

Part IV

Democratizing the Republic, Republicanizing
Democracy

PROOF

PROOF

6 Republicanism and Democracy Revisited

Frank Lovett

In recent decades, there has been a renewed interest in the classical republican tradition in (largely Western) political thought.¹ The classical republicans were a loose tradition of writers beginning roughly with Machiavelli and his fifteenth-century Italian predecessors and running through Harrington and Montesquieu to many Americans of the founding era, such as Jefferson and Madison. These writers shared many common ideas and concerns, such as the importance of civic virtue and political participation, the dangers of corruption, the benefits of a mixed constitution and the rule of law, and so forth. Most importantly, however, they were centrally committed to the value of political liberty or freedom, where this was understood as a kind of independence from arbitrary power or domination. In the ideal political community, no one citizen would be subject to the arbitrary rule of any other; as James Harrington famously expressed it, such a community would be an “empire of laws and not of men” (1992, 8).

This sort of political liberty or freedom, the classical republicans insisted, could only be enjoyed in a self-governing free state or republic. It obviously follows that there must be some sort of connection between, on the one hand, the republican ideal of freedom and, on the other, what we would term (though they generally did not) democracy.² But what is this connection, precisely? How it is best understood? On this point, considerable confusion has accompanied the neo-republican revival. The aim of this paper is to review some of these debates, with an eye toward clarifying the often poorly understood relationship between republicanism and democracy.

1 Constituting Theories

Broadly speaking, we might interpret the strong connection between democracy and freedom in the republican tradition in either of two ways. On the one hand, we might understand them to stand in a sort of constitutive relationship, such that what it means to enjoy liberty in the

republican sense is to live in a democratically organized political community, and vice versa. Republican liberty is thus *constituted by* democracy on this first view. On the other hand, we might understand them to stand in a merely conditional relationship with one another, such that while republican liberty cannot be established on a sound basis except in a democratically organized political community, they are not merely the same thing, differently described. Democracy is thus a *condition of securing* republican liberty on this second view, without itself constituting that liberty. In this section I consider two well-known versions of the constitutive view and argue that they do not represent the best understanding of the classical republican tradition. In fact, they represent fundamentally distinct contemporary political doctrines, which should be assessed – for better or worse – on their own merits.

In order to illustrate the first version of the constitutive view, we might begin with the writings of Hannah Arendt, who some seem to regard as the quintessential neo-republican political theorist. According to Arendt, we should understand freedom as an exercise concept – that is, something we possess or enjoy only in the performance of certain distinctive sorts of activities. Specifically, on her view, we experience freedom through political participation, as for example when we engage in active public debate with fellow citizens on matters of grave importance for our community. Being politically active is thus an intrinsic good – a part of what it means to lead a fully flourishing human life – and thus worth promoting for its own sake. It is easy to see that democracy is constitutive of political liberty on this account; in Arendt's words, democracy is “a space of appearances” for political action, “a theater” where freedom can “appear” through political engagement itself (Arendt 1993, 154).

Many contemporary neo-republicans, such as J.G.A. Pocock, Gordon Wood, and Paul Rahe, adopt something like Arendt's account of republican liberty and democracy, and aim to interpret the historical record accordingly. Sustaining this interpretation essentially involves attributing to the classical republicans an Aristotelian conception of the good.³ Aristotle held that what was good for human beings was to exhibit their distinctive capacity to act according to reason, and this could only be done, he believed, through the active practice of virtuous conduct: to have those virtues exhibiting human excellence (together with the material means necessary to employ them) itself constitutes a flourishing human life. Aristotle further held that among the virtues relevantly exhibiting human excellence was the capacity to rule well and be ruled in turn within a community of equals. On the account of these authors, something like this conception of the good explains why the classical republicans advocated self-government. Only in a self-governing republic

is it possible for citizens to exhibit political virtue and thus lead fully flourishing lives.

