impact that such an effort might have on individuals whose

comprehensive life choices are at odds with liberal ideals. By insisting that citizenship and certain political virtues are essential in the lives of developing citizens, Gutmann argues that the state has a compelling interest in transmitting these values, even when they conflict with individuals' or groups' comprehensive moral doctrines. This robust account of civic education relies on an attempt to foster mutual respect among citizens. Gutmann believes that one of the keys to maintaining and enhancing justice is that individuals respect one another and can find a basis for social cooperation. In order to foster mutual respect, the state legitimately exposes individuals to contested conceptions of the good. For Gutmann, the point is not only to expose individuals to competing conceptions of the good, it is to teach them how to "evaluate different political perspectives that are often associated with different ways of life" (Gutmann, 1995: 577). Gutmann's project is to ensure that individuals have the necessary resources to evaluate the various ways of thinking about political issues that accompany the different ways of life found in a society characterised by social diversity. In other words, future citizens need the ability to reflect critically on the many different, and sometimes incompatible, values held by a population defined by diversity.

If today's democratic state is to flourish, then, for Gutmann, citizens must have the capacity and resources to make informed decisions about complex problems that often lie outside of their own much narrower convictions. The teaching of civic virtue helps future citizens to attain the ability to engage in fair and just political reflection which is an intractable feature of today's modern polity. For example, if the state fails to instil a commitment among the citizenry of mutual respect, individuals, and even public servants, cannot be expected to honour certain liberal principles such as non-discrimination which will in turn undermine equality (Gutmann, 1995: 577-8). Thus, Gutmann's approach cuts deep into the nonpolitical values that individuals hold. Nevertheless, for Gutmann, such a project is necessary and she believes that the public education system is the best vehicle to promote certain liberal virtues and accomplish this important task. For Gutmann, democratic principles, combined with mutual

respect and toleration help to ensure that citizens are prepared to engage positively with one another in the political process. Such a project will help to enlarge future citizens' range of thinking about moral ideals, even in instances where these principles may impinge on their family's deeply held comprehensive doctrines (Gutmann, 1995: 578). For Gutmann, it is essential that the liberal approach to civic education affect individuals' and communities' comprehensive moral doctrines. The upside is that liberal values will enlarge individuals' and groups' range of possibilities when confronting different ways of life.

Similarly, Eamonn Callen has put forth a conception of civic education based on the ideas found in Rawls' political project (Callen, 1997). Callen, like Gutmann, maintains that civic education is the key in developing citizenship and the necessary virtues that ensure the survival of the liberal state. Callen argues that education must play an active and vital role in developing the necessary character traits that ensure the vitality of a just political order. According to Callen, "creating virtuous citizens is as necessary an undertaking in a liberal democracy as it is under any other constitution" (Callen, 1997: 3). Callen's conception of a political liberal civic education centres around his re-formulation of Rawls' *political* project and the necessary virtues that must accompany it that I discussed in chapter 4.

Callen's claims centre on his belief that Rawls' political virtues that support the fair terms of cooperation in the idea of public reason bring "autonomy through the back door of political liberalism" (Callen, 1997: 40). For Callen, the active acceptance of the burdens of judgement will necessitate the attainment of certain reflective skills and character traits. This, in turn, requires future citizens to assess critically certain conceptions of the good which lie outside of the basic structure of society. Callen argues that "future citizens must be taught to think in particular ways about doctrines that properly lie outside the scope of public reason: they must become critically attuned to the wide range of reasonable political disagreement within the society they inhabit and to the

troubling gap between reasonable agreement and the whole moral truth" (Callen, 1997: 40). In securing active agreement over the fair terms of cooperation, and in accepting of the burdens of judgement on a political level with the necessary understanding of reciprocity, individuals' nonpolitical beliefs will either intentionally or unintentionally be affected in a profound manner. By accepting the burdens of judgement, an individual's political life will necessarily affect their view of the good in their nonpolitical life. For Callen, then, individuals who accept the nonpolitical burdens of judgement must also accept a particular version of autonomy which cannot be separate from their nonpolitical beliefs. To accept Rawls' burdens of judgement "enjoins us to be ethically autonomous to a substantial degree and, given the requirement of reciprocity, to respect the autonomy of others when we cooperate politically with them" (Callen, 1997: 41). Furthermore, "learning to accept the burdens of judgement in the sense necessary to political liberalism is conceptually inseparable from what we ordinarily understand as the process of learning to be thetically (and not just politically) autonomous" (Callen, 1997: 40). The primary goal of liberal versions of civic education, according to Callen, is to develop an idea of the reasonable that contains within it certain informal "cardinal personal virtue[s] of liberal democratic politics" (Callen, 1997: 8).

Freed from Rawls' insistence that the values and virtues of political liberalism must be political in nature and not presuppose any partially or wholly comprehensive goods, Callen argues that any successful liberal approach to civic education must make certain substantive demands on individuals by relying on what he calls 'justice as reasonableness'.

Justice as reasonableness devolves into a cluster of mutually supportive habits, desires, emotional propensities, and intellectual capacities whose coordinated activity requires contextually sensitive judgement. Future citizens need to develop some imaginative sympathy for compatriots whose experience and identity incline them to see political questions in ways that differ systematically from their own. A respect for reasonable difference and a concomitant spirit of moderation and compromise has

to be nurtured. A vivid awareness of the responsibilities that the rights of others impose on the self, as well as a sense of the dignity that one's own rights secure for the self, must be engendered. (Callen, 1997: 8).

Callen's thought is to exploit the substantive elements of specific forms of liberal virtues by arguing that the burdens of judgement would require certain minimum ideals that are liberal and comprehensive in nature. Callen maintains that in accepting the burdens of judgement, individuals must also accept a degree of ethical autonomy. Importantly, individuals must also accept the autonomy of others under the constraints of reciprocity (Callen, 1997: 41). As stated above, this acceptance of autonomy falls outside of the political sphere and will affect individuals and groups in their nonpolitical lives. Autonomy and individuality, then, are justified in Callen's approach because they help to maintain justice as reasonableness, no matter how they affect those comprehensive views that don't countenance them. That is, for Callen, justice as reasonableness regulates the ends permissible in a liberal state by placing certain substantive requirements on its citizens.

Some elements remain constant in both Callen's and Gutmann's approaches to public civic education. Both theorists maintain that the mere survival of the liberal project demands that some form of substantive state driven educative effort take place. Both theorists fill their approaches with certain liberal goods that may be incompatible with some individuals' or communities' conceptions of the good, but maintain that this minimum level of virtues is both justifiable and necessary. Both theorists advocate a position that puts mutual respect at the centre of liberal civic education. Furthermore, both theorists argue that the state should be an active partner in the total educative effort along with other forms of civic education such as the media, industry, and other government institutions. In short, there doesn't seem to be anything further that a republican focus might add to the above discussed liberal approaches. Just what, then, can a republican approach add to this debate? In the next subsection, I will broadly outline what form and direction a republican conception of

civic education might take and argue that it goes farther than the liberal approach even though both approaches share similar commitments and rely on certain necessary and essential virtues. In short, the republican approach requires a richer and more robust account of the necessary virtues transmitted by public education.

## ***1.2 - the republican approach to civic education***

Republicanism has a long and abundant tradition of advocating a complete and pervasive system of civic education to support its distinctive ideals and institutions. Much of this tradition owes its thrust and focus to the neo-Athenian version of republicanism espoused by Aristotle among others and discussed in earlier chapters. In *The Politics*, Aristotle suggests that the provision of a common education helps to foster a sense of unity and togetherness that is essential in constituting a state (Aristotle, 1988: 1263b-1264a; also see Rahe, 1992: 24). This commitment to education, as we have seen in earlier chapters, is aimed at fulfilling a narrow definition of the good and promoting specific forms of *eudaimonia* or human flourishing so that individuals can realise their true self. For neo-Roman writers, such as Machiavelli, who did not define a singular notion of the good, education has a slightly different focus (Rahe, 1992: 266). Nevertheless, the importance of a complete and compelling notion of civic education remains intact in the neo-Roman version of republicanism that I advocate. This is especially true when it comes to the contemporary public philosophy developed by Pettit and Skinner who advocate the neo-Roman republican conception of liberty as nondomination. As I argued in the last chapter, for Machiavelli, education, virtue, and the laws and institutions of the state were not only inextricably connected to one another, but to liberty as well. Although Machiavelli does not offer a specific republican account of civic education, it is clear, however, that a strong educative effort was a necessary feature of a properly constituted republic. For example, Machiavelli equates corrupt cities with those "where education has not produced any

goodness in [individuals]" (Machiavelli, *The Discourses*, 1965: 496). It follows that if the republic was to stave off corruption, it was essential that the state be filled with sufficient levels of education and virtue which in turn would support the laws and institutions of the state (Machiavelli, *The Discourses*, 1965: 202). In this section, I will argue that in republics the maintenance of liberty as nondomination is directly tied to sufficient levels of education and civic virtue which help form important components of republican versions of citizenship. Furthermore, without sufficient levels of education and virtue, the laws and institutions of the state suffer, resulting in the rise of corruption and the loss of liberty. Consequently, in republics the maintenance of liberty as nondomination is directly tied to sufficient levels of education and civic virtue.

