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Neorepublicanism and Its Critics Deliberation, Rhetoric and Republican Freedom

CAMIL-ALEXANDRU PÂRVU

In this article, I aim to assess the validity of some of the recent skeptical pronouncements concerning the prospects of a neorepublican program in contemporary political theory. Voiced by authors such as Robert Goodin, Geoffrey Brennan, Loren Lomasky and others, the verdict is that the so-called *republican revival* in political theory has already receded, and without having produced any significant conceptual or normative inroads. As rooted in, but ultimately distinct from the intellectual historians' still valid research program – that of recasting the sources of modern political thought in its republican, not only Enlightenment and liberal lineage – the theoretical and institutional dimensions of neorepublicanism as a relevant, robust contemporary political ideology are viewed by these critics as unrewarding and, at the end of the day, either dangerous or fruitless.

Republicanism as a political theory, or neorepublicanism, aims to advance a series of political and analytical positions pertinent to the complex challenges of contemporary societies, and has been inspired by the work of the intellectual historians such as Quentin Skinner¹ or G. A. Pocock². There is no widespread consensus on a canonical set of contemporary works, yet political theorists such as Philip Pettit³, Frank Michelman⁴, Cass Sunstein⁵, Richard Dagger⁶ or Maurizio Viroli⁷ have recently built powerful accounts that decode and reconfigure in a political theoretical context some of the normative and institutional implications of the republican ideal.

Their conceptions elaborate on the republican idea of freedom as it reemerged in the works of Skinner or Pocock, yet aim at doing so in a clearly contemporary context; in other words, their goal is related, yet distinct from the project of reconsidering the republican roots of political modernity, which has been the intellectual task of many scholars of the history of political thought⁸. The contemporary

¹ Quentin SKINNER, "The Republican Idea of Political Liberty", in Gisela BOCK, Maurizio VIROLI, Quentin SKINNER (eds.), *Machiavelli and Republicanism*, Cambridge University Press, Cambridge, 1990, pp. 293-310; Quentin SKINNER, *Liberty Before Liberalism*, Cambridge University Press, Cambridge, 1998.

² J.G.A. POCKOCK, *The Machiavellian Moment. Florentine Political Thought and the Atlantic Republican Tradition*, Princeton University Press, Princeton, NJ, 1975.

³ Philip PETTIT, *Republicanism. A Theory of Freedom and Government*, Oxford University Press, Oxford, 1997.

⁴ Frank MICHELMAN, "Law's Republic", *Yale Law Journal*, vol. 97, no. 2, 1988, pp. 1493-1537.

⁵ Cass R. SUNSTEIN, "Beyond the Republican Revival", *Yale Law Journal*, vol. 97, no. 8, 1988, pp. 1539-1590.

⁶ Richard DAGGER, *Civic Virtues. Rights, Citizenship and Republican Liberalism*, Oxford University Press, Oxford, 1997.

⁷ Maurizio VIROLI, *Republicanism*, trans. by A. Shugaar, Hill and Wang, New York, 2002; see also, Iseult HONOHAN, *Civic Republicanism*, Routledge, London, 2002.

⁸ Quentin SKINNER, *The Foundations of Modern Political Thought*, 2 vols., Cambridge University Press, Cambridge, 1978; IDEM, *Visions of Politics*, 3 vols., Cambridge University Press,

relevance of neorepublicanism as a political theory¹ depends on it addressing the interrogations and the institutional complexity of our world, in a way that is distinct from both liberalism and, say, communitarianism or nationalism. The challenge for neorepublicanism², in other words, is to elucidate and address contemporary problems in ways that are politically relevant *and* independent, notably from liberalism.

Among the recent criticism of a republican political theory, several contributions are singled out in this article. One is Robert Goodin's article on the "Folie Républicaine"³; another skeptical assessment is advanced in Loren Lomasky and Geoffrey Brennan's article "Against Reviving Republicanism"⁴. To sum up the critique, in the words of Lomasky and Brennan:

"Either republicanism is nonthreatening because it is little more than a somewhat archaic rhetorical skin for a body of modern liberalism or, if substantively distancing itself from liberal precepts, is overtly oppressive to a troubling degree".

In other words, republicanism either fails to distance itself conceptually and normatively from the contemporary authority of liberalism, or, if it succeeds, the republican principles and values that it promotes turn out to be oppressive and dangerous.

I argue that contemporary republicans should, certainly, take seriously both criticisms. Yet by emphasizing the difference between a neo-Roman concept of freedom as non-domination and the liberal concept of freedom as non-interference, they tend to ignore the other important risk that neorepublicanism faces: namely, the risk of leaning toward a strongly participatory and deliberative version of democracy. In other words, while distancing themselves from liberal political theory, they should resist the temptations to dissolve neorepublicanism into deliberative democracy.

I contend, therefore, that much of the criticism applies rather to those political theories that are, indeed, sometimes viewed as republican, or as embodying the core republican insights, but which are in fact strongly deliberative or strongly identitarian/communitarian versions of participatory democracy. This means that such accounts tend to continue to misconstrue the core values of a republican political theory – and especially the nature and role of the requirement for political participation and deliberation. I try to enlarge the context of republican political

Cambridge, 2002; Anabel BRETTE, James TULLY (eds.), *Rethinking the Foundations of Modern Political Thought*, Cambridge University Press, Cambridge, 2006.