In order to distinguish the classical republicans proper from the contemporary advocates of the view just described, let us term the latter *civic humanists*. Civic humanism is essentially a form of perfectionism – that is, a political doctrine according to which certain specific forms of human life should be regarded as objectively more excellent than others. Political institutions and social practices should thus be designed so as to promote or honor those particular forms of human excellence. Now, as a contemporary political doctrine, civic humanism has been criticized primarily on two grounds. First, it is commonly pointed out that the heroic vision of active participation and muscular civic virtue is simply impractical in complex modern societies, where people are pulled in many directions by diverse wants and cares; moreover, the scale of modern politics is such that it is simply infeasible for any significant number of individuals to have more than a token role in the joint government of their community and thereby (apparently) to lead fully flourishing lives. Second, apart from the infeasibility of the civic humanist ideal, it is also criticized as unattractive and elitist. As with any perfectionist political doctrine, it would seem that civic humanism holds out one specific sort of human life as best for all – namely, a life exhibiting civic virtue through active political participation. Why should this be, however? Are there not many different reasonable accounts of the good, and thus many different ways in which human beings can lead flourishing lives? Designing society so as to cater to one particular – and controversial – conception of what it means to live a good life is plausibly regarded as elitist.

Apart from the merits of civic humanism as a contemporary political doctrine, there is the separate issue of whether it offers the most plausible interpretation of the classical republican tradition. Many modern scholars take the view that it does not. Numerous considerations weigh in support of this conclusion, but perhaps the most significant is the overwhelming preference among the classical republicans for citing Roman (rather than Greek) authors and referring to examples from Roman (rather than Greek) history. Consider Machiavelli, for example, a figure absolutely central to the classical republican tradition on all accounts. His major treatment of republican theory is represented by the *Discourses on the First Ten Books of Titus Livy* (2003), which, obviously, abounds in Roman examples. In all of Machiavelli's writings, there is no more than a single (exceedingly obscure) reference to Aristotle, which, together with the absence of any meaningful thought or expression directly attributable to Aristotle's influence, suggests indeed that Machiavelli may not have bothered to read him. Nor is the picture much improved if we turn

to another figure central to the tradition, James Harrington. His major work, *Oceana* (1992), contains a dozen or so references to Aristotle to be sure, but the majority of these are merely casual inclusions of his name – always together with either Livy, Cicero, or Machiavelli – on a list of persons who take a vaguely republican view of things in contrast with Thomas Hobbes. The handful of substantive references to Aristotle indicate that Harrington had definitely read the *Politics*, but for the most part they draw on the practical aspects of that work in order to further bolster Harrington's contention that well-ordered republics must restrain excessive inequality. At no point in Harrington's writings is there any suggestion that he was aware of, much less sympathetic with, an Aristotelian conception of human flourishing as consisting in active political participation. Nor is there much evidence for such a view lurking in any of the other classical republican writers, which is hardly surprising on reflection; for most of the early modern period, Aristotelian ethics remained the province of a scholastic philosophical tradition anathema to the classical republicans and many others (such as Hobbes) besides.

Despite these objections, civic humanism and republicanism proper are often confused with one another. To mention only one relatively prominent example, in his paper on "Three Normative Models of Democracy," Jürgen Habermas contrasts what he terms "liberal" and "republican" understandings of democratic politics. On reading his treatment of the latter, however, it is evident that what he has in mind is what I have here termed civic humanism, not classical republicanism. His critique of "republicanism" as being "too idealistic in that it makes the democratic process dependent on the virtues of citizens devoted to the public weal" (1998b, 244) is perfectly on the mark, provided that we understand him to be discussing civic humanism, not republicanism properly so-called.

The mention of Habermas, however, no doubt brings to mind another way in which we might articulate a constitutive relationship between republican liberty and democracy. Let us suppose that, in the spirit of Jean-Jacques Rousseau, we defined freedom as "obedience to the law one has prescribed for oneself" (1997b, 54). The addicted gambler, for example, is in truth a slave to his desires, even if no one actively stands in the way of his quitting; he would possess genuine freedom only when he succeeds in acting on his second-order desire to rid himself of his first-order desire to gamble. This is what contemporary political theorists and philosophers call the positive concept of liberty and, much like the participatory concept advocated by Arendt and her followers, it represents an exercise conception of freedom. Suppose that through some sort of democratic procedure it were possible to transform the

disparate particular wills of individual citizens into the general will of a political community, and that this general will represented the genuine second-order desires of each citizen in that community. It would follow, then, that each citizen, “while uniting with all” in following the general will, “nevertheless obeys only himself and remains as free as before” (Rousseau 1997b, 49–50). From this point of view, democracy and freedom again stand in a sort of constitutive relationship: for fellow citizens to govern themselves through a democratic process of collective will-formation is precisely what it means for them to enjoy freedom.