For Machiavelli, the failure of republican versions of citizenship and civic virtue in this educative effort will negatively affect the laws and institutions of the state and liberty will be at risk. Without widespread civic virtue and citizenship, the laws and institutions of the republic will inevitably be driven by corruption and private interests and the risk of domination will rise. As I argued earlier, corruption occurs in republics when some individuals seek to promote their own private interests and dominate others which puts liberty at great risk. In chapter 5, I discussed how Isaiah Berlin maintained that Machiavelli believed that only a thorough education could prepare citizens to play the necessary active role in the maintenance of republican liberty (Berlin, 1981: 40). To this end, certain substantive character traits are necessary for republican citizens to develop so that liberty as nondomination can be secured. Thus, the republican approach to civic education must, according to Berlin, inculcate certain virtues such as "inner moral strength, magnanimity, vigour, vitality, generosity, loyalty, above all public spirit, civic sense, dedication to the security, power, glory, expansion of the *patria*" (Berlin, 1981: 43-4). Furthermore, as I argued earlier in the thesis, Machiavelli believed that the republic necessarily had to 'educate the desires' of its citizenry (Burt, 1990: 28). This effort would not only secure republican liberty, it was also the only way for individuals to do well by themselves.



Citizenship, civic virtue, and education all play essential roles in republican government, and in the lives of republican citizens. Without widespread civic virtue and citizenship, republicans believe that the instruments of state power will inevitably be driven by individuals who promote their own private interests at the expense of the common good. Thus, the contemporary republican state must play an active role in the content of public education by educating its citizens in the substance and forms of nondomination, and the necessary values and virtues that accompany it. In doing so, the republic hopes to cultivate certain types of individuals who locate their good with that of the greater community.

First and foremost, republican civic education will begin with the distinct conception of liberty as nondomination. Certain substantive quasi-perfectionist virtues and values, such as the ones mentioned above, are crucial to the success of liberty as nondomination, as are the institutions and ideals that accompany the republican conception of liberty. The republican state, then, will supply certain components of civic education aimed at creating a citizenry characterised by civic virtue, which is the ability to treat others in a nondominating manner. In order to instil these values in the citizenry, the republican state will directly interfere, but not in an arbitrary manner, in the education of citizens, starting at an early age by sculpting the basic curriculum of public education. It will teach children and adults the virtues that comprise republican versions of citizenship and help individuals not to interfere arbitrarily with others. However, the inculcation of these virtues and values are not purely instrumental to the maintenance of republican liberty. They also seek to orient republican citizens in a particular direction so that their lives are enriched and they can do well by themselves. Crucial, then, to this effort are certain skills and character traits that will help citizens not only to treat others without domination, but will also help them to play the active role in their own nondomination. As I argued in the last chapter, unless individuals are prepared to play an active role in their own nondomination by letting others and the state become aware of their interests, their interests cannot be registered and responded to in an appropriate

manner. In this way, they sow the seeds for their own domination.

To help individuals with this task, the republican state will play an active role in ensuring that civic education cultivates specific virtues that help them cast their ends in a nondominating fashion and play the active role in articulating their interests so that they are not dominated. First, like the liberal approach, the republican state will demand that the public school curriculum inculcates individuals with the virtues necessary to learn how to tolerate and respect others. It will ask them to listen to the varying demands of individuals and encourage them to engage one another so that each party plays the necessary active role in their own nondomination. But it goes further than liberal versions of good citizenship in that it asks individuals to not only tolerate and respect others. It also asks individuals to engage others in an effort to discover just what their interests are so that they are registered and then tracked. By engaging others in this manner, individuals are better able to cast their ends in a nondominating manner. As I argued earlier, according to Quentin Skinner, this sentiment is associated with the type of Renaissance humanism that influenced republican writers such as Machiavelli. Republicans stress the necessity of listening to the other side and engaging them from an informed position. In stressing dialogue and the willingness to compromise, republicans endeavour to find common ground "in a conversational way" (Skinner, 1996: 15-6; also see Pettit, 1997: 189). The republican conversational model is not one sided, nor is it instrumental. Individuals who engage in this activity open up the possibility that they can receive certain benefits and goods. Not only do virtuous individuals make it more likely that republican liberty will be secure, they may receive honours and glory for their virtue. Quentin Skinner traces this sentiment from Cicero through into Machiavelli's thought. According to Skinner, Cicero believed that if individuals behaved unjustly, they not only cheated themselves of honour and glory, they fundamentally undermined their capacity to promote the common good and subsequently lost their liberty (Skinner, 1984: 215).

Thus, using Charles Taylor's suggestion discussed in the last chapter, the republican model asks individuals to respect the 'other', and to understand that their own nondomination requires them to attempt to locate their interests within the larger republican effort to secure all individuals from actual or threatened arbitrary interference (Taylor, 1998). It seeks to place their demands on equal footing with the demands of others so that each party can account for, and then appropriately respond to, one another. It follows that the second task of republican civic education is to help citizens gain the ability to articulate their interests so that others can track and then respond to them. Republican civic education must enable and empower individuals to play this necessary active role in their own nondomination. If others are to track their interests, individuals must first let them know what their interests are. However, as we discussed in chapter 3, this effort does not come without a price for some individuals or groups. Liberals like Kymlicka are fearful that such robust requirements will negatively affect minorities and other traditionally disadvantaged groups by forcing them to defend publically their conceptions of the good. Republicans share this fear, but believe that there is a greater good at stake that serves to protect minorities and other traditionally disadvantaged groups by securing them from the arbitrary interference of others. If the successful maximisation of republican liberty as nondomination is dependent on communication and dialogue, the republican state must make every effort to develop a language of citizenship that allows a common point of entry and is accessible to all the individuals and groups that comprise the republic.

As I discussed in chapter 4, these values and virtues have a certain quasi-perfectionist quality to them. Nondomination will inevitably affect certain nonpolitical beliefs and character traits of individuals' nonpolitical comprehensive doctrines. The republican state legitimately promotes those values and virtues that help individuals to publicise their interests, so that they can be tracked. These values and virtues help them to track other individuals' interests so that they can act without dominating them, which in many ways secures them from

arbitrary interference. However, because nondomination seeks to secure individuals from any actual or threatened arbitrary interference, it provides them with the security and freedom to pursue their own chosen ends so that they themselves can decide those things that are valuable and those things that are not, as long as their choices do not dominate others. Thus, the quasi-perfectionism within the republican approach educates and inculcates individuals in the substantive virtues that support liberty as nondomination which can bring them some benefits while leaving their ultimate ends open, as long as these ends are cast in a republican manner. While the republican state has a firm idea of what types of ends are acceptable — those that do not dominate — liberty as nondomination secures a wide range of final ends available to individuals to pursue unhindered by the state or others. Thus the republican state not only secures those conditions that allow individuals to determine what is valuable and what is not within a wide range of final ends that cannot be said to dominate others, they also help individuals to publicise their ends so that they themselves are not dominated. And in doing so, republicanism recognises that certain life choices support nondomination better than others, and thus acts to secure these conditions so that all citizens can live nondominated lives and pursue their own chosen nondominating ends.

One way in which to accomplish both of these tasks is to use history, especially the history of social and cultural conflict to illustrate how individuals and groups can make their interests known as they make demands on the state and the wider prevailing social structure. Furthermore, using history in this manner has been a primary feature of the development of republicanism (Garver, 1996: 198). For example, throughout Machiavelli's writings, history is used as the primary demonstrative tool upon which he both formulates and illustrates his theory of republicanism. In the last chapter I outlined Machiavelli's theory of tumults and conflict which was primarily drawn from a comparison between Roman and Florentine history. For Machiavelli, then, the use of history has important implications for the preservation of liberty. As the modern state

is characterised by deep moral and cultural pluralism, using the history of conflict would be a powerful tool in teaching the necessary virtues that must accompany liberty as nondomination. Moreover, as we saw in the last chapter, because republicanism progressively copes with difference and diversity by utilising the dynamic public energy generated by a society defined by pluralism, the history of conflict provides the ideal opportunity to illustrate how individuals and groups articulate their interests so that others and the state can register and respond to their demands without dominating them. An example of this would be to use the American civil rights struggle to highlight how African Americans and other minority groups successfully campaigned for equal political and social rights.<sup>1</sup> By challenging the state and the prevailing racial attitudes of many in society, civil rights campaigners not only forced the state to recognise and respond appropriately to their demands, they forced society itself to shift inherently biased cultural attitudes in a fundamental manner that tracked their interests.

Another example would be the continuing struggle for gay and lesbian individuals and groups as they actively engage the cultural and public marketplace in search of equal respect and fair policies in light of their conception of the good. Those individuals and groups who refuse to engage and track the interests of the gay and lesbian community are willfully and actively contributing to the domination of these individuals and groups. Under a system that put liberty as nondomination at the centre of its approach to justice, this type of domination would be actively challenged. Gays and lesbians would be extended the range of civil rights available to all groups and individuals and the state would actively seek to end their domination. Importantly, as the republican state utilises the history of conflict to inculcate certain republican virtues, certain political and social attitudes will be challenged. Learning about how individuals

---

<sup>1</sup> I use the term 'successfully' here not to suggest that the struggle for civil rights is over, but merely to illustrate that this effort has achieved a high degree of success. Surely, there is much to be done on this account and the republican state would play an active and key role in addressing these issues.

and groups challenge the state and the prevailing social attitudes towards individuals' own conception of the good highlights not only the constitutional nature of nondomination, but its reciprocal nature as well. While civil rights campaigners used constitutional and legal grounds to challenge their treatment by the state, they also used moral arguments to challenge the prevailing social norms. Because nondomination contains within it both constitutional and reciprocal power, individuals will learn not only what rights and duties they have under the legal framework of the state, they will also learn how to articulate their own interests to the state and to others so that they can be appropriately tracked. Additionally, they will learn how to listen and different methods in which they can properly evaluate the demands made by others who have a different conception of the good so that they can appropriately respond to these demands. In short, they will learn that people come from different backgrounds and have alternative conceptions about what is acceptable and what is not. They will learn that nondomination takes a co-operative effort from not only themselves, but from those with whom they are engaging, and the state.