¹ Recent work on the relevance of republicanism as a political theory for contemporary society include Daniel WEINSTOCK, Christian NADEAU (eds.), *Republicanism: History, Theory and Practice*, Frank Cass, London, 2004; Iseult HONOHAN, Jeremy JENNINGS (eds.), *Republicanism in Theory and Practice*, Routledge, 2006; and Cecile LABORDE, John MAYNOR (eds.), *Republicanism and Political Theory*, Blackwell, Oxford, 2008.

² Philip PETTIT, Frank LOVETT, "Neorepublicanism: A Normative and Institutional Research Program", forthcoming, *Annual Review of Political Science*, vol. 12, 2009 (review in advance, first posted online on November 14, 2008).

³ Robert E. GOODIN, "Folie Républicaine", *Annual Review of Political Science*, vol. 6, 2003, pp. 55-76.

⁴ Geoffrey BRENNAN, Loren LOMASKY, "Against Reviving Republicanism", *Politics, Philosophy & Economics*, vol. 5, no. 2, 2006, pp. 221-252.

theory by pointing to the role of *rhetorical persuasion* within the main neo-Roman intellectual and political tradition that informs much of contemporary republican scholarship. This ideal of rhetorical persuasion finds itself at odds with the rationalistic and moralizing character of most of the current theorizing of public deliberation, signaling thus a crucial distinction between contemporary republican political theory and deliberative participatory democratic accounts.

My argument is, thus, that the conceptual effort to unravel republican freedom should not obscure the fact that current participatory deliberative democratic theories remain in a problematic relationship with what I understand to be the program of neorepublicanism. In the first part of this article, I expose briefly the main elements of a distinctly republican conception of freedom, as put forward by Philip Pettit and Quentin Skinner. Then, I detail the critique submitted by Goodin, Lomasky and Brennan. In the last part, I aim to show how this criticism, while adequate when directed against a strongly participatory form of deliberative democratic theory, is not similarly relevant when directed against neorepublicanism itself. There exists a neo-Roman context of political persuasion based on rhetorical deliberations, which current versions of deliberative democracy either ignore or downright reject.

It is certain that both the intellectual historians (Skinner, Pocock) and the political theorists (Pettit) are adamant to displace the foundational role that liberalism plays for political modernity, as well as its version of the contemporary vocabulary of individual rights, freedom and citizenship. Their work certainly cannot be reduced to the accounts on the ideal of liberty; nevertheless, this ideal has such an essential part and such core significance in the current scholarship that it calls for a succinct description in the following section.

Republican Freedom

Both the intellectual historians and the contemporary political theorists interested in a "republican revival", or participating in a "republican turn", have been anxious to escape or transcend the canonical distinction between a liberty of the Ancients, and one of the Moderns, a distinction famously outlined in the beginning of the 19th century by Benjamin Constant¹. They have also tried to conceptually make place for a third notion of (republican) liberty, next to the two identified by Isaiah Berlin, that is, a positive liberty and a negative liberty². For a long time, the difficult challenge for republican thinkers has been thus to avoid becoming prisoners of such commonly used dichotomous categories, which – according to them – misconstrue their positions and conceptual choices, and nullify a long and reputable tradition of political thought that can and should still inspire and inform the current debates on the resources of normativity in political theory.

¹ Benjamin CONSTANT, "The Liberty of the Ancients Compared with that of the Moderns" ("De la liberté des anciens comparée à celle des modernes"), in Benjamin CONSTANT, *Political Writings, Cambridge Texts in the History of Political Thought*, ed. by Biancamaria Fontana, Cambridge University Press, Cambridge, 1988, pp. 307-329.

² Isaiah BERLIN, "Two Concepts of Liberty", in *Four Essays on Liberty*, Oxford University Press, Oxford, 1969.

Republican freedom, as developed in these writings, is neither the "liberty of the Ancients", nor the positive liberty described by Berlin. But while it is distinct from positive liberty, it is not – and cannot be reduced, either, to – liberty as non-interference, negative liberty: rather, it is *freedom as non-domination*, the "third concept of liberty", that neorepublicans have in mind when they claim a distinctive intellectual and political identity, if not a full-blown political ideology.

In what follows, I summarize two major contributions to the effort of reclaiming the authenticity and relevance of the republican conception of freedom. With a prominent place in recent scholarship, Philip Pettit and Quentin Skinner invite us to understand liberty as non-domination as a coherent ideal, one which has its roots in the Roman republican antithesis between the notions of *libertas* and *dominatio*. In the description of Pettit,

"Domination, as I understand it here, is exemplified by the relationship of master to slave or master to servant. Such a relationship means, at the limit, that the dominating party can interfere on an arbitrary basis with the choices of the dominated: can interfere, in particular, on the basis of an interest or an opinion that need not be shared by the person affected. The dominating party can practise interference, then, at will and with impunity: they do not have to seek anyone's leave and they do not have to incur any scrutiny or penalty"¹.