Some contemporary deliberative democrats may hold roughly this view of the relationship between freedom and democracy.⁴ More importantly for our purposes, however, it is also a view sometimes attributed to the classical republicans. Lending some credence to this attribution is the fact that Rousseau himself frequently employs traditional republican rhetoric in his writings. But if we search the classical republican sources expecting to discover the account of freedom and democracy just described, we will search in vain. It is manifestly clear that Machiavelli, for instance, held nothing remotely like a positive concept of liberty. In the *Discourses*, for example, he repeatedly states that to be a “free man” is simply not to be “dependent on others,” and likewise that “a free city” is simply a city “dependent upon no one” (2003, 101, 104). It should be obvious that this is not an exercise conception of freedom but rather what might be described as an opportunity conception – in other words, a conception according to which freedom is something we possess or enjoy in the mere absence of specific obstacles. Extensive historical research by Quentin Skinner and others has demonstrated that not only Machiavelli but more or less all the classical republicans held an opportunity conception of political liberty or freedom as independence from arbitrary power or domination; one enjoys freedom, on the classical republican view, simply in the absence of domination.⁵ Given that the classical republicans did not hold a positive concept of liberty, it follows that they cannot have believed democracy was constitutive of freedom in the manner suggested.

What, then, are we to make of Rousseau’s traditional republican rhetoric? There are two possibilities. First, it is possible that the commonly received reading of Rousseau, which I have merely recited above, is mistaken. Some have argued this, and accordingly advance a corrected interpretation of Rousseau according to which he shares the classical republican account of liberty as nondomination (Viroli 1988). The other possibility is that Rousseau is not, in fact, a genuine republican; either he misunderstood the classical republican tradition he sometimes claimed to follow, or else he consciously adapted its rhetoric to suit his own

purposes. Whatever our view of such interpretive questions, the important point is that the classical republicans did not hold a positive concept of liberty according to which freedom consists in self-government through a democratic process of collective will-formation. Indeed, it is fortunate that they did not, for such a view in any case faces grave difficulties. For one thing, in the light of modern social choice theory it is far from clear that the notion of a general will can be given coherent sense; for another, even supposing that it could, the positive concept of liberty is widely thought objectionable from a normative point of view (following Berlin 1969).

2 Constituting Theories: Analytic

Let us grant, then, that the classical republicans subscribed to an opportunity conception of freedom. To possess political liberty or freedom, on their view, was simply to enjoy some degree of independence from arbitrary power or domination. It follows that neither civic humanism nor Rousseau-style deliberative democracy – both built on exercise conceptions of freedom – represent plausible contemporary reconstructions of the classical republican tradition. Both represent distinct contemporary political doctrines, which should be assessed, for better or worse, on their own merits.

But then what are we to make of the classical republican insistence that freedom can only be enjoyed in a self-governing republic? Perhaps freedom and democracy stand in a conditional, rather than a constitutive, relationship with one another. In other words, suppose we hold that democracy, while not itself *constituting* freedom, nevertheless represents a *condition* of securing it. Many contemporary political theorists and philosophers have argued that the classical republicans should be understood as advancing some version of this alternative view. To distinguish them from the classical republicans on the one hand, and from contemporary civic humanists and deliberative democrats on the other, let us term this group of theorists and philosophers *civic republicans*. (This term is narrower than the more generic “neo-republican,” which might be taken to embrace both civic republicans and civic humanists.) Contemporary civic republicans generally argue both that democracy should be understood as a condition of securing freedom, and also that this viewpoint represents the best interpretation of the classical republicans.

How might democracy be a condition of securing political liberty or freedom? Just as there are several distinct ways in which we might regard democracy as constitutive of freedom, so too are there several distinct ways in which we might regard democracy as a condition of securing

freedom, each representing a different camp within the family of contemporary civic republicans. Very roughly, we might distinguish between those civic republicans who argue that democracy is an *analytic* condition of possessing freedom on the one hand, and those civic republicans who argue that democracy is a *pragmatic* condition of possessing freedom on the other. This section will consider the former view, and the next section the latter.