Critics however, may charge that this requirement will force some to alter or mis-state their interests. Additionally, the forms and language of republican civic education may undermine some individuals' or communities' traditional methods of communication (Young, 1990; Moon, 1993). These critics charge that the republican effort to regulate life plans is overly prescriptive and may undermine certain cultural or social practices and beliefs. The republican state must be sensitive to this criticism if it is to not allow some individuals or groups, or even itself, to dominate those who object to the form and vehicles of republican civic education. However, any serious theory of justice requires that certain virtues and ways of doing things are essential to the maintenance of liberty. Liberal theories, such as the one put forth by Kymlicka and outlined in chapter 3, maintain that civic education must teach individuals liberal virtues and values such as individuality or autonomy (Kymlicka, 1996). Gutmann's liberal theory also maintains that individuals must learn some basic principles that may

be in conflict with their own conception of the good. Callen's conception of political liberalism too requires that civic education teaches certain values that may be viewed by some as comprehensive in nature and thus in conflict with their own conception of the good. Republicanism is no different from these approaches when it come to insisting that certain values and ways of doing things are necessary if individuals are to secure their freedom and live nondominated lives.

As I argued in earlier chapters, liberty as nondomination regulates the acceptable life choices that are permitted in the republican state. But nondomination regulates in a distinct and different manner than the approaches discussed above. Nondomination requires that individuals' and communities' ends are cast in a manner that does not arbitrarily interfere in the lives of others. What nondomination does not require is that individuals or groups adopt each other's ends, or those ends that are fairly and justly translated into matters of basic justice. The regulation inherent within nondomination is about casting certain life choices into ones that track the interests of others and do not require the domination of them. Admittedly, this effort may adversely affect or even cause some individuals' ends to be distorted in a manner to which they may object. This ties in with my discussion in chapter 2 on what can legitimately count as an interest that should be registered and tracked to republicans. Legitimate interests for republicans are ones that, for the most part, take into consideration the interests of others and do not subject others to arbitrary interference (Pettit, 1997: 56; also see 198). These interests are often ones that are widely recognised and shared in common with others and do not require the domination of others. For republicans, pure external preferences are not regarded necessarily as legitimate interests that individuals can demand be tracked, especially if those interests do not respect others and result in dominating them.

For example, a fundamentalist Christian may object to certain state policies that extend political and civic rights to gays and lesbians. However, these types of conceptions of the good deny the legitimacy of gay and lesbian lifestyles and seek to dominate them by not attempting to track and appropriately respond to their interests. In many ways fundamentalist Christians seek to extend their own narrow self-interest at the expense of others, and thus arbitrarily interfere in the lives of those who they oppose or do not recognise as being legitimate agents. As a pure external preference that seeks to codify the domination of others, these interests cannot be said to be legitimate in the ideal republican state. On a constitutional level, perpetrators of such domination may face the sanctions of the state if they attempt to extend this arbitrary interference into areas that the state cannot permit. On a reciprocal level, they risk their own nondominating status because they put their life choices at risk from the arbitrary interference of those agents they seek to dominate. They also lose access to certain goods such as public honours and glory by maintaining a dominating stance. Republican liberty as nondomination requires that those ends that can be said to dominate others are adjusted so that all life choices are free from arbitrary interference. Republican civic education will teach individuals how to engage constructively with others who hold incompatible life choices and how to attempt to express their ends in a nondominating fashion. As stated above, it does not require that they accept or adopt these alternative ends. What it does require, however, is that they cast their ends in a manner that does not subject others to arbitrary interference. In this way, the republican approach to civic education is not just a repackaging of liberal toleration and mutual respect. To be sure, it is more than the mere tolerance or respect of another's life choices. Republican civic education teaches the necessary values and virtues that help individuals and groups to ensure that their life choices do not interfere arbitrarily with others, just as it teaches others how not to dominate their life choices. Thus, the primary goal of a republican approach to civic education is the inculcation of values and virtues aimed at teaching individuals the necessary skills of nondomination and how to cast and express their ends in a



nondominating fashion.

But what of those citizens who see these ideals and institutions and even republicanism itself as a source of domination? How is it that these citizens' interests will be tracked if their comprehensive identities are in fundamental conflict with the necessary virtues and ideals that help to support liberty as nondomination? In most cases, those individuals or groups whose comprehensive identities fall into this category cannot expect the state, or even others, to tolerate or accept their dominating ends. Citizens whose ends arbitrarily interfere with others will be asked first to be a part of the deliberation so that all parties to the issue can register their interests, and second to identify with, and approve of, the method and manner in which decisions are made so that they can see that their interests were tracked, even if they were not adopted (Pettit, 1997: 198). They will be asked to participate actively in the process so that their interests are fairly and openly registered before being considered along with everyone else's. The state and others will then appropriately respond to their demands and the burden will be on them to explain why it is that these ends arbitrarily interfere with them. Individuals and groups who refuse to recast their ends into ones that do not arbitrarily interfere with others will risk encountering either the domination of those they arbitrarily interfere with, or confrontation with the state which may force sanctions on them if they do not cease to express or act on their ends in a nondominating fashion. For those who cannot identify with or accept the open and inclusive procedures or decisions of the state and see this as an explicit form of domination, the republican state must be prepared to find a compromise or settlement so that these closely held ends can be accommodated while minimising the risks to others. The content of this compromise will in large part depend on how extreme these individuals demands are. According to Pettit, an example of this type of compromise is the unique manner in which indigenous people are dealt with in post-colonial society (Pettit, 1997: 200). Thus, those individuals who have valid and compelling reasons which warrant special treatment from the

state to ensure that they are not the subject of state domination will be given the opportunity, to the extent that is possible, to live their lives according to their dominating ends. However, the state will seek to ensure that the risks of domination to others is minimised and will only consider their claims in extraordinary circumstances.

In these difficult cases, the key word for the republican state must be accommodation. This point ties in with my argument in the last chapter over Taylor's hypothetical example involving school prayer. According to Shelly Burt, the modern polity must be prepared to accommodate wide ranging dissension from those individuals and groups whose final ends are in conflict with the state (Burt, 1994: 51-70). To further explore this issue, it will be useful to look at an important U.S. court case, *Mozart v. Hawkins County Board of Education*, about public education and the limits of religious freedom. This case centred on a challenge to the state's right to mandate certain facets of public education and involved the failed efforts of fundamentalist Christian families to exempt their children from their school's basic reading curriculum that not only taught reading skills, but also citizenship and the values and virtues that accompany it (*Mozart v. Hawkins County Board of Education*, 827 F.2d (6<sup>th</sup> Cir. 1987)). The children's parents objected to the reading list because they believed its content was a threat to their chosen way of life because it contradicted their strict religious beliefs (Gutmann, 1995: 565). The court decided that the state had a compelling interests in requiring students to obtain a minimum level of civic education and rejected the parent's objection. Many liberals have supported the court's decision by arguing that the state has good reasons to insist that all future adults are educated to at least a minimum standard of civic education that would help prepare them to be fully functional citizens. As I outlined above in sub-section 1.1, the overarching liberal position is that some values and virtues such as autonomy or individuality are so important to the maintenance of justice that the state has good reasons to insist that they are actively promoted and integrated into the public school system's basic curriculum (Gutmann, 1995: 567; Macedo,

1995: 470. Also see Kymlicka (1996: 87) and Rawls (1993: 200)). Specifically, in this case, these liberals maintain that the court was right to insist that the children in the Mozart case participated in these reading courses despite the effects it might have on their deeply held comprehensive beliefs. As we have seen above, republicans too, would argue that the state has good reasons to require certain basic levels of citizenship and actively promote these values and ideals. However, the republican approach would differ from liberalism's in its willingness to find a solution that would track the interests of the parents in the Mozart case, and still teach the children the necessary values and virtues of nondomination.<sup>2</sup>

Analysing the Mozart case, Burt maintains that both the state and the parents of the children involved could have found a compromise solution which would have satisfied both their competing demands. For Burt, "when families' religious values clash with the public school curriculum, ...democratic ideals and practises are in most cases best served by working with parents to minimise their objections...." Burt believes that by allowing the parents to opt their children out of the substantive elements of the state's citizenship program, the parents could have developed their own curriculum that would have given due consideration to their narrow comprehensive doctrines *and* taught the necessary values and virtues that are essential for members of a modern democratic polity. By placing the burden of finding an acceptable alternative on the parents, it is hard to see how they could have maintained that they were subjected to arbitrary interference from the state. For its part, in accommodating the parents, the state could have fulfilled its duty to ensure that all children are educated to at least a minimum standard of citizenship. What sets this example off from the one involving indigenous populations discussed above is that the final ends of both the state and the parents were not fundamentally incompatible. If these

---

<sup>2</sup>As discussed in the last chapter, Taylor has an alternative approach to these types of divisive issues see Taylor (1998: 212-226).

ends are incompatible, the state has two main options. In the first case, in the presence of special circumstances such as that of indigenous populations, the state can allow the individuals or groups an exemption from certain substantive requirements. Or, in the second case, the state can minimise the arbitrariness of the decision by accommodating, to the extent possible, these comprehensive moral doctrines by finding a compromise solution that satisfies both parties. However, as a last resort, if such a compromise cannot be found, then those individuals and groups who insist on interfering arbitrarily with others will be confronted by the republican state. The state must have the right to protect other members of society from their arbitrary interference, even if it leads to confrontation.