Crucial to the task of Pettit, as we have seen, is to explain the difference between the republican freedom as non-domination and both liberty as non-interference (negative liberty) and liberty as self-mastery (positive freedom). At the same time, he aims to offer a normatively sound account of the republican ideal that can measure up to the appeal that the liberal ideals of freedom have enjoyed in modern times. In other words, this is not a task of conceptual analysis exclusively: for analytical purposes, a concept of liberty can have solid tenets and prove a respectable topic for academic debate. Yet the stake of a neorepublican political theory, again, it so transform such a conceptual account into a powerful ideal and to integrate liberty as non-domination into its larger conceptual and normative theoretical framework. Ultimately, neorepublicanism aims to speak to its contemporaries, to address their political and institutional contexts and their normative predicaments.

As a robust political ideal, the republican freedom as non-domination spans over a larger field than either negative or positive liberty: as we shall see, its conditions of possibility include a substantial set of further elements². But while it may contain to a certain degree both self-mastery and non-interference, non-domination is clearly, according to Pettit, conceptually independent from both of them.

In Pettit's account, domination and interference are separated at least in as much as non-domination entails securing, over time, the conditions of non-interference. But on a more complex level, Pettit claims, "it is possible to have domination without interference and interference without domination". When he illustrates the former situation, the neo-Roman republican intellectual roots are visible:

"I may be dominated by another—for example, to go to the extreme case, I may be the slave of another—without actually being interfered with

¹ Philip PETTIT, *Republicanism...cit.*, p. 22.

² See Christian LIST, "Republican Freedom and Rule of Law", *Politics, Philosophy and Economics*, vol. 5, no. 2, 2006, pp. 201-220.

in any of my choices. It may just happen that my master is of a kindly and non-interfering disposition. Or it may just happen that I am cunning or fawning enough to be able to get away with doing whatever I like. I suffer domination to the extent that I have a master; I enjoy non-interference to the extent that that master fails to interfere"¹.

The key point here is that, regardless of the degree of non-interference I may enjoy, I am still subject to domination, i.e. to the *arbitrary will* of someone else. And as long as it is such an arbitrary power that ultimately decides on the degree of interference or non-interference, it does not matter if it is rarely – if ever – exercised; to securely enjoy freedom in this republican sense, authority has to reside outside the arbitrary will of men. "What constitutes domination is the fact that in some respect the power-bearer has the capacity to interfere arbitrarily, even if they are never going to do so"².

In explaining how there can be interference without domination, on the other hand, Pettit explicitly aims at countering a rival tradition, based on the Hobbesian conception of liberty as absence of coercion. From a Hobbesian perspective, "A Free-Man is he, that in those things, which by his strength and wit he is able to do, is not hindered to do what he has a will to"³. Absence of coercion as condition for Hobbesian (and later, liberal) freedom entails, in this case, that the law itself is a limit on liberty. We are free to act upon our will where the law permits us to do so. And not free, where the law prohibits us to do so. Yet from a republican perspective, there is a fundamental difference between law and other forms of coercion.

Pettit's argument is that the claim according to which the law, even when it is not based on the arbitrary will of someone, limits our liberty – is misguided. As long as the law is not an expression of domination, it may coerce, interfere, but it does not limit liberty. If coercion occurs in a context of non-domination, as for instance, when a criminal is jailed after a trial that respected basic guarantees of due process, it does not mean, according to Pettit, that his liberty has been diminished⁴.

This claim, as we shall see, has been challenged by its critics extensively. To assert that only interference that stems from an arbitrary will limits our liberty, while coercion by law, when it does not entail domination, does not limit freedom, is a position that forces Pettit in a rather awkward situation, that of maintaining that being arrested or imprisoned is not necessarily a limitation of liberty. While the conceptual distinction (domination versus interference) is clear, its counterintuitive implications are hard to overlook. One way to escape this conundrum may be to insist on non-domination *and* non-interference as representing the core of republican liberty, as several authors do; or, alternatively, to suggest shifting focus from

¹ Philip PETTIT, *Republicanism...cit.*, pp. 22-23.

² *Ibidem*, p. 63.

³ Thomas HOBBS, *Leviathan*, ed. by Richard TUCK, Cambridge University Press, Cambridge, 1990 (1651), p. 146.

⁴ Interference without domination, thus, occurs when officials "can be relied upon to act on a non-factional basis: on a basis that is supported by non-sectional interests and ideas. They interfere, since they operate on the basis of coercive law, but their interference is non-arbitrary. The parliament or the police officer, then, the judge or the prison warden, may practise non-dominating interference, provided – and it is a big proviso – that a suitably constraining, constitutional arrangement works effectively. The agent or agency in question may not have any discretion in the treatment of a person affected, so that they cannot interfere at will, only under constitutionally determined conditions" (Philip PETTIT, *Republicanism...cit.*, p. 65).

liberty to autonomy, thus opening a conceptual context that might have a richer normative potential¹.