Democracy would be an analytic condition of possessing freedom if we defined freedom in such a way that it would be logically impossible for people to enjoy that freedom in the absence of democracy. How might we do this? All civic republicans understand freedom as an opportunity concept – that is, as something possessed or enjoyed in the mere absence of specific obstacles; in particular, they are agreed that the best understanding of freedom, and the one that best accords with the classical republican tradition, is that it consists in the absence of arbitrary power or domination specifically. But what counts as arbitrary power? Our first thought might be that power can be regarded as arbitrary whenever it is unjust or illegitimate. Alas, this line of thought is a non-starter. If we define arbitrary power as unjust or illegitimate power, and freedom as an absence of the same, then we would in effect moralize our conception of freedom. On such a conception, power counts as arbitrary (and thus as an instance of domination) whenever it is not normatively defensible, and non-arbitrary (and thus as an instance of freedom) whenever it is. But then freedom has no independent weight as a political ideal – it merely adds the superfluous rhetorical tags of “freedom” and “domination” to what we have already identified as good or bad on our underlying moral theory (Carter 2008; Christman 1998; Larmore 2003). This, of course, cannot be the republican view.

For this reason, contemporary civic republicans generally suggest instead that we understand arbitrary power simply as power that is not suitably controlled (Pettit 2012a, 58). Of course, the notion of “control” must be given greater analytical precision in a comprehensive civic republican public philosophy, but for the limited purpose of exploring the connection between freedom and democracy we can here make do with an intuitive sense of its meaning. Roughly speaking, we might suppose that the ability of police to issue coercive threats is controlled to some extent by the judicial system, whereas the ability of successful criminal gangs is must less so – thus, the latter infringe on our freedom from domination much more than the former. Similarly, if the various controls the judicial system imposes on the police are less effective in protecting poor and minority citizens, then the latter enjoy less freedom from domination than others.

So far, so good. But control need not entail *democratic* control specifically – judicial systems, presumably, need not be democratic to control the police. (Whether they would do so more or less effectively if they were democratic remains an open question.) To hold democracy an analytic condition of possessing freedom, some additional qualification must be introduced, and Philip Pettit does just this through his example of the alcohol cupboard. Suppose that in an effort to reduce her alcohol consumption, Andrea hands Bob the key to her alcohol cupboard, with strict instructions not to return them except at twenty-four hours' notice. When Bob, following these instructions, subsequently blocks her attempts to have a drink, we would not be inclined to say that her freedom has been diminished; though he frustrates her immediate designs, he does not impose an alien will over her. From this example, Pettit concludes that we should understand power as arbitrary, and thus freedom-reducing, to the extent that it is not controlled *by those over whom it is exercised* (2012a, 56–58).⁶

From here it is easy to see how civic republicans might regard it as logically impossible to enjoy freedom in the absence of democracy. On such an account of arbitrariness, it follows by definition that citizens can only enjoy freedom to the extent that they themselves control the power wielded by their state. “Any system that satisfies such conditions,” writes Pettit, “deserves to be described as a democracy, since it gives the *demos*, or ‘people’, an ... efficacious degree of *kratos*, or ‘control’, over the state” (Pettit 2012a, 179–180). Many other contemporary civic republicans hold essentially the same view, though they have not always used the precise language that Pettit now prefers. “The key to determining what is arbitrary,” writes John Maynor,

centers 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 ... Thus, existing hierarchies of power can be undermined by *forcing them to account for and track the interests of those they dominate* through the processes and institutions of democratic contestation.

(2006, 137, emphasis added)

To force power to track the opinions or interests of those potentially affected by its exercise is, in effect, to subject it to the control of the latter. Quentin Skinner is even more explicit; on the republican view, he contends,

if a state or commonwealth is to count as free, the laws that govern it ... must be enacted with the consent of all its citizens, the members of the body politic as a

whole. For to the extent that this does not happen, *the body politic will be moved to act by a will other than its own*, and will to that degree be deprived of its liberty. (1998, 27, emphasis added)

It follows that “free states, like free persons, are thus defined by their capacity for self-government. A free state is a community in which the actions of the body politic are determined by the will of the members as a whole” (1998, 26).