In addition to the necessary values and virtues that support nondomination, the republican approach to civic education, like the liberal approach, will educate individuals in the institutions and legal framework of the state. If the state is to secure and enhance liberty as nondomination for its citizens, the institutions and legal framework of the state must be a central part of civic education. As we discussed in the last chapter, republican institutions and laws play a central role in securing the conditions of nondomination for the citizenry. These institutions must be inclusive and open to the many different interests found within the republic so that vibrant public debates can take place. Additionally, as we discussed earlier, in many ways these institutions help to constitute the liberty experienced by republican citizens. For Machiavelli, an important interdependent relationship existed between the governed and the rules that govern them. Due to this interdependent and intimate relationship, republican institutions and the laws that emerge from them are directly related to the level of education and virtue found in the citizenry and vice versa. (Machiavelli, *The Discourses*, 1965: 241). The higher the quality of debate and deliberation within the republican institutions, the higher the quality of law with respect to nondomination that emerges. It follows that citizens must learn about the substantive nature of the institutions of the republic, how they work, how to

use them, and, importantly, how to challenge them. If the republican state is to support a version of justice that is admittedly non-neutral, then it is essential that the citizenry have both the ability and the means to challenge the institutions and laws of the state. Furthermore, the republican state cannot itself be a dominator, thus every institution and legal or policy decision made by the state must be open to meaningful challenges and contestation. This contestory process itself will help to educate citizens in the ways of the republic and of nondomination as individuals and groups engage each other and the state to let their interests be known so that they can be tracked. In the next section, I will discuss in greater detail just how these institutions and the laws and policies that emerge from them interact with individuals and groups.

## **Section 2 - Republican Institutions**

In earlier chapters I argued that one of the hallmarks of republicanism is its distinctive institutional design that emerged over time under the influence of many different writers. The task of this section is to provide a basic outline of republican institutions and explore not only how they constitute the liberty experienced by republican citizens, but also to examine how individuals and groups relate to these institutions. Of primary concern is the nature of these institutions and how they progressively seek to eliminate domination without themselves dominating.

### ***2.1 classical republican technology***

It was, perhaps, in Montesquieu's seminal work *The Spirit of the Laws*, that the technological features of classical republicanism were consolidated into a coherent and feasible blueprint for the modern nation-state (Montesquieu, 1989). Furthermore, as I argued in chapter 1, Montesquieu firmly believed that the only way to rescue the modern state from monarchy was to "demonstrate that republican virtue was possible only in genuinely popular non-monarchical

republican regimes..." (Shklar, 1990: 266). Montesquieu's main purpose in *The Spirit of the Laws* was to assess the successes and failures of various regimes and from their experiences "construct a comprehensive theory of comparative law" (Shklar, 1990: 268). By contrasting ancient and modern regimes alike, Montesquieu sought to demonstrate certain timeless principles that, if incorporated correctly in the laws and institutions of the modern polity, would create a permanent new republican ideal based on separation of powers and democracy. The novel technological advent of checks and balances was crucial to classical republican thought for two main, but differing, reasons. First, for Machiavelli, checks and balances were essential to a strong republican government because they represented the only way to combat the evil of corruption brought on by narrow self-interested individuals which characterised his view of a tumultuous population. Machiavelli believed that open and inclusive representative bodies could, in their debates and deliberations, minimise the influence of individual self-interest and promote those goods that benefited the citizenry as whole. Second, for other classical republicans like James Harrington, the separation of powers and checks and balances were the best way to ensure that domestic tranquillity and concord characterised the collective effort to secure liberty. For these republicans, the key to having such a society lay in the ability of the polity to institute a mixed constitution based on checks and balances. This allowed self-interest to play a decisive role in governing by bringing it out into the open and letting each interested party participate in the maintenance of liberty while fully acknowledging their own narrow self-interests.

Despite their various reasons for advocating a mixed constitution that sought to balance the competing interests of the citizenry, these republican writers sought to ensure that liberty was safeguarded by injecting as many interests as possible into the public debate. This is most clearly illustrated in Publius' *Federalist Papers*. In *Federalist 10* and later in *Federalist 47-51*, Publius argued that the only way to safeguard liberty in the face of the many

different competing interests that had emerged in the drive for American independence was to counteract their debilitating effects by ensuring that the republic was comprised of a federal representative system made up of as many interests as possible (Hamilton, A., Madison, J., Jay, J., 1961). Such a system would seek to ensure that no one faction or group gained too much influence without being exposed as doing so. This would safeguard the republic by diffusing power among the various self-interested factions so that each one provided a check and balance on the other (Hamilton, A., Madison, J., Jay, J., 1961: 83). Furthermore, these writers advocated institutions that were democratic in nature so the citizenry could become the ultimate check and balance on the power of the state.

## ***2.2 - contemporary republican technology***

It is upon this technological pedigree that the contemporary claim of republicanism as a compelling and relevant public philosophy rests. This general approach to checks and balances underscores the greater belief that republicans have in the positive qualities of extensive governmental machinery and the rule of law. Republicanism contains a firm commitment to the principles of a democratic mixed constitution characterised by checks and balances to ensure that no one individual, group, or governmental entity can exercise too much power and potentially dominate others. In the spirit of the *Federalist Papers*, a contemporary republican state will disperse power over a wide range of levels to, in the words of Pettit, "increase the non-manipulability of the law and to guard against the government exercising arbitrary sway over others" (Pettit, 1997: 178). Not surprisingly then, republicans embrace the division of government into judicial, executive, and legislative branches. Each of these areas is supported and checked by inclusive and meaningful public forums which are at the disposal of the diverse interests that make up the modern polity. Moreover, as mentioned earlier, they are open to all and do not ask those engaging with them to bracket off their comprehensive moral doctrines. These

public forums must stretch the imagination of the various manners in which individuals and groups communicate with each another and accept the use of different forms and methods which some use that may be inherently tied to their conceptions of the good. In this way, the republican state can overcome the objections of some that the ways and means of republican government are too narrow and overly prescriptive (Young, 1990; Moon, 1993). Not surprising is the high degree of contestability that the republican state must have in order to be successful as a contemporary public philosophy.

For a state to rely on a high degree of contestability, citizens must be educated in the substantive forms of both the institutions of the state and the manner in which to engage with them, and with each other. As discussed above, the republican approach to civic education prepares citizens to play this active role in guaranteeing their liberty and securing them from domination. Not only must citizens have the rights, channels, and forums in which to contest the decisions of the state, they must have the necessary knowledge and virtues that allows them to do so (Pettit, 1997: 187). The republican approach to civic education which I have outlined above will help prepare individuals to contest the decisions of the state and to engage in the common purpose of securing their liberty from domination. Encouraging individuals and groups to play this active role in their own nondomination helps to ensure that the state itself does not encroach upon their liberty. This aspect of the republican state connects to Madison's contention in the *Federalist Papers* that the people themselves are the ultimate check on the power of the state (Hamilton, A., Madison, J., Jay, J., 1961: 324). In this way, the republican approach that I advocate ties in closely with other recent developments in contemporary political discourse, such as deliberative democracy (see Cohen, 1989).

As mentioned above, a high degree of contestability will help to ensure that the republican state itself does not interfere arbitrarily in the lives of its citizens. This is important because the republican state is likely to be an active



presence in the lives of individuals in the modern polity. However, republican citizens will be less likely to object to state intervention and activity than liberal citizens who cherish liberty as non-interference (Pettit, 1997: 148). This state interference is not restrictive of the liberty enjoyed by republican citizens because republicans measure freedom in a different manner than liberals. If this interference is not arbitrary, then the republican state's activity can address the many problems faced by the modern polity with greater vigour than the liberal state without restricting the liberty of its citizens. Moreover, as I argued in part 2 of the thesis, the republican state will be an active force in the lives of individuals and will affect them in both their political and nonpolitical lives. Contestability, then, is the key to ensuring that this interference is not arbitrary. The republican state must track their interests and not be seen as something that denies their interests with impunity. Therefore, the republican approach to civic education outlined above, which teaches the necessary values and virtues that allow individuals to play an active role in their own nondomination, combines with the open and inclusive republican forums that help to ensure that the state does not arbitrarily interfere in the lives of individuals. If either of these fails, then the state itself will become a source of unfreedom (Pettit, 1997: 171). The republican state will coercively interfere in the lives of its citizens by imposing laws in common upon them. According to Pettit

the agencies of the state, including the state that is devoted to republican causes and policies, interfere systematically in people's lives: they coerce the people as a whole through imposing laws in common upon them, and they coerce different individuals among the populace in the course of administering that law and applying legal sanctions (Pettit, 1997: 171).

As I argued earlier, this interference is not purely instrumental to liberty in the same way that interference in a liberal state is. Instead, this interference, which comes in the forms of citizenship and institutions of the state, helps to constitute the liberty experienced by republican citizens.

Republican forms of citizenship and institutions combine to secure individuals from arbitrary interference. These institutions, then, are intrinsically valuable to republican citizens because they themselves are not only the guarantor of their freedom, but a constituent part of their freedom. Thus, republican citizens who cherish their freedom will also cherish the institutions that maintain and secure their freedom. This account of freedom differs from the liberal account in that individuals do not view the necessary interferences that the modern state must have as a restriction of their liberty. There is no one step back, two steps forward causal sequence for republicans. In many ways, instead of being a restriction, it is an enhancement of their freedom. They know that they are not going to be subject to the arbitrary will of others as long as their ends do not require the domination of others. Thus, the constitutive nature of the necessary ideals and institutions that accompany liberty as nondomination means that republican citizens will have a more intimate and close relationship with those ideals and institutions. The nondomination that individuals enjoy in the republican state is realised in the presence of certain ideals and institutions that form component parts of their overall conception of liberty. Institutions or ideals which track their interests are not seen as restrictions of their liberty. Rather they are viewed as the reality of their freedom (Pettit, 1997: 108).