Quentin Skinner has broadly supported the conceptual reconstruction suggested by Pettit, even if without specifically engaging in the latter's ambitious normative political theoretical project. The notion of liberty that is at the core of the republican tradition of political thought, according to him, is one that is fundamentally about distinguishing domination and interference:

"The nerve of the republican theory can thus be expressed by saying that it disconnects the presence of unfreedom from the imposition of interference. The lack of freedom suffered by slaves is not basically due to their being constrained or interfered with in the exercise of any of their specific choices. Slaves whose choices happen never to fall out of conformity with the will of their masters may be able to act without the least interference. They may therefore appear, paradoxically, to be in full possession of their freedom, since none of their actions will ever be prevented or penalized. Such slaves nevertheless remain wholly bereft of liberty. They remain subject to the will of their masters, unable to act according to their own independent will at any time. They are, in other words, not agents at all"².

Skinner's strategy for unraveling the republican ideal of freedom is to refer to the "predicament of those who recognize that they are living in subjection to the will of others"; "The mere fact of living in such a predicament has the effect of placing limits on our liberty"³.

"Those who believe that liberty is nothing more than absence of interference are committed to the view that the will is autonomous so long as it is neither threatened nor coerced. By contrast, those who embrace the neo-Roman argument deny that the will can be autonomous unless it is also free from independence on the will of anyone else"⁴.

Skinner acknowledges, along with Pettit, that an important part of the modern political tradition has (mis)identified the republican idea of liberty rather as positive liberty, liberty as self-mastery, or the "liberty of the Ancients" as conceived by Constant; but while he is adamant that the republican idea of freedom seeks rather to secure non-interference, and is thus closer to the idea of a negative liberty, he certainly does not dissolve it into the liberal conception of freedom either.

To be sure, this influential misconstruction of the neo-Roman understanding of freedom which is developed within the "Berlin-Constant framework" is due to a significant extent, according to Pettit, to the influence of Rousseau: *le citoyen de Genève's* hostility towards political representation and insistence on liberty as democratic self-rule places him at odds with most other republican modern political thinkers. And it will be this particular version, coupled with a neo-Athenian

¹ On the possibility that autonomy, civic virtue and rights can be linked within a political theory that "marries" republicanism and liberalism, see Richard DAGGER, *Civic Virtues...cit.*

² Quentin SKINNER, "Freedom as the Absence of Arbitrary Power", in Cecile LABORDE, John MAYNOR (eds.), *Republicanism...cit.*, pp. 89-90.

³ IDEM, "A Third Concept of Liberty", *Proceedings of the British Academy*, vol. 117, no. 237, 2001, pp. 237-268.

⁴ *Ibidem.*

conception of self-mastery, rather than the neo-Roman understanding of non-domination, that will inspire most of his posterity's attitude towards republicanism and its equation with positive liberty or the liberty of the Ancients. Yet neorepublicanism, as explicitly or implicitly assumed by Skinner, Pettit and others, is deliberately rooted in the Roman republican tradition and its political institutions, with Cicero as intellectual reference, rather than in a virtues-oriented conception of the good life forged through political participation.

In this context, then, the effort to distinguish the neorepublican ideal of liberty from the wider used notion of positive liberty gains its true significance, and understanding the conceptual and institutional context of non-domination becomes a crucial task of republican (or neo-Roman) scholarship. Furthermore, Viroli¹ and Skinner's studies on classical republicanism help us grasp the difference between what Machiavelli held as meaning *vero vivere libero e civile* and what a maximalist version of political participation, or a demanding conception of self-mastery, require.

Freedom from arbitrary interference may be best secured by institutional arrangements that allow for political participation – but cannot be dissolved into the requirement of participation and self-rule. As Pettit argues, following Skinner and Hanna Pitkin, the Roman notion of *libertas* was "predominantly negative". This represents an important conceptual point that these authors persistently advance: neither Cicero, nor Machiavelli, nor the modern republicans saw "achieving participation" as more than an instrumental – however important – choice for securing "avoidance of arbitrary interference". Neither a necessary condition for republican freedom nor its proper content, political participation represents only part of the larger, complex problematic of preventing the dissolution of republican rule into arbitrary power.

In Pettit and Skinner's accounts, the displacement by 19th century liberalism of the republican themes has been so powerful, and so effective, that not only non-coercion replaced non-domination as the favored understanding of liberty, but also – and probably more importantly – the meaning itself of republican freedom has been distorted². First forgotten and then misconstrued, this third concept of liberty is now drawing again the attention of the intellectual historians and represents the hub of political theorists' neorepublican agenda. And in order to render the republican ideal visible again, the task of conceptual clarification has to be accompanied by a significant body of normative political theoretical accounts³.

¹ Maurizio VIROLI, *Machiavelli*, Oxford University Press, Oxford, 1998; IDEM, "Machiavelli and the Republican Idea of Politics", in Gisela BOCK, Maurizio VIROLI, Quentin SKINNER (eds.), *Machiavelli...cit.*, pp. 143-172.

