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Neorepublicanism: A Normative and Institutional Research Program

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Sections:

ABSTRACT

Section:

Neorepublicanism may be defined as the attempt by current political scientists, philosophers, historians, lawyers, and others to draw on a classical republican tradition in the development of an attractive public philosophy intended for contemporary purposes. Three main ideas have been especially prominent in the neorepublican literature. First and most important is the conception of a free person as one who does not live under the arbitrary will or domination of others. Second is the associated conception of a free state as one that attempts to promote the freedom of its citizens without itself coming to dominate them. And third is the conception of good citizenship as consisting in a vigilant commitment to preserving the state in its distinctive role as an undominating protector against domination. The aim of the neorepublican research program is to rethink issues of legitimacy and democracy, welfare and justice, public policy and institutional design, from within the framework that these basic ideas provide.

BACKGROUND

Section:

The term republicanism refers to a tradition of political thought that first took shape during and through the experience of the Roman republic and that was subsequently appropriated by political writers in medieval and Renaissance Italy, in Europe of the seventeenth and eighteenth centuries, and in the founding period of the United States. The figures most commonly associated with this “classical republican” (or “neo-Roman”) tradition include Machiavelli and his Italian predecessors; the English republicans Milton, Harrington, Sidney, and others; Montesquieu and Blackstone; and many Americans of the founding generation such as Jefferson and Madison. Those writing in the classical republican tradition shared a number of common themes and concerns centering on the core idea of a *res publica*—literally meaning “public thing” and traditionally rendered in English as “commonwealth.” A *res publica* was understood in this tradition to mean, roughly, a shared political system in which there is no direct personal rule of some people

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by others, but rather a condition of equal citizenship governed by the rule of law. In the classic expression of Harrington (1992 [1656], p. 8), derived from a passage in the history of Rome by Titus Livy, a republic is “a civil society...instituted and preserved upon the foundation of common right or interest” such that “it is the empire of laws and not of men.”

Here we use the term neorepublicanism to designate the attempts by current political scientists, philosophers, historians, lawyers, and others to draw on this classical republican tradition, adapting and revising its various ideas, in the development of an attractive public philosophy intended for contemporary purposes. Three main ideas have been especially prominent in the neorepublican literature. First, and most important is the distinctive conception of a free person as a person without a master or *dominus*—in other words, one who does not live under the arbitrary will or domination of others. Second is the associated conception of a free state as one that promotes its citizens' freedom from domination, without itself coming to dominate them. Traditionally this was seen as best achieved through the device of a “mixed constitution” and the rule of law, which limit the powers of government. The third idea is the conception of good citizenship as consisting in a vigilant commitment to preserving the state in its distinctive role as an undominating protector against domination. The aim of the neorepublican program is to rethink issues of legitimacy and democracy, welfare and justice, public policy and institutional design, from within the framework that these basic ideas provide. Neorepublicanism, in other words, is a program for research into the normative and institutional implications of these ideas.

Neorepublicanism in this sense should be strictly distinguished from a more communitarian approach that is sometimes described as republican (e.g., Sandel 1996). Among the signal themes in this alternative way of thinking are the dependence of the individual on the community for his or her identity and values, the virtues required of individuals for a community and polity to flourish, and the equation of individual freedom—usually described as “positive freedom”—with active participation in the process of collective will formation. Without rejecting the importance of community and civic virtue, we hold the view that this alternative approach is insufficiently pluralist, that its conception of freedom is poorly defined, and that its credentials as a “republican” political doctrine are dubious. To fairly assess the neorepublican program as we understand it, it is essential not to confound it with this communitarian alternative as many critics have done (e.g., Herzog 1986, Patten 1996, Goodin 2003, Brennan & Lomasky 2006).

Neorepublicanism has its origins in the historiographic works of Fink (1945), Robbins (1959), Pocock (1975), and Sellers (1994), which first revived interest in the classical republican writers and charted the historical continuity of their political ideas. However, it was largely through the contributions of Skinner (1978, 1983, 1984, 1985, 1990a,b) that the republican tradition came to be correctly understood as centrally committed to a negative conception of freedom, in contrast with the more communitarian readings offered in the earlier literature. Building on this insight, Pettit (1996, 1997)—and Skinner (1998) himself—cast the republican conception of freedom as one according to which it is the absence of domination or dependence on the arbitrary will of another, and not the absence of mere interference, that matters (see too Braithwaite & Pettit 1990). This idea of freedom as nondomination has become the crucial unifying theme for those who work within the neorepublican framework, although of course within that frame there are also some differences of emphasis and detail (Pettit 2002).

In the past decade or so there have been numerous contributions to the neorepublican research program. A list limited to books published in English includes general accounts of the tradition presented by Brugger (1999), Viroli (2002), Honohan (2002), and Maynor (2003); collections of papers on the relevance of the approach for political theory

(Weinstock & Nadeau 2004, Honohan & Jennings 2006, Laborde & Maynor 2008) and its relevance for law (Besson & Marti 2009); and a range of studies in which the neorepublican conception of freedom as nondomination, broadly understood, has been a guiding thread (e.g., Braithwaite & Pettit 1990, Richardson 2002, Slaughter 2005, Bellamy 2007, Bohman 2007, White & Leighton 2008). Apart from these volumes, there has also been a large and increasing number of articles published on neorepublican themes, both for and against, and a growing literature in other languages as well—French, Italian, and Spanish in particular.

The European interest in neorepublicanism has been encouraged by a renewed interest in the historical origins and development of the classical republican tradition (Van Gelderen & Skinner 2002, Spitz 2005). It has also been boosted by the fact that after his election in 2004, the president of Spain, Jose Luis Rodriguez Zapatero, explicitly adopted republicanism as a philosophy of his government, employing it to articulate a range of social-democratic public policies (Pettit 2008a).