Thus far, we have seen that the republican state has a rich and substantive approach to public civic education. The values and virtues that support liberty as nondomination must be integrated into the public school curriculum and taught to children who will develop into adults with all the rights and duties that are necessary to maintain the republican state. These substantive forms of republican citizenship will help to prepare citizens to play the necessary active role in the maintenance of liberty, and will also help to prepare citizens to play the necessary active role in their own nondomination. By learning how to cast their final ends in a nondominating fashion, citizens will be free to choose and revise their ends in a manner that is consistent with republican liberty and their position to pursue those chosen ends will be

improved. The open and inclusive republican institutions help to secure citizens not only from arbitrary interference from others in society, but from the state as well. A high degree of contestability will ensure that the state itself does not become a dominator, and that citizens register their interests with the state and with others. However, good education and good institutions are not enough to sustain the republican project. The republican state's success in guaranteeing liberty as nondomination also depends in large part on the development of a comprehensive set of social norms that help to buttress both the values and virtues of nondomination, and the ideals and institutions that they support. The more republican liberty as nondomination has integrated itself in the norms of civic society, the less the state has to intervene to protect individuals and vice versa (Pettit, 1997: 148). In the next section, I will discuss the crucial role and power of social norms and argue that without them the republican project is lifeless and doomed to failure.

### **Section 3 – Social Norms**

If the republican state is successfully to secure republican liberty as nondomination for its citizens, the virtues and values that support this conception of liberty must become the norms of society. This point, however, is nothing new to republican theory. Earlier, I discussed how Machiavelli believed that the relative success of republican laws and institutions was inextricably tied to the existence of certain norms that would complement these laws and institutions (Machiavelli, *The Discourses*, 1965: 241). There is an intimate and close interdependent relationship between the norms of society and the laws and institutions that constitute the republican state. As outlined above, the republican approach to civic education and the distinctive republican institutions play a central role in the development and support of these norms. In many ways, republican norms must win a place in the habits and hearts of its citizens. According to Pettit, "the laws must be embedded in a network of norms that reign effectively, independently of state coercion, in the realm of civic society"

(Pettit, 1997: 241). Education, laws, and the norms of society must work together if the republican state is truly to secure its citizens from arbitrary interference.

### ***3.1 - nondomination must become an embedded norm***

In its most simple formulation, a norm is a behavioural regularity (Pettit, 1997: 243). Norms are ways of doing and thinking about things that are accepted as general practice and adhered to by individuals and groups, sometimes unconsciously. They help to give depth and character to a society and can be a powerful social force (Pettit, 1997: 246). They help to shape the different ways in which individuals and groups evaluate their life choices and provide a common tie which binds them together. In many ways, they are an integral part of the collective identity of a society. The development of norms is a process which is deeply rooted in the traditions and customs of individuals and groups and their power as a social force is in large part dependent on how closely they track the interests of the people.

For the republican state which I have been developing to be successful, norms must play a vital role in ensuring that liberty as nondomination is the prevailing public philosophy. The norms of a society characterised by the republican conception of liberty will help to make liberty available to all segments of society, both on an individual and group level. In many ways, norms serve as a fundamental and rudimentary check on the power of the state and can help keep the state focussed on its commitment to prevent arbitrary interference (Pettit, 1997: 247). To this end, the state must take great vigilance not to undermine the important role that norms play in society. However, at the same time the state should not hesitate to challenge those norms that can undermine the nondomination enjoyed by citizens. The state must play an active role in combatting this arbitrary interference and will have to take controversial positions because some social norms can ignore the interests of some

individuals and groups in society (Pettit, 1997: 255). For example, consider the United States' current non-recognition of gay and lesbian unions and the effects this has on key areas of their life like health care, taxes, or insurance premiums. Same sex unions certainly challenge the traditional manner in which many in society view marriage and it has become not only a social norm to prohibit these types of marriages, but a legal norm as well. However, a modern republican state characterised by liberty as nondomination would have to address this problem on both the legal and social front. The first front would be a legal one. In an ideal situation, the republican state would use its open and inclusive forums and institutions of the state to consult with individuals and groups to gauge their interests and opinions. All points of view would be surveyed, and a conversational effort to arrive at a decision would take place. A vibrant debate would help to separate legitimate interests from illegitimate ones and a decision would be made that tracked the interests of the citizenry. For the sake of this example, if the decision was to end the prohibition on same sex unions, the republican state would play an active role in challenging those segments of society who maintained that the norms of traditional marriage should continue. The republican state, along with those whose interests are to expand the legal definition of legal unions, would have to listen to the objections of those who opposed their position and engage in an educative campaign to ensure that everyone's interests were being registered and aired. In this instance, on both the legal and social fronts, the republican state must play a key role in not only educating those who are opposed to same sex unions, but in becoming educated itself on why they oppose it so that they can respond appropriately. But what of those who still maintain that the recognition of same sex unions dominates them and degrades the institution of marriage?

Some individuals will feel hard done by the decision to grant legal recognition to same sex unions. They may argue that such recognition fundamentally undermines the institution of marriage which is closely tied to religious beliefs which are held deeply by many. For these individuals, to

challenge their beliefs and conception of the good in this manner is not seen as tracking their interests and represents the arbitrary interference of the state. To these individuals, they are in a state of domination and are thus not free. In response to these questions, there are three important points to make. The first point is that by consulting all parties to the issue in open and inclusive forums, the republican state has taken the first step to eliminate arbitrary interference. No individuals or groups were asked to bracket off their deeply held beliefs or opinions and all were given equal opportunity to air their concerns in the open and inclusive forums of the republic. The second point is that the objectors were expressing illegitimate and misplaced demands in the form of external preferences. In this case, their external preference against same sex marriages caused the domination of gay and lesbian individuals and groups because it interfered with them in an arbitrary manner at will and with impunity. To be sure, from their point of view, they objected to gay and lesbian marriages because such recognition was not sanctioned by their beliefs. For many, the thought of gay and lesbian marriages is tantamount to blasphemy and undermines their beliefs fundamentally. They do not view these beliefs as purely external preferences. However, as I argued in earlier chapters, beliefs such as these are not consistent with republican liberty as nondomination because they inherently require the domination of others. The third important point is that the republican state, in recognising same sex unions, has not actually forced the objectors to recognise or accept same sex marriages. In this case, the republican state has not asked them to alter their procedures or beliefs to allow same sex marriages in their churches. Instead, the state has held that from a legal and civil standpoint, gay and lesbian unions should be allowed and recognised. The state has not forced the church in this case to recognise these unions as marriages or to participate in performing them if they object. Rather, the republican state has sought to accommodate the interests of the citizenry and minimise any arbitrary interference.

In this example, protecting gay and lesbians in a legal manner from the arbitrary interference from others is only the first goal that republicans want to accomplish. The end goal of this process for republicans is the hope that those whose final ends required the domination of others are taught that casting their ends in this manner deprives them of certain benefits and goods. The republican hope is that through the ideals and institutions of the state, individuals will come to identify their own good with that of the greater republican community so that corruption is kept at bay, and nondomination maximised. In this manner, the legal recognition of same sex unions was only the first step for republicans. The second step is to challenge the social norms that caused the domination of same sex couples and denied them certain legal rights. If republican ideals are embedded in a network of prevailing social norms, arbitrary interference will be minimised and individuals and groups will be better able to do well by themselves. Aggressively challenging dominating social norms will have a profound effect on the republican project. The vibrant and tumultuous environment discussed in the last chapter will play a key role in both the development and maintenance of norms.

### ***3.2 - conflict and norms***

Dominating norms that are not consistent with the republican project must be challenged and modified so that they too can become a power force within society. Tumults can help to challenge and re-shape norms so that they are alive and shift to fit the ever-changing circumstances of life in the modern polity (Pettit, 1997: 251). Earlier in this chapter I discussed how the American civil rights movement of the 1950s and 1960s not only challenged the legal impediments to equality, but also challenged the social hindrances as well. Using the vibrant public forums of the state, civil rights campaigners had a significant impact on the prevailing social norms that accepted inequality and segregation. The legal impediments were just one of the reasons that civil rights campaigners engaged in this enormous undertaking. Challenging the social

norms of inequality and segregation was a primary goal as well. For the civil rights campaigners, and for republicans, the two are inseparable. In the words of Martin Luther King, Jr.:

Through education we seek to change attitudes; through legislation and court orders we seek to regulate behaviour. Through education we seek to change internal feelings (prejudice, hate, etc.); through legislation and court orders we seek to control the external effects of those feelings. Through education we seek to break down the spiritual barriers to integration; through legislation we seek to break down the physical barriers to integration. One method is not a substitute for the other, but a meaningful and necessary supplement. Anyone who starts out with the conviction that the road to racial justice is only one lane wide will inevitably create a traffic jam and make the journey infinitely longer (King, 1987: 40).