² "While it is true that republican thinkers in general regarded democratic participation or representation as a safeguard of liberty, not as its defining core, the growing emphasis on democracy did lead some individuals away from traditional alignments and towards the full populist position of holding that liberty consists in nothing more or less than democratic self-rule" (Philip PETTIT, *Republicanism...cit.*, p. 30).

³ Recent work in this direction includes Richard BELLAMY, *Political Constitutionalism. A Republican Defense of the Constitutionality of Democracy*, Cambridge University Press, Cambridge, 2007; Cass R. SUNSTEIN, *Free Markets and Social Justice*, Oxford University Press, Oxford, 1997; IDEM, *Designing Democracy. What Constitutions Do*, Oxford University Press, Oxford, 2002; Iseult HONOHAN, "Friends, Strangers, or Countrymen? The Ties between Citizens and Colleagues", *Political Studies*, vol. 49, no. 1, 2001, pp. 51-69.

Against the Republican Revival

Several avenues of contestation are open to critics of neorepublicanism and, more generally, of the renewed intellectual and political interest in the republican tradition. One would be to deny that the contrast between republican and liberal freedoms was actually one that the classical authors to which Skinner and Pettit refer, did or would ever acknowledge¹. Or, to say that the contemporary contrast between negative and republican liberty is either exaggerated² or normatively insignificant. Still another way to contest the republican ideal is to grant the distinctiveness of "liberty as non-domination", yet to decry its normative implications. Finally, critics may claim that it simply is not a rich concept enough in order to fit within the problematic of contemporary politics.

Robert E. Goodin offers an account that recapitulates a large part of the arguments critical of republicanism. In his essay on the "Folie Républicaine", he claims that modern political ideologies such as liberalism or nationalism have gradually displaced republicanism for a good reason: they contributed to a larger degree and with better suited answers to the political questions that republicanism originally aspired to address. Self-rule, mixed government, and even the content of republican freedom are discussed within these (comparatively newer) political ideologies in ways that make republican answer seem, at best, redundant.

Nationalism, for instance, has recently provided reasons supporting self-rule that are far more effective than republicanism's rhetorical and conceptual apparatus. And the reason is familiar to contemporary scholars of nationalism studies: instead of relying on a form of patriotism that republicans describe – namely, trust and pride in the values and practices *already* embodied in the political institutions of a country – nationalism claims self-rule and nation-building on the basis of subsuming "primordial [that is, tribal] sentiments to some newly constructed national ideals and identities"³. These constructed commonalities, "invented shared traditions" and "concocted new identities" (rather than the values already signified by existing political institutions), as well as the rallying cry for *home* rule (rather than non-domination) represented the more successful approaches to self-rule in modern and contemporary times⁴.

Mixed government, on the other hand, has been theorized by John Locke as extensively and subtly as by Montesquieu, according to Goodin; there is, in other words, nothing in republican political thought that makes it the unique source of important notions such as that of mixed constitution. The institutional arrangements of balancing powers that modern republican political thought privileges can be defended with equal, if not more stamina and consistency by political philosophies other than republicanism.

Furthering the point that contemporary republicanism is, at best, rather redundant and lacks any serious conceptual and normative originality, Goodin goes

¹ See Eric GHOSH, "From Republican to Liberal Liberty", *History of Political Thought*, vol. 29, no. 1, 2008, pp. 132-167.

² Matthew H. KRAMER, *The Quality of Freedom*, Oxford University Press, Oxford, 2003.

³ Robert E. GOODIN, "Folie Républicaine", *cit.*, p. 58.

⁴ "Thus, self-government – understood as the rejection of foreign crowns and imperial apron strings – can be, and has been, defended on many different grounds. Republicanism is one. But historically (and certainly in contemporary history) it has been a distinctly minor theme – and understandably so" (*Ibidem*).

on to invoke John Rawls and his oft-cited statement that the classical liberalism of the sort that is at the center of intellectual historians' project of republican revival (which rejects, as we have seen, a strong notion of positive liberty) is "fully compatible with political liberalism". Since Rawls himself explicitly denies any serious opposition between classical republicanism and not only his own conception of political liberalism (with which it is "fully compatible"), but also with the liberalism of Constant and Berlin, it is difficult to see, from Goodin's perspective, what serious intellectual interest we may continue to encourage in the newest iterations republican political thought. Even considerations of political participation are customary among liberal theorists; both the need and the reasons for participation are acknowledged by liberals but, as most republicans, they disagree on the scope and the magnitude of this requirement.

Brennan and Lomasky, however, adopt a different view of what republicanism stands for, and one that they ultimately dismiss. They maintain that in their own understanding of the republican set of ideals, "political participation ought to be regarded as intrinsically valuable". Republicans

"are inclined to appeal to a broadly Aristotelian understanding of human beings as political animals and will observe that living together with one's fellows is not something undertaken merely as a vehicle for ulterior ends, but rather is a (major) component of living well. Political community is friendship writ large [...] To participate in political deliberations is not, on this account, entirely or even primarily a means conducive to achieving those private ends to which one is drawn. Rather, it is itself for most people an activity indispensable for adequate expression of their nature as human beings"¹.