Though rhetorically appealing, it is unfortunately far from clear how democratic control over the state is relevantly equivalent to Andrea’s handing over the key to her alcohol cupboard. Suppose, for example, that some democratic community is divided over the question of whether to allow alcohol sales on Sundays. After thorough public debate, it is determined that such sales should be prohibited. Further suppose that this determination was arrived at through an impeccably democratic political process, on whatever view of democracy turns out to be best. Andrea happens to have been in the minority, and when she subsequently tries to sell alcohol at her shop on a Sunday, her efforts are frustrated by the state. Has her freedom been compromised? The difficulty is that, even if we suppose citizens as a group can genuinely control the state in a democratic society, citizens *as a group* do not ordinarily buy and sell alcohol – individual citizens do. For Andrea specifically to experience the state-enforced prohibition as something other than the imposition of an alien will, she must in some plausible sense regard the state as being under *her* control. To point out that she is a member of the group that does control the state merely begs the question; some further argument is surely necessary to show not only that the group does control the state in the relevant sense, but also that membership in said group is relevantly equivalent to controlling the state oneself.

Among civic republicans, no one has thought more seriously about these problems than Pettit himself. It is noteworthy that, sensitive to the serious problems presented by social choice theory, he does not make the common mistake of assuming that individual wills can in any straightforward sense (via majoritarianism, for instance) be aggregated into collective wills, nor the latter in any straightforward sense disaggregated into individual wills. Instead, his argument runs roughly as follows. Consider any group of persons somehow associated with one another – a group of citizens, for example. Presuming that the members of this group are committed to continuing their association, we would expect that in their various discussions and activities they would tend over time to develop a shared set of ideas about the sorts of considerations or reasons that are relevant or admissible in making collective decisions. As Pettit puts it:

The fact that members of our paradigm group will have deliberated ... over different proposals means that in their evolving practice various considerations and criteria of deliberation will have been identified as reasons that are countenanced as relevant to group decisions and group decision-making. They will constitute *a fund of reasons* such that short of raising novel objections, everyone will be expected to recognize them as relevant to group behavior.

(Pettit 2004b, 163, emphasis added; cf. Pettit 2012a, 253–258)

This fund of reasons represents, for that group, a common framework for their deliberations. We would not expect every group to embrace exactly the same sorts of reasons, naturally, but every group must embrace *some* shared fund of reasons or norms, or else deliberation within that group would simply not be possible – there would be no way for the group to decide what to do when its members happened to disagree, as there would be no agreed-on standards for evaluating the alternatives.⁷ This fund of reasons and norms then turns out to be the mechanism of group control:

The decisions taken by government may vary enormously, depending on what particular norms have been endorsed, on who happens to occupy elected or unelected office, and on what those officials come to decide on specific issues. But if the emergent norms are truly effective ... then they should put *a directive and controlling stamp* on what is collectively done in the community. They should filter out offending policies and processes, making room only for modes of decision-making, and actual decisions, that fit with accepted standards.

(Pettit 2012a, 266)

As an example of what he has in mind, Pettit refers to the transformations in British politics brought about by the Great Reform Act of 1832 – specifically, how the inclusion of a wider electorate led to the creation of a modern welfare state by forcing new considerations on elected officials (Pettit 2012a, 272–274).

Significantly, the account of democratic control that emerges here is rather indirect. To return to our earlier example, it would not be correct to say that the specific determination to prohibit alcohol sales on Sundays properly represents Andrea's genuine will, nor even the genuine will of the community. Rather, we can only say that she should not experience that policy as the imposition of an alien will insofar as it was the product of a process whose contours were defined by the collectively generated fund of reasons and norms in her community; that fund permitted the issue's consideration, supplied the relevant considerations for and against its adoption, and approved of the political procedures by which it was settled. Her marginal contribution to the shaping of the fund of reasons and norms was admittedly very small, but – provided the community is

genuinely democratic – her share of influence was as large as it might have been consistent with her fellow citizens having an equal influence.⁸

Pettit may well be correct that, in practice, this sort of attenuated control is the only sort that it is possible for us to exercise over our state under modern conditions of mass democracy. But if so, the rhetorical power of the alcohol cupboard example is considerably diminished. Define democracy broadly enough, and conceptualize control minimally enough, and it will become all too easy to find some sort of analytic connection between freedom and democracy.