It is no mystery that civil rights campaigners in America had to wage their fight for justice and equality on the two fronts mentioned above. On the one hand, they had to fight for just and equal political and legal rights with whites, while on the other hand, for their campaign to succeed, they had to challenge directly the prevailing social norms that saw them as second class citizens. Republicans, then, recognise the need for strong social norms that help to ensure that arbitrary interference is minimised. However, when such social norms are themselves the source of arbitrary interference, the republican state has an important and necessary role in seeking to bring these norms in line with liberty as nondomination.

Admittedly, this effort will be difficult and will be seen by many as the embodiment of domination itself. As stressed above, great vigilance is required to check the power of the state so that it does not become a dominator itself. When social norms that dominate are challenged, as in the example above, some may seem alienated and seek to withdraw so that they can hold on to their cherished, but dominating, ways of life. The republican state must be sensitive to this sentiment and seek to accommodate such individuals as far as possible within the constraints of its wider commitment to liberty as nondomination.



However, the republican state's commitment to liberty as nondomination must be resilient to such claims if it is to minimise arbitrary interference. While coping with such dissenters may prove taxing or difficult for the republican state, other positive effects can be seen. According to Pettit, the republican state's commitment to civic virtue and civility may fundamentally challenge some individuals' ends and identities. As we saw earlier, the values and virtues associated with liberty as nondomination may alter or even distort some individuals' final ends. Ends that require the domination of others cannot exist within a republican state characterised by liberty as nondomination. This may, however, help improve the options available to some individuals because there may be some nondominating dimensions of identity that are attractive and compelling that were not available to them under their dominating identity (Pettit, 1997: 257). Furthermore, a widespread commitment to the maintenance of norms which support liberty as nondomination will help to foster group-level points of view and assist individuals as they engage in the formation of the common good. An overriding commitment to group-level identities such as patriotism helps to nurture community and unite individuals and groups from widely varying moral traditions (Pettit, 1997: 257-9; also see Taylor, 1989; Oldfield, 1990; Viroli, 1995; and Miller, 1995). This point ties in with Robert Putnam's now famous essay on the need for a renewed sense of civic engagement to stem the erosion of social capital (Putnam, 1995: 66).

Putnam's research charts the fall of traditional forms of civic engagement and suggests that there has been a corresponding drop in social capital which he takes to be the "features of social organisation such as networks, norms, and social trust that facilitate coordination and cooperation for mutual benefit" (Putnam, 1995: 66). Noting that several factors related to modernity may be the cause of this erosion, Putnam suggests that we seek to find new ways of restoring social capital that fit in with life in the modern, and often hectic, polity. Importantly, his recommendations suggest that preventing the erosion of social capital must be a holistic effort undertaken by society (Putnam, 1995: 75-7). In

other words, it is not a problem that politics alone can solve. The solutions to the need for social capital are mostly found outside of the political sphere. Republicans too understand the need for civic engagement and social capital. Furthermore, as I have been arguing in this chapter, it is not something that can be done by government institutions alone. The collective effort that helps to form and support norms will be an asset to the republican state as it tries to minimise its citizens' exposure to arbitrary interference. The republican approach to civic education along with republican institutions will, to a large extent, rely on the power of social norms to ensure that arbitrary interference is minimised. Strong social norms require high levels of social capital if they are to be truly effective and help minimise the extent to which individuals and groups are exposed to arbitrary interference.

## **Conclusion**

In this chapter I have explored how the republican commitment to nondomination is likely to interact with individuals and groups in three main areas. In the first area, the republican approach to civic education will contain distinctive and substantive values and virtues that help to support liberty as nondomination and foster a republican spirit among the people. Like liberals, republicans believe that the development of certain values and virtues are essential for citizens in the modern polity. Unlike liberals, these goods are substantive in nature and may challenge and even distort some individuals' and groups' comprehensive moral doctrines. However, the republican state justifies this by appealing to the value of nondomination and the benefits that accompany it. Ends that explicitly or implicitly arbitrarily interfere with others must be confronted by the republican state. Thus, the republican approach to civic education goes well beyond the liberal approach which relies on the principles of toleration and mutual respect. The republican approach asks individuals to go further by insisting that they cast their ends in a manner that does not subject others to arbitrary interference. To do this, they must first listen and understand

how their differing, and possibly incompatible ends, can be recast into ends that do not arbitrarily interfere in the lives of others. Republican forms of civic virtue requires a commitment from all parties to utilise the values and ideals that support liberty as nondomination to act in a manner that tracks the interests of others. Republican versions of citizenship will help individuals to use the open and inclusive public forums of the state to register their interests so that they can be tracked.

In the second area, the ideal republican state will be filled with open and inclusive public forums and institutions that help to ensure that arbitrary interference is minimised. These ideals and institutions rely on the vibrant energy created by the diversity and difference that is so prevalent in the modern polity to help ensure that domination is kept in check and eliminated where possible. To the extent that the republican state is an active and present force in the lives of individuals by affecting them in both their political and nonpolitical lives, vibrant channels of contestability will be a key feature in ensuring that this interference is not arbitrary. In this way, the republican approach to civic education combines with the open and inclusive republican forums to help ensure that the state does not arbitrarily interfere in the lives of individuals. Furthermore, the open and inclusive republican forums help individuals and groups themselves register their interests to each other so that they can appropriately respond in a nondominating manner. Relying on the fundamental thrust behind classical republican technologies such as checks and balances, the republican commitment to strong constitutional mechanisms and safeguards helps to ensure that domination is exposed and minimised.

Finally, recognising the powerful force of social norms, both the republican approach to civic education and the ideals and institutions which support nondomination are aimed at fostering a group-level commitment to certain distinctive ways of doing things. Understanding the close and intimate relationship between certain social norms and the success of republican laws

and institutions, the republican state must play a very delicate role in maintaining those norms that help to minimise arbitrary interference, and challenging those that undermine the cause of liberty as nondomination. At its most basic, republicans understand that nondomination will not be successful in minimising domination unless it becomes an integral part of the public and private culture of the many individuals and groups that comprise the modern polity. Republicanism, and the virtues and values that accompany it, is a rich and robust manner of thinking about liberty. Without a deep commitment from individuals on a nonpolitical level, nondomination cannot become an embedded and overriding public philosophy.

Republicanism has a distinctive conception of liberty, a particular image of the form that a constitution should take, and an insistence on a distinctive form of civic virtue (Pettit, 1997: 245). If liberty as nondomination is to become a meaningful and powerful public philosophy, all three of these components are necessary. If one fails, they all fail as they are completely interdependent. However, a further requirement is necessary if republican liberty as nondomination is to minimise actual or threatened arbitrary interference. Liberty as nondomination, and the virtues and values that support it, must take root in the habits and hearts of the citizenry and change with them. Active citizen involvement, a widespread and meaningful commitment to checks and balances, and fair and open procedures must all combine to make liberty as nondomination a reality (Pettit, 1997: 173). In many ways, the success or failure of republican liberty as nondomination will depend on how well education, institutions, and norms perform their overlapping and interdependent part in developing a distinctive and pervasive republican culture that secures its citizens from domination and allows them to exercise their freedom in a society free from domination.

## Conclusion

In the last part of the thesis I have explored how republican liberty as nondomination can manifest itself in the modern polity. Indeed, throughout this thesis, I have argued that republican liberty as nondomination represents a fresh new approach that can cope with the many problems facing the modern polity. Conflict, citizenship, and civic virtue all play important and interdependent roles to help secure this alternative conception of liberty. By accepting the inevitable clash of difference and diversity, the modern polity can reinvigorate the institutions of the state and secure its citizens from arbitrary interference. However, as Machiavelli argued, tumultuous politics alone cannot secure republican liberty. A properly constituted republic must be characterised by strong laws and institutions that help cultivate certain types of citizens that can identify their own good with that of the community, and thus secure nondomination. Through strong forms of citizenship and civic virtue, the republican state helps individuals to mould and cast their ends in a manner which is consistent with republican liberty. As I argued in chapter 5, a contemporary republican approach must stress the intimate relationship between liberty as nondomination, good laws and institutions, and civic virtue and citizenship. Furthermore, by tolerating and institutionalising the pluralism found within the modern polity, the republican state can channel the dynamic energy and activity generated by a population defined by difference and diversity to secure and enhance liberty as nondomination.

However, as I argued in chapter 6, if republican liberty as nondomination is to become a meaningful and powerful public philosophy, the virtues and values that support it must take root in the habits and hearts of the citizenry and change as they change. As Pettit has argued, active citizen involvement, a widespread and meaningful commitment to checks and balances, and fair and open procedures must all combine to make liberty as nondomination a reality (Pettit, 1997: 173). To support this effort, the republican state must actively seek

to educate and cultivate individuals of a certain republican character type that can cast their ends in a nondominating manner. In many ways, the success or failure of republican liberty as nondomination will depend on how well education and institutions can cultivate certain republican norms that are embedded within, and reflected by, the attitudes of society as a whole.

The republican approach that I have defended is not something that is new, or is too radical to be taken seriously. Central to my argument is an understanding that there is a direct lineage between contemporary republicanism and neo-Roman republicans like Machiavelli. I have argued that even though republicanism is firmly grounded in the writings of Machiavelli and others, a central feature of this approach is its ability to change and be adapted to different situations to address a range of problems. At the heart of this republican approach is its alternative conception of liberty as nondomination and the unique manner in which its ideals and institutions help to constitute the freedom experienced by its citizens. Although the republicanism which I have defended is distinct from its neo-Athenian counterpart and the rival liberal approaches I discussed in part 2, I firmly believe that it is compatible with the aims of these approaches and I have tried to demonstrate that. Republican versions of civic virtue and citizenship, when combined with strong institutions and laws, can play the important role of helping redefine political activity so that individuals and groups can better utilise the structures of the state to secure their liberty as nondomination. Furthermore, as I have argued throughout this thesis, republican liberty as nondomination requires a high level of activity to support the necessary ideals and institutions which accompany it. Moreover, as I have also tried to point out, republicans who are serious about nondomination must understand that not all problems are purely 'political' in nature and can be solved in the narrow realm of politics. What is needed is a more holistic approach that relies on the fundamental goal of nondomination to secure individuals and groups from arbitrary interference on both a political and nonpolitical level. However, the activity that is required by a properly constituted

republican state is no more burdensome than other rival approaches. Indeed, it is this very activity that enables contemporary republicans to offer the modern polity a way forward. By understanding liberty in this alternative sense, individuals and groups can secure themselves from the domination of others and the state while helping themselves to do well.