This conception of political participation as indispensable for the adequate expression of human nature is certainly part of some of the history of republican political thought. Nevertheless, this neo-Aristotelian strand which continues to inspire contemporary theorists such as Charles Taylor or Michael Sandel is balanced by a neo-Roman political tradition in which the legal and institutional context for republican liberty has as much importance as the reflection on human nature. What Lomasky and Brennan seem to overlook, then, is precisely the complex role of political deliberation and participation in the neo-Roman republican² accounts; instead of being based on a view of individuals as rational agents that exchange reasons, neorepublicanism in this perspective points towards a wider reflection on the rhetorical context of political persuasion, and this context has produced a radically different environment for political participation and deliberation. I will return to these considerations below.

The republican notion of freedom as non-domination has itself been attacked from a number of perspectives³. It is reduced by Goodin, in his interpretation of

¹ Geoffrey BRENNAN, Loren LOMASKY, "Against Reviving Republicanism", cit, p. 230-231.

² Skinner himself states that he would prefer to replace "republican" with "neo-Roman" altogether. See Quentin SKINNER, "Freedom...cit.", pp. 83-101.

³ "Republican freedom is simply resilient non-interference. If this is what republican freedom consists in, then in my view the most that can be attributed to Skinner and Pettit is a useful set of empirical hypotheses (which point to certain sets of institutional arrangements) about how liberty is best to be maximized (or maximally equalized, or perhaps even maximinned). If I am right about this, then the difference between republicans and liberals is an empirical rather than a conceptual one, and the supposed difference over the meaning of 'constraints on freedom' is an illusion", in Ian CARTER, *A Measure of Freedom*, Oxford University Press, Oxford, 1999, pp. 238-239.

Pettit's theory, to the idea of securing non-interference. But this "resilient liberty", Goodin claims, is nowhere different than liberty itself, and not a distinct kind of liberty. If freedom as non-domination is just a way of securing freedom as non-interference (securing negative liberty, in other words), then the republican liberty cannot be based on a third concept, but *is* the same liberal concept of negative liberty.

I deem difficult to accept the plausibility of Goodin's categorical dismissal of freedom as non-domination. While the republican concept of freedom has its own difficulties, they are not necessarily the same that Goodin identifies. He seems to discard too easily the essence of the distinction between domination and interference and hence the specific form of non-interference that republicans are concerned with. Moreover, his argument revolves around the idea that desiring X, and desiring that X lasts as long as possible, constitute the same preference:

"If I think X is good, then enjoying X for a longer time rather than a shorter time must be good. That does not mean I value two separate things (time and X), nor does it mean that I value X in some special temporally extended way. It is merely in the nature of valuing X that more of X is better than less, and that more time with X is better than less"¹.

Even on Goodin's understanding of noninterference, there is a possibility that one might enjoy it while at the same time accepting later interference if certain conditions apply. I enjoy autonomy, for instance, yet I accept that in a future time my autonomy should be restrained – say, if I get drunk in a party and I try to drive home. On the purely negative concept of freedom, any such restraint is diminishing freedom. On the non-domination understanding of freedom suggested by Pettit, such restraint enhances and secures the exercise of freedom. Whether it is republican or liberal freedom that has a more appealing normative potential, they are clearly distinct notions.

Republicanism and Deliberation

Finally, Goodin directs most of his remarkable analytical resources towards undermining what he considers the most serious appeal of republicanism today: the idea of republics as "self-governing communities, deliberative bodies without any fixed heads". According to him, it is this republicans' penchant for a certain ideal of deliberation and participation that constitutes the veritable source of the contemporary interest in the "republican revival". Crucially though, the "clubhouse-" or "boardroom deliberations" that characterized earlier republican communities are impossible to reproduce today. And with an increasingly categorical verdict, it is more than just specific kinds of deliberation that Goodin views as impossible; but actually, *any* deliberation "in a populous republic"².

The main target of Goodin's powerful criticism becomes, for the remainder of his essay, a strongly participatory version of deliberative democracy that he identifies

¹ Robert E. GOODIN, "Folie Républicaine", cit., p. 61.

² *Ibidem*, p. 66.

as the main form that neorepublicanism adopts today – or has to embrace in order to reclaim any republican credentials. I contend that Goodin’s criticism is warranted if understood as targeting participatory deliberative democracy, which in my mind too, has important limits and serious inconsistencies. Yet I contest his claim that neorepublicanism predominantly takes this participatory deliberative democratic form, which he identifies as “populist republicanism”.

According to the way in which their current choices are framed by Goodin, republicans are bound to be either populist republicans, i.e. participatory deliberative democrats, or proponents of an “oligarchic model of representative deliberation”. Yet by postulating this dichotomy, I contend, he misses the particularity of the neorepublican project, which certainly cannot easily be associated with the concept of public reason that constitutes the core idea in most recent deliberative democratic accounts.

Contemporary republicanism is rooted rather in the neo-Roman political tradition – one that integrates the reflection on political institutions and liberty with the context of persuasion among free men – i.e., with the context of rhetoric. Precisely by paying due attention to the rhetorical context of political persuasion in republics, many neorepublicans distance themselves from the strongly rationalistic project that informs most of the recent scholarship on deliberative democracy. The anti-rhetorical bias of the latter is salient and structural, ultimately placing such accounts into a sharp antagonism with the republican political intuitions.