3 Constituting Theories: Pragmatic

The main appeal of the analytical view is, no doubt, that it renders the connection between freedom and democracy as tight as possible, without actually collapsing the former into the latter; while democracy does not constitute freedom, it is nevertheless a *logically necessary* condition of possessing it. Democracy does not constitute freedom insofar as the latter is defined by civic republicans in opportunity terms as the mere absence of uncontrolled power. One can thus enjoy freedom whenever there is no power around to be controlled – contrary to Arendt's exercise conception, for instance, according to which freedom can only appear in and through democratic political activity itself. Democracy is nevertheless a logically necessary condition of possessing freedom insofar as under present conditions states are unavoidable, and will thus deprive their citizens of freedom unless controlled by those citizens themselves.

This very strength, however, may also be a weakness. For one thing, it blurs the line between the civic republican conception of freedom as nondomination on the one hand and the various positive or participatory conceptions considered in the previous section on the other. This is something the civic republicans are very anxious to avoid, for reasons we noted in that discussion. Moreover, it is far from clear that it represents the classical republican view. If we look to Machiavelli's *Discourses*, for example, the principal considerations offered on behalf of democracy are twofold. First, he observes that since among elites "there is a great desire to dominate," whereas among the common people "merely the desire not to be dominated," the latter serve as more reliable "guardians of liberty" (2003, 116). Second, he observes that since citizen armies are much stronger than mercenaries, republics should rely on the former rather than the latter; but once you arm the citizen body, "you will have made your population such that you cannot now handle it as you please," at which point democracy is your only practicable option (2003, 121). These are both clearly pragmatic arguments, based on assumptions

about social psychology; neither assumes that freedom somehow logically requires democratic control.

Many of the later classical republicans simply followed Machiavelli. Among the most enthusiastic in doing so, for example, is Marchamont Nedham, whose tract on *The Excellencie of a Free State* (2011) offers no less than fourteen variations on Machiavelli's pragmatic themes. When they did elaborate further, they tended to draw the connection between democracy and freedom directly and pragmatically. One argument popular among the seventeenth-century English republicans, for example, was that encroachments on freedom are much easier to guard against in a democracy. Let us suppose first that most people value freedom from domination, but second that there is a natural tendency of power to corrupt. When power-holders begin to exercise their powers arbitrarily, what are the people to do? As John Milton observed, in autocratic regimes, the rulers are "not to be remov'd, not to be controul'd, much less accus'd or brought to punishment, without the danger of common ruin, without the shaking and almost subversion of the whole land." By contrast, "in a free Commonwealth, any governor or chief counselor offending, may be remov'd and punishd without the least commotion" (1999, 423). This obviously speaks to the pragmatic advantages of democracy in preserving freedom.

Another line of reasoning begins with the observation that preserving freedom requires the widespread cultivation of civic-minded dispositions; our freedom from domination cannot be secure unless people generally respect public laws and institutions, exercise restraint in pressing their self-interested claims, and do their part in supervising public authorities. The most reliable method for cultivating such dispositions, however, is surely to involve people in the political process; as Algernon Sidney observed, "men can no otherwise be engaged to take care of the publick, than by having ... a part in it" (1996, 196). The value of democracy in nurturing civic-minded dispositions later became one of the main themes in Tocqueville's *Democracy in America* (2010).

Historiographical considerations aside, however, there are good normative reasons for resisting the temptation to tie democracy and freedom together through analytic argument. Perhaps the strongest argument for democracy is indeed that it tends to promote freedom, but this argument is trivialized if we define freedom so that it becomes analytically true. Suppose we stipulate that to be happy is to be healthy, wealthy, and wise. It will then be trivial to say that the reason to become wealthy is that it will make you happy – of course it will, on that definition! In order to show that there is a compelling substantive connection between democracy and freedom, we must first conceive of them as two analytically

distinct things. It is thus my view that contemporary civic republicans would do best to stick with direct pragmatic arguments, such as those found in the classical tradition. It is indeed possible to securely possess or enjoy freedom from domination only in a self-governing republic, but this is not for any convoluted or abstract conceptual reason; rather, it is simply because, practically speaking, the people are the best guardians of their own freedom.

PROOF