In this review, we examine the defining features of neorepublicanism as a contemporary public philosophy, arguing for those features on the basis of our own understanding of republicanism's core ideas. Broadly speaking, we regard a public philosophy as a program for generating positions on political issues that can be avowed and employed as such by the diverse members of a democratic society. At the conclusion of this review, we consider the desiderata for a public philosophy in greater detail, and point out the attractions of neorepublicanism in those terms. The body of the review has three main parts. In the first, we elaborate on the neorepublican conception of freedom as nondomination; in the second, we outline the various public policies that a commitment to the ideal of freedom from domination would plausibly require; and in the third, we consider some lessons for constitutional and democratic institutional design that might be derived from neorepublican premises.

Our comments in the second and third parts of the review express our sense of what adopting a neorepublican public philosophy is likely to entail, given plausible empirical assumptions. Our proposals, accordingly, are tentative and suggestive only. This is, of course, just what one would expect in an ongoing research program, as opposed to a detailed and comprehensive ideology.

FREEDOM AS NONDOMINATION

Section: 

Absolutely central to the neorepublican program is the conception of political freedom as nondomination. In this section, we clarify this conception and contrast it with various other competing conceptions that are perhaps more familiar to many readers.

The Republican Conception of Freedom

What does it mean to say that a person enjoys “freedom”? On one very common view, first popularized in the late eighteenth century by Jeremy Bentham and William Paley, a person is free simply to the extent that her choices are not interfered with by others. There are many variations on this basic notion, depending on how exactly one characterizes “interference,” but they all share the intuition that to be free, more or less, is to be left alone to do whatever one pleases: to not be blocked by the obstructions of others and, in most versions, to not be burdened by their coercive threats.

This view, however common, has some strange implications, and a good way to appreciate the case for the republican alternative is to notice some of these. For example, let us imagine a group of slaves with a generally well-meaning master. Although it is

common knowledge that the master has the ability to treat his slaves more or less as he pleases (to whip them just because he had a bad day, for example), let us suppose that he leaves his slaves alone for the most part. On the noninterference view, we are committed to saying that they enjoy some measure of freedom in their slavery. This is surely counterintuitive: Even when the master leaves his slaves alone, the fact remains that they live under his supervision and control, and he is able to impose his will actively whenever he wishes.

The noninterference view of freedom also supports other strange implications. It forces us to say that the slaves of the well-meaning master enjoy greater freedom than the slaves of an abusive master down the road. Certainly, the former are better off in some respects, but it is decidedly odd to say that they are more free. After all, they are all equally slaves and equally subject to the will of their respective masters. Next consider a slave who, over time, comes to understand her master's psychological dispositions better and better. Taking advantage of this improved understanding, she generally manages to keep on her master's good side, and consequently is interfered with less and less. Again, on the noninterference view, we are apparently committed to saying that her freedom increases over time. This does not square with our strong sense that slavery, whether one's master is good, bad, or indifferent, is the quintessential state of unfreedom.

On the traditional or classical republican view, by contrast, freedom consists not in the absence of interference, but rather in the absence of subjection to any individual or body that operates like a master. It consists, for short, in the absence of domination (Spitz 1995; Pettit 1997, 2001a, 2005; Skinner 1998; Viroli 2002).

Domination is variously analyzed, but most definitions converge roughly on the idea of one person's having arbitrary or unchecked control over the choices of another (Wartenberg 1990; Pettit 1997, 2008c; Lovett 2001, 2009). I dominate you in a particular choice to the extent that I have the capacity, not subject to your direct or indirect check, to interfere in the choice, and I can employ that capacity to make it more probable, defiance apart,¹ that you will choose to my pleasure or taste. I may employ my capacity in any of at least three ways:

1. I may exercise the capacity in active interference, trying to push you in my desired direction.
2. I may hold the capacity in reserve against the possibility that you are not disposed to go in the direction I prefer. That is, I may “invigilate” or monitor your choice for that possibility but allow you otherwise to choose as you are inclined.
3. I may make a display of the capacity, thereby intimidating you into making preemptive adjustments in my favor. For example, you may censor your choice so that it conforms to my taste.

Employed in any of these ways, the unchecked capacity to interfere will give me a degree of arbitrary control over your choice.²

One of the clearest historical statements of a view like this is Locke's (1980 [1690], p. 17) assertion that freedom consists not in “a liberty for every one to do what he lists,” but rather in being not “subject to the inconstant, uncertain, unknown, arbitrary will of another man.” Because Locke broke with classical republicanism in other respects and is often regarded as the founder of liberalism, it is striking that he remained faithful to the tradition on this count. Indeed, before Bentham and Paley, the only serious writer of note to hold something like the noninterference view was Hobbes, who might fairly be described as its true innovator (Skinner 2008; Pettit 2008d, ch. 8). Hobbes introduced the noninterference view with a specific polemical purpose in mind: During the period of the English Civil War, the commonwealth cause was frequently defended on the grounds that the institution of monarchy was inherently dangerous to political freedom (Skinner 1998,

Lovett 2005). On the noninterference view, however, this was not necessarily the case, since republican governments might well interfere in the lives of their citizens as much as or more than any monarch, and thus “it were very absurd for men to clamour as they do, for the liberty they so manifestly enjoy” (Hobbes 1998 [1651], p. 141). By advancing the noninterference view of freedom, Hobbes hoped to undermine the arguments advanced by the defenders of the commonwealth (Skinner 1998, 2008). As it was, however, few adopted Hobbes' line until Bentham resuscitated it more than a century later.

Contrasting Conceptions of Freedom

In an extremely influential essay that, until recently, set the terms of contemporary debate on the topic, Berlin (1969) distinguished between what he termed the “negative” and “positive” conceptions of liberty. Because this distinction is familiar to many readers, we aim to further clarify the republican conception of freedom with reference to Berlin's discussion.