## Bibliography

- Allen, A. and Regan, M. (eds.) (1998), *Debating Democracy's Discontent: Essays on American Politics, Law, and Public Philosophy* (Oxford: Oxford University Press).
- Arendt, H. (1958), *The Human Condition* (Chicago: University of Chicago Press).
- Aristotle (1988), *The Politics*, (ed.) Everson, S. (Cambridge: Cambridge University Press).
- Avineri, S. and de-Shalit, A. (eds.) (1992), *Communitarianism and Individualism* (Oxford: Oxford University Press).
- Baldwin, T. (1984), 'MacCallum and the Two Concepts of Freedom', *Ratio*, 26: 125-42.
- Barber, B. (1984), *Strong Democracy: Participatory Politics for a New Age* (Berkeley, CA: University of California Press).
- Beiner, R. (1992), *What's the Matter with Liberalism?* (Berkeley, CA: University of California Press).
- Bellah, R. *et al.* (1985), *Habits of the Heart: Individualism and Commitment in American Life* (New York, NY: Perennial Library).
- Benn, S.I. and Weinstein, W.L. (1971), 'Being Free to Act, and Being a Free Man', *Mind*, 80: 194-211.
- Berlin, I. (1969), *Four Essays on Liberty* (Oxford: Oxford University Press).



- Berlin, I. (1981), *Against the Current: Essays in the History of Ideas* (Oxford: Oxford University Press).
- Bock, G. (1990), 'Civil Discord in Machiavelli's *Istorie Fiorentine*', in Bock *et al.* (1990), pp. 181-201.
- Bock, G., Skinner, Q., and Viroli, M. (eds.) (1990), *Machiavelli and Republicanism* (Cambridge: Cambridge University Press).
- Branch, T. (1988), *Parting the Waters: America in the King Years 1954-63* (New York, NY: Simon and Schuster Press).
- Brock, D. (1987), 'Truth or Consequences: The Role of Philosophers in Policy-Making', *Ethics*, 97: 786-791.
- Brugger, B. (1999), *Republican Theory in Political Thought: Virtuous or Virtual?* (New York, NY: St. Martin's Press).
- Burns, J.H. and Goldie, M. (eds.) (1991), *The Cambridge History of Political Thought: 1450-1700* (Cambridge: Cambridge University Press).
- Burt, S. (1990), 'The Good Citizen's Psyche: On the Psychology of Civic Virtue', *Polity*, 23: 23-38.
- Burt, S. (1992), *Virtue Transformed: Political Argument in England 1688-1740* (Cambridge: Cambridge University Press).
- Burt, S. (1994), 'Religious Parents, Secular Schools: A Liberal Defence of an Illiberal Education', *The Review of Politics*, 56: 51-70.

- Burt, S. (1996), 'In Defence of Yoder: Parental Authority and the Public Schools', in Shapiro *et al.* (1996), pp. 412-37.
- Buttle, N. (1998), 'Liberal Republicanism', *Politics*, 17: 147-156.
- Callen, E. (1997), *Creating Citizens: Political Education and Liberal Democracy* (Oxford: Clarendon Press).
- Chapman, J. and Galston W. (eds.) (1992), *NOMOS XXXIV: Virtue* (New York, NY: New York University Press).
- Chapman, J. and Shapiro, I. (eds.) (1993), *NOMOS XXXV: Democratic Community* (New York, NY: New York University Press).
- Christman, J. (1998), 'Pettit, P., *Republicanism: A Theory of Freedom and Government*', (book review), *Ethics*, 109:1: 202-206.
- Cicero (1991), *On Duties*, (eds.) Griffin, M. and Atkins, E. (Cambridge: Cambridge University Press).
- Cohen, J. (1989), 'Deliberation and Democratic Legitimacy', in Hamlin and Pettit (1989), pp. 17-34.
- Constant, B. (1988), *Political Writings*, (ed.) Fontana, B. (Cambridge: Cambridge University Press).
- Dagger, R. (1997), *Civic Virtues: Rights, Citizenship, and Republican Liberalism* (Oxford: Oxford University Press).
- Daniels, N. (ed.) (1978), *Reading Rawls* (Oxford: Blackwell Publishers).

- de Marneffe, P. (1990), 'Liberalism, Liberty, and Neutrality', *Philosophy and Public Affairs*, 19: 253-274.
- Dunn, J. (1994), 'The Identity of the Bourgeois Liberal Republic', in Fontana (1994), pp. 206-25.
- Dworkin, R. (1975), 'Non-Neutral Principles', in Daniels (1978), pp. 124-40.
- Dworkin, R. (1978), *Taking Rights Seriously* (Cambridge, MA: Harvard University Press).
- Fontana, B. (ed.) (1994), *The Invention of the Modern Republic* (Cambridge: Cambridge University Press).
- Galston, W. (1991), *Liberal Purposes: Goods, Virtue, and Diversity in the Liberal State* (Cambridge: Cambridge University Press).
- Garver, E. (1996), 'After Virtù: Rhetoric, Prudence and Moral Pluralism in Machiavelli', *History of Political Thought*, 27: 195-222.
- Goodin, R. and Reeve, A. (eds.) (1989), *Liberal Neutrality* (London: Routledge).
- Goodin, R. and Pettit, P. (eds.) (1995), *A Companion to Contemporary Political Philosophy* (Oxford: Blackwell Publishers).
- Gray, J. (1989), *Liberalisms: Essays in Political Philosophy* (London: Routledge).
- Gutmann, A. (1987), *Democratic Education* (Princeton, NJ: Princeton University Press).

- Gutmann, A. (1995), 'Civic Education and Social Diversity', *Ethics*, 105: 557-579.
- Hamilton, A., Madison, J., and Jay, J. (1961), *The Federalist Papers*, (ed.) Rossiter, C. (New York, NY: Mentor Press).
- Hamlin, A. and Pettit, P. (eds.) (1989), *The Good Polity: Normative Analysis of the State* (Oxford: Blackwell Press).
- Harrington, J. (1992), *The Commonwealth of Oceana and A System of Politics*, (ed.) Pocock, J.G.A. (Cambridge: Cambridge University Press).
- Hart, H.L.A. (1978), 'Rawls on Liberty and Its Priority', in Daniels (1978), pp. 230-53.
- Herzog, D. (1986), 'Some Questions for Republicans', *Political Theory*, 14: 473-493.
- Heyd, D. (ed.) (1996), *Toleration: An Elusive Virtue* (Princeton, NJ: Princeton University Press).
- Hobbes, T. (1968), *Leviathan*, (ed.) MacPherson, C.B. (Harmondsworth: Penguin).
- International Herald Tribune* (1995a), 'Clinton's New Message: Put Democracy Back to Work', 23 Jan.
- International Herald Tribune* (1995b), 'Clinton Bowing to Political Reality, Models a More Centrist Presidency', 26 Jan.

- Iverson, D. (1997), *The Self at Liberty: Political Arguments and the Arts of Government* (Ithaca, NY: Cornell University Press).
- Jones, P. (1989), 'The Ideal of the Neutral State', in Goodin and Reeve (1989), pp. 9-38.
- Kahane, D. (1996), 'Cultivating Liberal Values', *Canadian Journal of Political Science*, 29: 699-728.
- King, M.L. (1984), *The Words of Martin Luther King, Jr.* (New York, NY: Newmarket Press).
- Kukathas, C. and Pettit, P. (1990), *Rawls: A Theory of Justice and its Critics* (Cambridge: Polity Press).
- Kymlicka, W. (1989), *Liberalism, Community, and Culture* (Oxford: Oxford University Press).
- Kymlicka, W. (1990), *Contemporary Political Philosophy: An Introduction* (Oxford: Clarendon Press).
- Kymlicka, W. (1992), 'Liberal Individualism and Liberal Neutrality', in Avineri and de-Shalit (1992), pp. 165-85.
- Kymlicka, W. (ed.) (1995), *The Rights of Minority Cultures* (Oxford: Oxford University Press).
- Kymlicka, W. (1996), 'Two Models of Pluralism and Tolerance', in Heyd (1996), pp. 81-105.

- Kymlicka, W. (1998a), *Finding Our Way: Rethinking Ethnocultural Relations in Canada* (Oxford: Oxford University Press).
- Kymlicka, W. (1998b), 'Liberal Egalitarianism and Civic Republicanism: Friends or Enemies?', in Allen and Regan (1998), pp. 131-48.
- Long, D. (1977), *Bentham on Liberty* (Toronto: University of Toronto Press).
- MacCallum, G. (1991), 'Positive and Negative Freedom', in Miller (1991), pp. 100-22.
- Macedo, S. (1988), 'Capitalism, Citizenship, and Community', *Social Philosophy and Policy*, 6: 113-139.
- Macedo, S. (1990), *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism* (Oxford: Clarendon Press).
- Macedo, S. (1995), 'Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls', *Ethics*, 105: 468-496.
- Macedo, S. (1996), 'Community, Diversity, and Civic Education: Toward a Liberal Political Science of Group Life', *Social Philosophy and Policy*, 13: 240-268.
- MacIntyre, A. (1985), *After Virtue: A Study in Moral Theory* (London: Duckworth).
- Machiavelli, N. (1965), *The Chief Works and Others*, (tr.) Gilbert, A. (3 vols., Durham, NC: Duke University Press).
- Machiavelli, N. (1970), *The Discourses*, (ed.) Crick, B. (New York, NY: Penguin).