Paradoxically, Goodin himself severs the supposedly necessary conceptual link between republicanism and participatory deliberative democracy. In the fragment below, he acknowledges that most writings on deliberative democracy seem to be oblivious of republicanism and its intellectual origins:

“Scan the indices of all the major recent works on ‘deliberative democracy’. Notice that the term republicanism is missing from virtually all of them. It is nowhere employed positively in Habermas’ *Between Facts and Norms* (1996); and it is nowhere to be found in Rawls’s ‘Idea of Public Reason Revisited’ (1997), nowhere in Gutmann & Thompson’s *Democracy and Disagreement* (1996), nowhere in Young’s *Inclusion and Democracy* (2000), nowhere in Dryzek’s *Deliberative Democracy and Beyond* (2000)”¹.

Yet after listing important (albeit very disparate) works on participation and deliberation which are indeed unrelated to the contemporary republican project, Goodin fails to draw the appropriate conclusion: contemporary neorepublicanism and recent participatory deliberative democracy theories have a crucially different pedigree. Deliberation and participation have an important, yet relative, or instrumental role in the neo-Roman tradition: nowhere in this tradition is the deliberative dimension of politics postulated as an intrinsic part of a strongly epistemic conception of public political justification.

This is not to say that republicans are insensible to the virtues of either public deliberation or political participation. Nor that they do not seriously ponder on the institutional and normative circumstances that support them. But they generally advocate a view of deliberation that is basically at odds with what emerges from the current accounts of participatory deliberative democrats. In what follows, I attempt to detail the differences.

¹ *Ibidem*, p. 68.

In the words of Joshua Cohen,

“The conception of justification that provides the core of the ideal of deliberative democracy can be captured in an ideal procedure of political deliberation. In such a procedure participants regard one another as equals; they aim to defend and criticize institutions and programs in terms of considerations that others have reason to accept, given the fact of reasonable pluralism and the assumption that those others are reasonable; and they are prepared to cooperate in accordance with the results of such discussion, treating those results as authoritative”¹.

On Philip Pettit’s own understanding of the ideal of deliberative democracy, there are three constraints that define it: a *constraint of inclusivity*, that stipulates that all members of the political community have a right to vote on the collective issues; a *judgmental constraint*, according to which members should deliberate about decisions on the basis of “presumptively common concerns”; and a *dialogical constraint*, which requires that the deliberations are undertaken as “open and unforced dialogue”². To recall Cohen,

“The main idea is that the deliberative conception requires more than that the interests of others be given equal consideration; it demands, too, that we find politically acceptable reasons – reasons that are acceptable to others, given a background of differences of conscientious conviction”³.

Collective political decisions in public justificatory accounts are legitimate so long as they satisfy the criteria of public, impartial deliberations. Each subject or participant to the political justification process has the duty to produce public reasons for his arguments, and to listen to such reasons from the others.

“Which considerations count as reasons? [...] In an idealized deliberative setting, it will not do simply to advance reasons that one takes to be true or compelling: such considerations may be rejected by others who are themselves reasonable. One must instead find reasons that are compelling to others, acknowledging those others as equals, aware that they have alternative reasonable commitments, and knowing something about the kinds of commitments that they are likely to have –for example, that they may have moral or religious commitments that impose what they take to be overriding obligations. If a consideration does not meet these tests, that will suffice for rejecting it as a reason. If it does, then it counts as an acceptable political reason.”⁴

The capacity to formulate such arguments is sometimes (but not necessarily) placed at the abstract level of rational agents, performing hypothetical moral-political deliberations. These hypothetical deliberations among, for instance, agents

¹ Joshua COHEN, “Deliberation and Democratic Legitimacy”, in James BOHMAN, William REHG (eds.), *Deliberative Democracy. Essays on Reason and Politics*, MIT Press, Cambridge MA, 1997, pp. 413-414.

² Philip PETTIT, “Deliberative Democracy, the Discursive Dilemma, and Republican Theory”, in James FISKIN, Peter LASLETT (eds.), *Debating Deliberative Democracy*, Blackwell, Oxford, 2003, p. 138.

³ Joshua COHEN, “Deliberation...cit.”, p. 417.

⁴ *Ibidem*, p. 414.

placed in a perfect equality and mutual symmetry (fictional entities that represent us, real persons) are constructed either as "ideal speech situations" in Habermas' account¹, or as the "original position" for John Rawls².

This abstract, hypothetical level of deliberation among agents offers the departure point for the political justification – and, at the same time, the criteria of epistemic and normative validity – of the ethical-political principles that should govern us. Real-life bargaining between unequally situated individuals ought not to be accepted as such a source for normativity, since it does not correspond to the premise of equality among the subjects of political justification. Existing inequalities of income and wealth, resources, prestige, or education/information would lead to strategic positioning of participants ("strategic action", in the language of Habermas) such that "negotiations" would end in a "compromise" (which has an invariably depreciatory connotation). In other words, present injustices would be transferred, through the incorrectly designed procedure (bargaining), and would determine the illegitimacy of the principles so chosen. For that reason, an adequate procedure of deliberation presupposes not only political equality, but also stronger forms of equality that can usually be achieved only as attributes of a hypothetical choice-situation.