What Berlin described as the negative conception of liberty more or less corresponds to what we have called the noninterference view—namely, the idea that people are free strictly to the extent that their choices are not interfered with by others. Berlin's positive conception of liberty is not so easy to characterize. Roughly speaking, a person or group is free in the positive sense to the extent that they exercise some degree of self-control or self-mastery, but it is not agreed what exactly constitutes self-mastery. According to one influential account, to be free in the positive sense is to be able to act on one's second-order desires (Frankfurt 1971). For example, the addicted gambler may be free in the negative sense to refrain from gambling—i.e., in the sense that no one actively forces him to gamble—but he is not free in the positive sense unless or until he can successfully act on his presumed second-order desire not to desire gambling. On another account, which might have its origins in the writings of Rousseau, the relevant sort of self-mastery is achieved through active participation in the process of collective will formation. We (collectively) are free, on this view, only when our (individual) passions and desires are governed by laws and constraints that we (collectively) have actively chosen for ourselves.

The troubling implications of this positive conception of liberty, however formulated, were discussed extensively by Berlin and need not be rehearsed here. For the most part, they stem from the problem that freedom in the positive sense would seem to license extensive coercion on behalf of people's allegedly real or genuine interests—whether they endorse such coercion or not. It is worth emphasizing here that the republican conception of freedom as nondomination is in no sense a positive conception of liberty. On the republican view, the enjoyment of freedom requires only that we not be subject to domination; it does not require that we successfully exercise self-mastery in any of the aforementioned senses. (Unfortunately, the above-noted confusion of neorepublicans with communitarians—who do sometimes advance a positive conception of freedom—has misled a number of critics.) This would seem to imply that the neorepublicans must hold a negative conception of freedom, and in a certain loose sense this is true. The republican view is negative in the formal sense that it characterizes freedom as the absence of something—namely, the absence of domination. It would be a mistake, however, to infer from this that there is no real difference between the older republican view and the noninterference view that later became standard. On the noninterference view, as advanced by Hobbes, Bentham, and the rest, freedom is only removed by interferences, and it is always removed by interferences. The republican view rejects both the “interference-alone” thesis and the “interference-always” thesis.

The illustrations discussed in the previous subsection contradict the interference-alone thesis. From the earliest Roman times, it was understood that freedom required not being under the power of a master—in *potestate domini*—even if that master was quite benevolent and allowed you considerable leeway. A kindly rider might give a horse free

rein, but the very presence of a rider in the saddle means the horse is not free. Everything done within the domain of your master's power is done by his leave and under his control. You might make this or that choice and enact it successfully, but only *cum permissu*—by his leave or under his supervision. The theme is well summarized by Bentham's contemporary, Richard Price (1991 [1778], p. 77): “Individuals in private life, while held under the power of masters, cannot be denominated free however equitably and kindly they may be treated.” In other words, to be dependent on the arbitrary power of another is to lack freedom, even when, as it happens, your choices are not actively interfered with.

The republican conception of freedom also contradicts the interference-always thesis. This is because one person's interference in the choices of another need not always be arbitrary: Being allowed and indeed dictated by Ulysses, his sailors' lashing him to the mast is the very paragon of nonarbitrary interference. In the classical republican tradition, this thought is most commonly expressed in the refrain that an empire of law, unlike an empire of men, is not a dominating regime. The laws may impose taxation on all, coerce all with the threat of punishment for disobedience, and impose penalties on those who in fact disobey, but still, so the idea goes, such interferences will not be arbitrary if they are formed in accordance with the will of the subjects and framed so as to protect those subjects from domination by others. In the words of Harrington (1992 [1656], p. 8), nonarbitrary laws are those “framed by every private man unto no other end (or they may thank themselves) than to protect the liberty of every private man, which by that means comes to be the liberty of the commonwealth.” Notice that although this view requires that the laws be subject to people's influence—that is implied in the phrase “or they may thank themselves”—it is not the view associated with Rousseau that people's freedom consists in their being in participatory control of the laws of the community. William Blackstone's (1979 [1765], p. 122) *Commentaries on the Laws of England* sums up this long tradition—soon to be challenged by Bentham—in the remark that “laws, when prudently framed, are by no means subversive but rather introductive of liberty.”

The classical republicans recognized that negative liberty in the noninterference sense (sometimes described as license) might be reduced by laws, but they argued that the freedom that mattered, republican freedom as nondomination, was established by the laws and not jeopardized by them. Thus Locke (1980 [1690], p. 32) comments that “the end of Law is not to abolish or restrain, but to preserve and enlarge Freedom.” At least this can be so when the law is indeed controlled by the people, with a view to their protection, and is not driven by the private passion or interest of particular factions or tyrants; if it were so driven, then the law itself would represent a form of arbitrary power.

Freedom and the Free Citizen

So far, we have argued for three distinctive claims: first, that a person is free insofar as she is not subject to domination; second, that domination may be present without actual interferences; and third, that interferences may be present without domination. In rounding out our discussion, one additional element is required. The classical republican tradition did not focus, as we have largely done, on the freedom of an individual in one or another choice or range of choices, but rather on the overall condition of persons: on freedom in the sense of a status enjoyed by “freemen” or “free citizens” in the traditional terminology. How does our discussion of freedom from domination relate to the traditional idea of a free citizen? Roughly speaking, the connection lies in the observation that freedom in the republican sense can only be enjoyed when it has been institutionalized in an appropriate manner (Pettit 1997, Maynor 2003). This can be seen as follows.

To enjoy freedom in the republican sense requires that we enjoy some sphere or range of choices within which we need not fear others exercising arbitrary power or control over us. (We say nothing here on the definition of that range, but see Pettit 2008e.) This

assurance, in turn, will be sufficiently resilient only when that protected sphere does not depend on the mere will or pleasure of others—that is, when it is protected by stable institutions that no political actor or small set of actors can upset unilaterally. So far so good. But then notice that this virtually commits us to something very much like citizenship for all on an equal basis.