- Manin, B. (1994), 'Checks, Balances and Boundaries', in Fontana (1994), pp. 27-62.
- Miller, D. (ed.) (1987), *The Blackwell Encyclopedia of Political Thought* (Oxford: Blackwell Publishers).
- Miller, D. (ed.) (1991), *Liberty* (Oxford: Oxford University Press).
- Miller, D. (1995), 'Citizenship and Pluralism', *Political Studies*, 43: 432-450.
- Moon, D. (1993), *Constructing Community: Moral Pluralism and Tragic Conflicts* (Princeton, NJ: Princeton University Press).
- Montesquieu (1989), *The Spirit of the Laws*, (tr. and ed.) Cohler, A., Miller, B., and Stone, H. (Cambridge: Cambridge University Press).
- Mouffe, C. (ed.) (1992), *Dimensions of Radical Democracy* (London: Verso Press).
- Mouffe, C. (1993), *The Return of the Political* (London: Verso Press).
- Mozart v. Hawkins County Bd. of Education*, 827 F.2d 1058 (6<sup>th</sup> Cir. 1987).
- Mulhall, S. and Swift, A. (eds.) (1996), *Liberals and Communitarians* (Oxford: Blackwell Publishers).
- Oldfield, A. (1990), *Citizenship and Community: Civic Republicanism and the Modern World* (London: Routledge).
- Oppenheim, F. (1981), *Political Concepts: A Reconstruction* (Oxford: Blackwell Publishers).

- Pangle, T. (1988), *The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke* (Chicago: University of Chicago Press).
- Patten, A. (1996), 'The Republican Critique of Liberalism', *British Journal of Political Science*, 26: 25-44.
- Patten, A. (1998), 'Pettit, P., *Republicanism: A Theory of Freedom and Government*', (book review) *Political Studies*, 46: 808-810.
- Parel, A. (1992), *The Machiavellian Cosmos* (New Haven, CT: Yale University Press).
- Parent, W.A. (1974), 'Some Recent Work on the Concept of Liberty', *American Philosophical Quarterly*, 11: 149-167.
- Pennock, J.R. and Chapman, J.W. (eds.) (1983), *NOMOS XXV: Liberal Democracy* (New York, NY: New York University Press).
- Pettit, P. (1996), 'Freedom as Antipower', *Ethics*, 106: 576-604.
- Pettit, P. (1997), *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press).
- Pettit, P. (1998), 'Reworking Sandel's Republicanism', *The Journal of Philosophy*, 95: 73-96.
- Pocock, J.G.A. (1975), *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, NJ: Princeton University Press).



- Putnam, R. (1995), 'Bowling Alone: America's Declining Social Capital', *Journal of Democracy*, 6: 65-78.
- QCA (the Qualifications and Curriculum Authority) (1999), 'Citizenship: The Report', 29 March, 1999.
- Rahe, P. (1992), *Republics Ancient and Modern: Classical Republicanism and the American Revolution* (Chapel Hill, NC: University of North Carolina Press).
- Rawls, J. (1971), *A Theory of Justice* (Cambridge, MA: Harvard University Press).
- Rawls, J. (1993), *Political Liberalism* (New York, NY: Columbia University Press).
- Rawls, J. (1996), 'Introduction to Paperback Edition', *Political Liberalism* (New York, NY: Columbia University Press), pp. xxxvii-lxii.
- Raz, J. (1986), *The Morality of Freedom* (Oxford: Clarendon Press).
- Rorty, R., Schneewind, J., and Skinner, Q. (eds.) (1984), *Philosophy in History* (Cambridge: Cambridge University Press).
- Rousseau, J.J. (1978), *The Social Contract*, (tr.) Masters, R. and Masters, J. (New York, NY: Hafner Press).
- Sandel, M. (1984), 'The Procedural Republic and the Unencumbered Self', *Political Theory*, 12: 81-96.

Sandel, M. (ed.) (1984), *Liberalism and Its Critics* (New York, NY: New York University Press).

Sandel, M. (1996), *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge, MA: Belknap Press of Harvard University Press).

Sargent, L.T. (ed.) (1997), *Political Thought in the United States: A Documentary History* (New York, NY: New York University Press).

Shapiro, I. and Hardin, R. (eds.) (1996), *NOMOS XXXVIII: Political Order* (New York, NY: New York University Press).

Shklar, J. (1990), 'Montesquieu and the New Republicanism', in Bock *et al.* (1990), pp. 265-79.

Sidney, A. (1990), *Discourses Concerning Government*, (ed.) West, T. (Indianapolis, IN: Liberty Fund).

Skinner, Q. (1978), *Foundations of Modern Political Thought*, vol. 1 (Cambridge: Cambridge University Press).

Skinner, Q. (1981), *Machiavelli* (Oxford: Oxford University Press).

Skinner, Q. (1983), 'Machiavelli on the Maintenance of Liberty', *Politics*, 18: 3-15.

Skinner, Q. (1984), 'The Idea of Negative Liberty: Philosophical and Historical Perspectives', in Rorty *et al.* (1984), pp. 193-221.

Skinner, Q. (1990a), 'Machiavelli's *Discorsi* and the Pre-humanist Origins of Republican Ideas', in Bock *et al.* (1990), pp. 121-41.

- Skinner, Q. (1990b), 'The Republican Ideal of Political Liberty', in Bock *et al.* (1990), pp. 293-309.
- Skinner, Q. (1991), 'The Paradoxes of Political Liberty', in Miller (1991), pp. 183-205.
- Skinner, Q. (1992), 'On Justice, the Common Good and the Priority of Liberty', in Mouffe (1992), pp. 211-24.
- Skinner, Q. (1996), *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge: Cambridge University Press).
- Skinner, Q. (1997), *Liberty Before Liberalism* (Cambridge: Cambridge University).
- Strauss, L. (1958), *Thoughts on Machiavelli* (Chicago, IL: University of Chicago Press).
- Taylor, C. (1989), *Sources of the Self: The Making of Modern Identity* (Cambridge, MA: Harvard University Press).
- Taylor, C. (1991), 'What's Wrong with Negative Liberty', in Miller (1991), pp. 141-162.
- Taylor, C. and Gutmann, A. (ed.) (1994), *Multiculturalism* (Princeton, NJ: Princeton University Press).
- Taylor, C. (1995), *Philosophical Arguments* (Cambridge, MA: Harvard University Press).
- Taylor, C. (1998), 'Living with Difference', in Allen *et al.* (1998).

*Time* (1994a), 'Stampede!: The Republican Romp lets President Clinton Really Feel the Voter's Pain', 21 Nov.

*Time* (1994b), 'Right Makes Might', 21 Nov.

*Time* (1995), 'Stuck in the Middle', 30 Jan.

de Tocqueville, A. (1969), *Democracy in America*, (ed.) Mayer, J.P. (New York, NY: Perennial Library).

Tuck, R. (1993), *Philosophy and Government 1572-1651* (Oxford: Oxford University Press).

Tully, J. (1993), *An Approach to Political Philosophy: Locke in Contexts* (Cambridge: Cambridge University Press).

Viroli, M. (1990), 'Machiavelli and the Republican Idea of Politics', in Bock *et al.* (1990), pp. 143-71.

Viroli, M. (1992), *From Politics to Reason of State: The Acquisition and Transformation of the Language of Politics 1250-1600* (Cambridge: Cambridge University Press).

Viroli, M. (1995), *For Love of Country: An Essay on Patriotism and Nationalism* (Oxford: Clarendon Press).

Viroli, M. (1998), *Machiavelli* (Oxford: Oxford University Press).

*Washington Post* (1995), 'At Clinton's Dinner, Ideas were on the Menu: President Invites 'Big Thinkers' to Camp David in Preparation for State of the Union Address', 20 Jan.

- Weinstein, W.L. (1965), 'The Concept of Liberty in Nineteenth Century English Political Thought', *Political Studies*, 13: 145-162.
- Weisbard, A. (1987), 'The Role of Philosophers in the Public Policy Process: A View from the President's Commission', *Ethics*, 97: 776-785.
- Wikler, D. (1987), 'Introduction: Symposium on the Role of Philosophers in the Development of Public Policy', *Ethics*, 97: 775.
- Wood, G. (1969), *The Creation of the American Republic, 1776 - 1787* (Chapel Hill, NC: University of North Carolina Press).
- Wootton, D. (ed.) (1994), *Republicanism, Liberty, and Commercial Society, 1649-1776* (Stanford, CA: Stanford University Press).
- Worden, B. (1994a), 'Marchamont Nedham and the Beginnings of English Republicanism, 1649-1656', in Wootton (1994), pp. 45-81.
- Worden, B. (1994b), 'James Harrington and *The Commonwealth of Oceana*, 1656', in Wootton (1994), pp. 82-110.
- Worden, B. (1994c), 'Republicanism and the Restoration, 1660-1683', in Wootton (1994), pp. 139-93.
- Young, I.M. (1990), *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press).