Cicero's distinction between conversation and oratory is still valid and applies to the present controversy. While conversation is meant to discover truth, oratory is meant to inspire political decision. Much of the current public deliberatory theorizing appears geared up to dissolving the latter into the former. Yet by taking seriously, from a normative perspective, the rhetorical context of political decision-making, we can better understand the institutional conditions of neo-Roman political theory. Such "circumstances of rhetoric" confer meanings to the orator's effort of persuasion, as well as to the public's role in decision-making. In other words, political rhetoric makes sense only in certain particular circumstances, within a particular kind of political community, and supported by certain particular institutions³.

In public deliberative accounts political legitimacy is understood as a concept whose content depends on the manner in which we construct a procedure of rational deliberation and argumentation. Rhetorical political deliberations, obviously, cannot constitute procedures that ensure the epistemic certification of results. Even more, according to Habermas they amount to nothing less than "pathologies of communication"⁴. Yet, despite their procedural epistemic unreliability, from a political point of view, they – crucially – replace violence and make possible political action. Rhetorical communication generates, and nourishes itself from, ambivalence, ambiguity, incertitude, but this is the nature of future itself – at least in its political dimension. Rhetorical deliberations, in the Aristotelian tradition, concern precisely those choices between alternative actions that define the future, choices that are impregnated with various degrees of uncertainty and imprecision. Or, precisely

¹ Jürgen HABERMAS, *The Theory of Communicative Action*, 2 vols., transl. by Th. McCarthy, Beacon Press, Boston, 1987.

² John RAWLS, *Political Liberalism*, 2nd ed., Columbia University Press, New York, 2005.

³ Brian GARSTEN, *Saving Persuasion. A Defense of Rhetoric and Judgment*, Harvard University Press, Cambridge, MA, 2006.

⁴ Jürgen HABERMAS, "Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research", *Communication Theory*, vol. 16, no. 4, pp. 411-426.

in this context, trust, personal character emotions and passions, become legitimate elements of political persuasion that should ground collective decisions.

Seen from this perspective, neorepublican normative theorizing attempts to elaborate precisely the normative and institutional setting in which deliberation that does not exclude political rhetorical persuasion among free citizens, makes sense. From this angle, moreover, the much-discussed motivational problem of republicanism may turn out to be of a lesser importance. Since neither a strongly rationalist conception of public deliberation nor a radical imperative of political participation are necessary for the classical and current republican normative constructions, the question of motivation and need for virtuous citizens upholding the common good can be reconsidered. The problem of motivation applies indeed to the participatory deliberative accounts precisely because of their conceptual exclusion of rhetorical persuasion from the legitimate elements of political justification. Deliberative democrats appear to ignore the problem of motivation when proposing criteria of admissibility for citizens' preferences and arguments, criteria that embody high standards of morality and rationality. Moreover, most advocates of public deliberation have seemed to overlook the tension that exists between requiring wider political participation and imposing more demanding criteria for admitting individuals' arguments in the justificatory process. The problem of motivation is thus related to the (ultimately exclusionary) criteria of epistemic justification, and much less to a neo-Roman political theory that cannot abjure its roots in a legitimate reflection on the role of rhetorical deliberations and the conditions for non-domination.

According to Habermas, a test regarding motivation is already built into the deliberative-justificatory procedure: citizens who consider themselves unable to support a particular norm can simply reject that norm in the deliberation process. Yet, such an answer seems to misunderstand the barrier that deliberative proceduralism itself erects against taking motivation seriously: lack of motivation could simply be assimilated to personal bias and hence excluded from acceptable reasons. But more importantly, Habermas's procedural solution may address the problem of keeping citizens who are already engaged in the deliberative process, motivationally involved. Yet it does nothing to explain how and why would citizens adopt and participate to such restrictive deliberative procedures in the first place.

As it emerges, much of the criticism that Goodin, Brennan and Lomasky applies in fact to participatory- and deliberative democrats' procedural accounts, as long as neorepublicans follow a distinct identity that integrates the context of rhetorical political persuasion among free citizens. It is true, then, that public deliberation theorists "can't have it all"¹: political participation, public reason, democratic inclusion, impartiality, motivation, and epistemic validation. Furthermore, many of the deliberative democratic accounts seem to have settled on a particular formulation of the nature, or essence, of the political: we should engage in politics, according to these accounts, primarily as truth seekers. Neo-Roman political theory could not assume such a strong epistemic stance. Yet for many contemporary republican political theorists, the distance that separates them from deliberative versions of participatory democracy seems to be still unclear; they risk trying to merge the two incompatible traditions, and such dissolution would certainly be a pity.

¹Gerald GAUS, "Reason, Justification, and Consensus: Why Democracy Can't Have It All", in James BOHMAN, William REHG (eds.), *Deliberative Democracy...cit.*, pp. 205-242.