Suppose that in some society generally governed by the rule of law, only some of the members of that society have access to the instruments of political authority. Now it may be that, as things stand, everyone in that society enjoys some measure of freedom from domination as a matter of custom, but the freedom of some rests on a different and less reliable basis than the freedom of the others. Those persons whose freedom from domination rests merely on convention are marked, one might say, by a badge of vulnerability: Any rules and procedures designed to protect their sphere of nondomination are much less likely to be effective in particular cases. According to Machiavelli (1970 [1531], pp. 110–11), this was more or less the position of the plebians in the early Roman republic: “when the city became free, it lacked many institutions essential to the preservation of liberty,” since the plebs lacked access to full political and civil rights; later, “friction between the plebs and the senate” led to the extension of equal citizenship to the former, and this finally “made a perfect commonwealth.” Thus we find that genuine freedom from domination requires the extension of equal citizenship rights to everyone. This bundle of citizen-rights constitutes a legal expression of the status “free person” in a given society.

Historically, of course, the classical republicans would have intended to confer this free-citizen status on propertied, mainstream men only. Contemporary writers have often pointed this out by way of an attack on the neorepublican program (e.g., Goldsmith 2000, Goodin 2003), but there is no reason to believe that it was not merely the reflection of the prejudices of the day. Once we adopt freedom from nondomination as our paramount value, and combine this with a commitment to the equal moral worth of all human beings, we see that the same logic discussed above drives us just as powerfully to extend equal citizenship to women, to the socially and economically vulnerable, and so on. Indeed, it is the alternative view of liberty as noninterference that performs rather poorly on this score. If our only concern were to reduce the degree to which individuals are usually interfered with, then we would be indifferent, except on grounds of expediency, as to the means by which this might be achieved. Thus it might be argued that women can do just as well as men in terms of their freedom from interference, even if their freedom rests on the benevolence of their husbands whereas the freedom of husbands rests on their status as full citizens. This sort of argument would not be admissible within the neorepublican framework of ideas but was strongly defended, for example, by Bentham's disciple, James Mill (Lively & Rees 1978).

THE NEOREPUBLICAN POLITICAL PROGRAM

Section: 

In this section we consider in outline the sort of political program that a neorepublican state should pursue—the public policies it should aim to advance. We do this here in abstraction from issues having to do with the sort of organization that the state should exemplify; this will be the topic of the next section, which raises issues of constitutional design and democratic control.

Our discussion here must be tentative, since the policies that a commitment to the ideal of freedom from domination would require the state to promote will depend on empirical assumptions beyond the scope of this review. The suggestions we make are thus formulated in light of what we believe are plausible assumptions, but that claim is always,

of course, open to challenge. Our suggestions are also tentative in another way: They are designed to illustrate where neorepublicanism might lead a state, but they do scant justice to the full range of proposals that a systematic and imaginative exploration of the research program would generate.

Nondomination as an Aim

In order to illustrate the likely public policies of a neorepublican state, it is useful to contrast its profile with that of an alternative program. We opt for considering the state that is concerned, exclusively, with the promotion of freedom in the Benthamite sense: freedom from interference. This might be described as the “libertarian state”—a state that is liberal in the right-of-center sense. Whereas right-of-center liberalism makes freedom from interference the unique or supreme value for the state to promote, left-of-center liberalism takes this as a value on par with other distinct values such as equality and welfare. What neorepublicanism supports on the public policy front is much closer to the likely proposals of left-of-center liberalism. On issues of material and social security, for example, there is likely to be a considerable overlap with the capabilities approach defended by [Sen \(1985\)](#) and [Nussbaum \(2006\)](#), which may spring from a convergence on the driving conception of liberty ([Pettit 2001b](#), [List 2004](#)). The overlap with left-of-center liberalism has sometimes been regarded as an objection to neorepublicanism (e.g., [Patten 1996](#), [Goodin 2003](#)), but the fact that the two political doctrines converge in this way should not be surprising; different axioms can support the same theorems. Furthermore, the overlap does not diminish the attractions of neorepublicanism, since neorepublicanism has the obvious advantage of working from a single paramount value, that of freedom from domination, and it can invoke this value, not only in defense of specific public policies, but also in support of constitutional and democratic institutional designs (as we discuss below).

In considering the contrasting policy implications of freedom from domination and freedom from interference, we make two simplifying moves. First, we take each value to represent a good that is to be promoted overall, rather than a source of deontological side constraints on how the state is to act; and second, we remain agnostic as to whether the aim in each case is to achieve roughly an equality of freedom or to achieve the greatest total freedom in sum or aggregate. As a matter of fact, we believe that the promotion of nondomination in sum will tend to coincide with the promotion of equal nondomination, and moreover that there is an important contrast in this respect with noninterference, although we do not address that claim here (but see [Pettit 1997](#), ch. 3; [Lovett 2001](#)). Likewise, we believe that the promotion of nondomination as a goal is bound to require the acceptance of various side constraints by the promoting agents, in particular the state; again, however, we are not trying to defend that claim in this review ([Pettit 1997](#), ch. 7).

What are the likely differences between promoting freedom from domination and promoting freedom from interference? What is the difference, in particular, if “promoting” has the usual meaning of maximizing (equal or sum total) expected nondomination or noninterference? Some critics have suggested that maximizing expected noninterference is sufficient to support most of the more intuitive neorepublican public policies ([Goodin 2003](#); [Goodin & Jackson 2007](#); [Waldron 2007](#)), but this is a mistake we should put to rest from the start. Noninterference might well be at a maximum in situations where people are nevertheless subject to severe domination ([Pettit 2008b](#)). Imagine a scenario in which some individuals suffer little or no interference from more powerful others, but only because the less powerful anticipate the desires of the more powerful and censor everything they do so as not to trigger interference. Or imagine that some individuals suffer little or no interference from more powerful others, but only because the less powerful put a lot of work into ingratiating themselves with the more powerful, thereby inveigling them into allowing relatively free rein. In the cases of self-censorship and self-ingratiation, there will be little interference from others, but there will

still be domination. Hence the goals are clearly distinct.

As a general matter, if our aim is to promote expected noninterference alone, we are indifferent in principle as to the means for achieving this. For example, given that one has a master, the most efficient means of securing extensive freedom from interference might be to aim—in the spirit of the old “mirror-for-princes” literature—to make one’s master a more congenial person. Indeed, the greatest aggregate or equal level of noninterference for a given society might well be most efficiently achieved by a benevolent despot. This is not the view of neorepublicans. If our aim is to promote nondomination, we must favor as a matter of principle the strategy of reducing or removing the condition of mastery as such. The only point that should be conceded here is that, if the resources available are so limited that it is impossible to reduce or remove mastery, then those limited resources should indeed be used to reduce the probability of interference. Reducing the probability of interference may require merely protecting the options that people are likely to choose, rather than all of the options that are relevant; or merely protecting them only against the powerful who are actually disposed to be hostile, not against all the powerful who could prove to be hostile. Such strategies will not make people free in the republican sense, but they might offer a second-best option when resources are limited (Pettit 2008b).

The Neorepublican Policy Portfolio

If freedom from interference is set as the supreme goal of public policy, then two conclusions follow. First, by the interference-always thesis, every intervention the state might undertake reduces people’s freedom; and second, by the interference-alone thesis, such interventions are only justified on the grounds of freedom when they compensate for interferences from other sources—in particular, when the state’s interventions prevent more interference than they themselves perpetrate. This approach is politically constricted, since every policy intervention constitutes a form of interference and thus counts as a violation against freedom. And the approach is socially complacent, since only cases of interference by some parties in the lives of others—or the sorts of vulnerability that make such interferences likely—are a matter for concern from the point of view of freedom. Neorepublicanism, by contrast, is politically less constricted, insofar as state action can be rendered nondominating, as we discuss in the next section. And it is socially less complacent in recognizing a range of concerns besides those associated with the practice or probability of interference. Some people may hold others in conditions of domination, without its being likely that they will engage in actual acts of interference (since self-censorship or self-ingratiation by others may make this unlikely). Neorepublicans thus find a reason for concern in any contexts where domination is present or likely, whether that domination manifests itself as active interference or mere supervision and intimidation. Neorepublicanism does not restrict our focus to just those cases where interference itself is likely.

We expect that four broad areas of public policy will increasingly assume importance within the neorepublican literature. The first is the general need to provide citizens with a flourishing civil society and economic order on the basis of which to enjoy their freedom from domination. There can be no general enjoyment of republican freedom without a reliable rule of private law, a culture of civic trust, a reasonably prosperous economic life, and a sustainable environment (Pettit 1997, Viroli 2002). Together, the various public policies tending to these background conditions might be described as providing the “infrastructure” of nondomination.

Apart from these infrastructural policies, any state—and certainly any neorepublican state—is bound to countenance three other sorts of policies. We can describe these respectively as functioning-centered policies, vulnerability-centered policies, and offender-centered policies:

- Functioning-centered policies seek to ensure a decent system of education and

information as well as security on social and medical fronts. These policies are important to guard people against being drawn into exploitatively engineered, dominating relationships (Dagger 2006, Lovett 2009).

- Vulnerability-centered policies concentrate on the special needs of empowerment that certain members of the society might have: for example, women, workers, and minorities (Pettit 1997, ch. 4).
- Offender-centered policies guard against would-be criminals on the domestic front (Braithwaite & Pettit 1990) and, on the international front, against the threats to the people as a collectivity posed by other states, exploitative corporations, and terrorist networks (Pettit 2009a).

Of course, many similar public policies are also endorsed by other public philosophies (right-of-center liberalism, perhaps, excepted). Despite differences in emphasis and detail, one might still wonder what makes the neorepublican program distinctive. The complaint is sometimes made that where neorepublicanism does offer distinctive ideas, they tend to be of a conservative bent (Goldsmith 2000, Goodin 2003, Brennan & Lomasky 2006). This could not be further from the truth, as we now attempt to show.

Neorepublicanism as a Progressive Public Philosophy

One of the core ideas in nineteenth-century workers' movements, whether of a Marxist or a social democratic character, was that of wage-slavery: the idea that those who labored in the new manufacturing industries were slaves insofar as they were exposed to the arbitrary power of masters who could fire them at will and ensure that they were not employed elsewhere. Victor Hugo's *Les Misérables* documented this predicament, but it was familiar to anyone who fought for the right of workers to organize in unions and establish a countervailing power to the power of their employers. On the socialist view, the existence of uncontained employer-power, not just its exercise, makes workers into slaves. And that socialist account of the predicament of laborers only made sense within the republican conception of freedom as nondomination. Socialism was the offspring, in the industrial arena, of classical republicanism (Skinner 1998). Not only did socialism depend on the republican conception of freedom as nondomination in order to advance the idea of wage-slavery, but also that very formula had its origins in republican circles. Talk of wage-slavery arose in the early years of the American republic when the fear was raised that those employed in manufacture would be “wages-slaves” and would be exposed to “that haughty, overbearing disposition, that purse-proud insolence” of the industrial employer (Sandel 1996, pp. 153, 172–74).

The socialist movement was not alone in invoking the republican conception of freedom. The feminist movement took a similar turn in arguing against what was sometimes called “white slavery” in the nineteenth century (Pateman 1988, p. 123). This was the counterpart to the wage-slavery decried by socialists. The feminist complaint was that so long as women lived under the thumb of men, subject to their control and supervision, they would remain unfree. Their husbands might not exercise force or coercion or manipulation in active interference, but they still controlled how women lived and, to the extent that men enjoyed such control, women lived in subjection and slavery. The idea is well expressed in Ibsen's play, *A Doll's House*. Nora is denied nothing but macaroons by her doting husband, Thorvald, and even this restriction is a light burden, since she is able to hide the macaroons in her skirts. As Ibsen makes clear, however, her comfortable existence is entirely blighted by her husband's unquestionable power over her. The existence of that power is an evil in itself, even though it is scarcely ever exercised. Nora is not, we might say, *sui juris* — she does not live in her own jurisdiction, but under the rule and mastery of her husband.

How should the neorepublican state guard the economically and socially vulnerable against domination? There are many forms such protections might assume, and

institutional imagination is required to ensure that a variety of possibilities are put on the table. Consider, for example, some possible protections for the more vulnerable party in domestic or workplace relations. The vulnerable might be given rights that enable them to trigger the law against certain abuses, such as the right of a worker to sue for wrongful dismissal or the right of a woman to charge her husband with domestic violence. Or the vulnerable might be given more powers with which to counter their domination, as when workers are allowed to strike or wives to seek separation or divorce on a no-fault basis. Or the alternatives available to the vulnerable might be improved, as when a state income is available to those workers who leave employment or when the victims of domestic abuse can find refuge in homes for battered women.

It is essential to recall here a point made above: The forms institutional protections should take must be shaped by empirical experience of the effects of those protective policies. Philosophy and theory alone cannot dictate the best way of doing things. Should there be a universal health care system, or provision for universal health insurance? Should there be a means-tested social security arrangement, or something on the lines of the basic income proposal (Pettit 2007, Raventos 2007, Lovett 2009)? Should police forces be organized centrally, or only locally, or both? Should the power of wealth be regulated by high marginal rates of taxation, as was more common in the middle of the last century, or by restrictions on what might be done with money, or by incentives to provide money for public purposes, or by a variety of such measures (Dagger 2006)? Should special rights be extended to minority cultures? Questions such as these must be resolved, not as a matter of abstract principle, but on the basis of empirical study. Neorepublicanism may set the agenda for such research, but it cannot determine in advance the results it will turn up.

Before concluding this section, however, we mention one area of recent and promising neorepublican developments—namely, international politics. This domain might be roughly divided into two topics. The first concerns the appropriate foreign policy stance of a state guided by neorepublican values. It is sometimes pointed out that a decidedly militaristic strain runs through the classical republican writers (Goodin 2003), which is true enough; until recently, however, republics were rare, and they were often dangerously situated in an unfriendly international arena. The classical dilemma for the republican state was how to survive in such a hostile environment without undermining domestic republican institutions (Deudney 2007). The solution eventually arrived at was to expand in scope—by creating either large federated republics (e.g., the United States), or networks of alliances among republics. Thus, far from having any intrinsic tendency toward militarism, the foreign policy of a neorepublican state naturally supports the promotion of what is now called the “democratic peace” as the most viable means for protecting republican institutions and values.

This brings us to the second main topic in the domain of international politics: the neorepublican stance on international institutions, or what might be called a “republican law of peoples” (Pettit 2009a). Recent work has imaginatively explored the options for enhancing freedom from domination around the world, and combating the dangers of autocratic states, unaccountable multinational corporations, and so on (Quill 2005, Slaughter 2005, Bohman 2007). States with common vulnerabilities have to unite in common cause against more powerful international actors and ensure that they are not subject to arbitrary power or control, whether that comes about via interference—which may be military, diplomatic, or economic—or mere supervision and intimidation. States have to establish institutional means and a common international discourse on the basis of which to regulate their relations with one another, to identify nondominating resolutions of their difficulties, and to provide as well as possible for human beings who live in states that cannot serve their citizens properly or that actually abuse them. Here, as elsewhere, the republican approach points in a sensible direction. It gives us an ideal that is richer than the Westphalian ideal of nonintervention, but not so utopian as the ideal of cosmopolitan justice.

THE NEOREPUBLICAN CONSTITUTION

Section: ◆

The public policies discussed in the previous section, as we indicated, were considered in abstraction from the question of what sort of organization the neorepublican state should exemplify. In this section, we turn to this question, which is perhaps the more familiar aspect of the republican tradition in both its classical and its contemporary manifestations.

The discussion begins naturally with a challenge. Wouldn't a neorepublican state that was willing and able to undertake all the public policy interventions we have suggested become too powerful and intrusive? And would it not then slide into some unwanted form of totalitarianism? The challenge is one that republicans have long considered in the form of the question: *Who will guard against the guardians (Quis custodiet ipsos custodes)?*

We argue that the citizens of the republican state are well protected against this danger, because self-limitation is built right into the neorepublican ideal. An excessively powerful and intrusive state might easily become a dominating agent in society, and since the neorepublican aim is to reduce domination from all possible sources, republicanism entails placing limits on government power. The question, again, is as to the most expeditious means for doing this, and the answer given in the classical republican tradition is clear and consistent: The people themselves are the best protectors of their own freedom. In other words, it is only in a *res publica*—a political system that does not rely on the direct personal rule of some by others, but rather is organized as a community of equal citizens governed by law—that our freedom from domination will have the resiliency we want from a “free state.” The issue, then, is how to cash out this idea.

Traditional Republican Strategies

In the classical republican tradition, three strategies were particularly favored. The first is the idea of a “mixed constitution.” Based on an analysis of the political system of republican Rome, the classical republicans frequently endorsed the idea that through a balancing of the various social classes, each represented through a different political institution, the government as a whole would be prevented from overreaching itself. This idea was adapted by Montesquieu into the famous idea of a separation of powers, and thence inherited by the framers of the American constitution. The second is the related idea of constitutionalism or an empire of law. This is, roughly speaking, the idea that final authority on any issue should not rest with a single unlimited center of power—not even the people as a whole—but should rather depend on a shared, popularly controlled system of law and convention. This idea manifests itself, for example, in the principle that wronged citizens can bring cases against the officers of the government itself and have those cases adjudicated by independent courts, and in the principle that certain “constitutional rights” trump ordinary legislation (on these first two strategies, see [Pettit 1997](#), [Maynor 2003](#); and for a dissenting view, see [Bellamy 2007](#)).

Both of these ideas were later adopted by liberals and others, and no longer have a uniquely republican stamp. A third idea, however, remains reasonably characteristic of the republican tradition: the definition of good citizenship as consisting in a vigilant commitment to holding the state to its domination-reducing aims, while preventing it from becoming a source of domination itself. Classically, this idea manifested itself as “civic virtue.” Broadly speaking, there are two topics to consider here: On the one hand, there is civic virtue and the danger of its corruption on the part of public officials; on the other, there is civic virtue and the danger of its corruption on the part of citizens in general.

With respect to the former, republicans typically reject the view (common in the liberal tradition) that public officials are by nature corrupt. They instead view individuals as inherently corruptible but not necessarily corrupt (Pettit 1997, ch. 8). Working from this assumption, it is a strictly pragmatic and empirical question what configuration of public laws, institutions, and norms is most likely to minimize the danger of corruption and enhance the civic virtue of public officials. Options here include screening procedures on the selection of officials, rules and norms keeping some policy options out of bounds, and both positive and negative sanctions. In designing such institutions, it is important not to assume the worst of people, for otherwise we might inadvertently encourage (through an evident lack of trust) the corrupt behavior we aim to guard against (Braithwaite 1997).

Promoting civic virtue on the part of the citizens in general is just as important from a republican point of view. The widespread enjoyment of republican freedom is most likely to be optimized in a society where the citizens are committed to that ideal, and each is willing to do his or her part in realizing it. For example, through collective political action, citizens can bring instances of domination to public attention; they can support laws and policies that would expand republican freedom; and they can do their part in defending republican institutions when called upon to do so. Promoting this sort of commitment to republican ideals requires a fairly robust program of civics education, together with a culture that rewards virtue with public esteem (Dagger 1997, Pettit 1997, Honohan 2002, Maynor 2003, Brennan & Pettit 2004).

It should be emphasized here that citizens do not enjoy republican freedom, on the neorepublican view, by being virtuous—that would be some version of the positive liberty notion. Civic virtue is, however, instrumentally useful both in bringing about the right sorts of laws, institutions, and norms on the one hand, and in ensuring their durability and reliability on the other. Indeed, to guard against this common misunderstanding, it might be better to speak of “civic-minded dispositions” rather than civic virtue, but the traditional terminology is deeply rooted in the literature.

Nondomination and Democracy

The traditional republican strategies of a mixed constitution, an empire of laws, and good citizenship might go a long way toward assuring us that the state will not itself become a source of domination, but neorepublicans recognize that these strategies will only go so far. No matter how carefully designed, the operation and functioning of government necessarily entails considerable discretion on the part of state authorities (Pettit 1997, Richardson 2002). There are two especially significant instances of this. First, it is clear that no system of explicit rules and regulations, however detailed and carefully crafted, can possibly cover all contingencies and circumstances. It follows that discretionary authority must inevitably be left in the hands of courts, public agencies, and administrative bureaucracies. And second, even apart from this, legislatures have extensive discretion to set public law and policy in the first place. A daily changing system of rules is little better than having no rules at all.

How might we address this problem and ensure that the unavoidable discretionary powers wielded by state authorities do not become dominating (Dawood 2008, Pettit 2009b)? In particular, how can we address it so as to avoid one line of complaint in the literature (McMahon 2005) to the effect that once republicanism defines procedures under which the state operates nonarbitrarily, it will make the state authoritative on the question of whether a given policy—or a private, policy-licensed intervention—is arbitrary or not (Pettit 2006)?

Our first thought might be that arbitrary power or control need only become dominating when we are compelled to submit to it—when we are dependent on those who would wield it over us (Lovett 2001, 2009). Thus, one way to reduce the domination of workers by their employers, women by their husbands, and so forth, is to promote and protect

viable opportunities for exit. Might we similarly reduce domination emanating from state authority by granting citizens the right of exit? Unfortunately not. Even if we carefully protect the right of emigration, this right amounts to little in practice. Quite apart from the personal and social costs involved in emigration, one must have a place to go. For better or for worse, there is no possibility of emigrating to a stateless territory that is free of coercive law: the Earth's habitable surface has been divided up without remainder between states. It follows that aiming to reduce dependency on the state will not get us very far.

Our second thought might be that, failing a viable right of exit, we might instead give each citizen a veto right over state action. In this way, each citizen might protect him- or herself from the potentially arbitrary exercise of discretionary government authority. To even state this idea, however, is to recognize how infeasible it would be. It would generate an unworkable patchwork of law and policy.

Having cleared away these false starts, we now present the appropriate solution. In order for the discretionary authority of the state to be nondominating, it must be the case that the people themselves collectively exercise control over the formation of law (Pettit 1997, Richardson 2002, Maynor 2003). Further, it must be the case that, assuming membership is inclusive—by whatever criterion of inclusion is appropriate—all members share equally in this collective control (Bellamy 2007, Dawood 2008). An equal share in collective control gives each member the highest possible level of control over the law that is consistent with no one being given less than that level. Thus, no citizens have grounds to complain of being treated by state authorities in a way that neglects their reasonable values and interests, as a dominating agent might. Citizens of such a republic know that in this less than perfect world—in this world of territorial scarcity—they have all the control over the state that is required for them to regard the law as a form of interference that is not arbitrary, and thus not dominating. Although law does interfere in their lives, the interference is of a sort over which they have a suitable degree of control.

This way of developing republican thought fits quite well with the established points of emphasis in the tradition. It respects the emphasis on the role of the people as the source of political power and the unflagging disdain for colonial or dictatorial forms of government. And equally it respects the view (as we see below) that giving the people power does not mean opening up the gates to a tyranny of the majority, an elective despotism. But the abstract answer may prove unsatisfying in itself. It means nothing unless we can describe how it might be institutionally realized.

Democracy, Direct and Contestatory

In order for the discretionary authority of the state not to become itself a form of arbitrary power, and thus a source of domination, neorepublicans argue that the state must be subject to democratic controls. If the people themselves ultimately control the state, then its laws and policies are forced to track their reasonable values and interests in a reliable manner. Whatever interventions the state then makes in the lives of its citizens, they will not be experienced as the exercise of an alien control or power, and thus not as a form of domination.

The most obvious way to realize popular control over the state might be to make the people themselves the rulers—to organize the society, in other words, as what is often called a direct democracy. This sort of populist or majoritarian democracy will not do, however, on the neorepublican view of things, since it will expose individual citizens to the potentially arbitrary whims of the majority. The dangers of “majority tyranny” became a signature theme in the later classical republican, as well as the liberal, traditions, although each formulated the problem somewhat differently. As we would expect, liberals such as Mill feared any government's interference with individual choice, including that of a populist democracy. The classical republicans, by contrast, were less concerned about

government intervention as such and more about the danger that even a democratic state might be arbitrary, if not properly constrained to track the reasonable values and interests of the people. Populist democracies are not constrained in the required manner. As Thomas Jefferson observed, the concentration of unrestrained government powers “is precisely the definition of despotic government,” and that it is “no alleviation that these powers will be exercised by a plurality of hands, and not by a single one. 173 despots would surely be as oppressive as one” (Jefferson 1975 [1788], p. 164).

The alternative favored by most neorepublicans is some form of what might be called “contestatory democracy” (Pettit 1997, 2000; Richardson 2002; Maynor 2003). The idea is that properly designed democratic institutions should give citizens not only electoral rights but also the effective opportunity to contest the decisions of their representatives. This possibility of contestation will make government agents wielding discretionary authority answerable to a public understanding of the goals or ends they are meant to serve and the means they are permitted to employ. In this way, discretionary power can be rendered nonarbitrary in the sense required for the secure enjoyment of republican freedom. Contestatory democracy requires, at a minimum, three things (for a different view, see Bellamy 2007). First, there must be explicit formal procedures, known to all, by which the agencies and branches of the government exercise their authority. Second, the relevant decision makers (legislatures, courts, bureaucrats, etc.) must be required to present reasons for their resolutions, and those reasons must be subject to open public debate; here there is a close connection with the deliberative idea of democracy (see Sunstein 1993; Pettit 1997, 2009b; Richardson 2002). So, for example, legislative processes should be designed to discourage backroom bargaining on the basis of sectional interests and to encourage open public deliberation instead. Similarly, bureaucratic agencies should not be allowed to merely issue determinations on the basis of technical expertise without offering reasons that are open to public debate. Third, there must exist institutionalized forums for citizen contestation—impartial “courts of appeal,” so to speak, where citizens can raise objections to public laws and policies and demand a response, with some chance of success (Pettit 1997, 2000). These courts of appeal can include the press and the streets as well as more formal channels of protest. To the extent that a contestatory democracy is well designed, state authorities are compelled to track the reasonable values and interests of the citizens in predictable ways and do not constitute a center of arbitrary power or domination.

CONCLUSION

Section: ◆

As we review the merits of neorepublicanism, we assume that any useful public philosophy should accomplish the following goals:

1. It should deploy ideas that the members of a democratic society can openly invoke in full recognition of others as equal partners in the democratic enterprise. The philosophy should not require any degree of deception on the part of proponents.
2. It should invoke ecumenical values that can appeal across the range of views that are consistent with living under a collective mode of organization on equal terms with others. The philosophy should not be sectarian in character.
3. It should be structured around a few, relatively simple principles that combine with empirical observations to generate lessons for constitutional design and political policy. The philosophy should not be a mere shopping list of proposals.
4. It should be capable of ranking structures against one another, ranging from those that presuppose ideal conditions or citizens to those that are more realistic. The philosophy should not merely identify an ultimate ideal (a utopia).
5. It should provide a basis for determining both what the state should be allowed to

do and what it should not be allowed to do. In particular, the philosophy should not justify any form of state action without indicating limits on the reach of such action.

By way of concluding this review, we draw attention to the substantial measure in which neorepublicanism satisfies these desiderata. With respect to the first two, it should be clear that neorepublicanism scores just as well as liberal approaches and that it has significant advantages over communitarian approaches. The ideal of a *res publica*—an association of equal, undominating citizens, governed by undominating laws that they themselves control—is clearly the sort of ideal that can attract widespread public support in diverse societies. Unlike more communitarian views, for example, it does not demand conformity to any parochial scheme of shared values.

With respect to the third desideratum, neorepublicanism has a distinct advantage over other progressive philosophies such as liberalism in its left-of-center guise. Whereas liberals typically have to appeal to a complex set of sometimes competing values—freedom from interference, equality, consent, etc.—the neorepublican framework is built on the solid foundation of a single preeminent value: namely, freedom from domination.

But neorepublicanism is not, by that token, a utopian theory. On the contrary, freedom from domination comes in degrees, and so it is possible—as the fourth desideratum suggests—for neorepublicans to rank-order realistic and feasible configurations of institutions and policies according to their relative success in securing nondomination for all citizens. And finally, with respect to the fifth desideratum, neorepublicanism does well to the extent that it requires limits on state power to be built right into the core theory itself; this is implicit in the idea that the republican state should be an undominating protector against domination.

Neorepublicanism, as we have repeatedly emphasized, is a research program, not a comprehensive blueprint or ideology. There may well be important political values not captured in the ideal of freedom as nondomination alone, for example (Markell 2008). But this conception of freedom, together with the related ideas of a free state and free citizens, provides the framework within which contemporary neorepublicans have aimed to develop novel approaches to the most important and enduring political problems. The challenge in political philosophy is to hone and elaborate these guiding ideas, connecting them with congenial developments such as deliberative democracy or the capabilities approach as well as with historical antecedents. The challenge in political science and cognate disciplines—law, economics, sociology—is to explore models and practices of institutional design with a view to determining the best form in which republican ideals can be realized. The challenge in political practice is to seek support and influence for a way of thinking about government that, in our opinion, has a uniquely commanding claim on our attention and allegiance.

DISCLOSURE STATEMENT

Section: 

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