

This article was downloaded by: ["Queen's University Libraries, Kingston"]

On: 29 December 2014, At: 15:19

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Australian Journal of Political Science

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/cajp20>

Liberalism and republicanism

Philip Pettit ^a

^a Australian National University

Published online: 21 Sep 2007.

To cite this article: Philip Pettit (1993) Liberalism and republicanism, Australian Journal of Political Science, 28:4, 162-189, DOI: [10.1080/00323269308402274](https://doi.org/10.1080/00323269308402274)

To link to this article: <http://dx.doi.org/10.1080/00323269308402274>

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms & Conditions of access and use can be found at <http://www.tandfonline.com/page/terms-and-conditions>

Liberalism and Republicanism

PHILIP PTTTT

Australian National University

Republicanism and liberalism are depicted here, under some ideal-typing of the traditions, as philosophies of liberty—negative liberty—that take opposite sides on three broad issues:

- 1) whether the law is necessarily a partial assault on people's liberty—an assault that may be for the good overall—or something that is constitutive, at least in part, of whatever liberty citizens enjoy;
- 2) whether or not citizens and politicians can and should be expected—perhaps under institutionally designed pressures—to be public-spirited; and
- 3) whether the ideal of liberty invites state intervention of the sort that is designed to empower individuals or whether it is essentially tied to a minimalist image of government.

Republicanism sees liberty as the social status of a citizen who is recognised and empowered, equally with others, before a suitable rule of law; it sees liberty as a status that is secure only so far as the republic is peopled and run by individuals who display civic virtue, whether spontaneously or under well designed institutional pressures; and, finally, it sees the dispensation of liberty as something that may in principle require a large state presence in areas like education, medicine, and social security. Liberalism, at least in its pure form, presents liberty as a condition ideally enjoyed, out of society, when there is no one else around; it holds that, given the possibility of invisible hand mechanisms, citizens and politicians need not be public-spirited for liberty to thrive; and it interprets the demands of liberty in a way that supports a minimalist assumption about how government ought to behave.

Liberalism is a nineteenth and twentieth century tradition of thinking about politics, with a variety of antecedents in earlier times. Republicanism is a tradition that goes back much further and that came to the end of its active influence early in the last century, about the time when liberalism was emerging as a powerful force. So at least I shall assume, relying on the authority of a recent school of historical scholarship (Pocock 1975, Pagden 1987, Oldfield 1990, Bock et al 1990).

According to the view I accept, republicanism had its origins in classical Rome, being associated in particular with the name of Cicero. It was resurrected in the Renaissance, featuring powerfully in the constitutional thinking of Machiavelli, and it played an important role in the self-conception of the northern Italian republics: the first, modern European polities. It provided a language which dominated the politics of the modern west and had a particular salience in the Dutch republic, in the English civil war, and in the period leading up to the American and French revolutions. The big names of this more modern republican tradition include Harrington, Montesquieu, and perhaps de Tocqueville, but the tradition often received its most trenchant applications in texts like the eighteenth century English

volume published as *Cato's Letters* (Trenchard and Gordon 1971) and the *Federalist Papers*.

To continue the presentation of the view I follow, liberalism emerged early in the nineteenth century as the political philosophy particularly suited, so its defenders claimed, for the modern, commercial and increasingly democratic world. It displayed great continuities, as we shall see, with the republican tradition but those possessed of this new vision were often anxious to downplay these linkages. **They cast republicanism as a philosophy designed for small self-governing communities, and nostalgically obsessed with notions of civic virtue and participation; often they associated it with romantic versions of the doctrine developed by Rousseau and by followers of the German counter-Enlightenment (Larmore 1987).** They presented their own theory, by contrast, as a rational, Enlightened vision in which it was possible for the mass populations of modern societies to enjoy individual prosperity and happiness, provided governments let them get on and pursue, without restraint, their natural trading instincts: provided government, in the slogan of *laissez-faire*, let them be. The early heroes of this liberal tradition were figures like Adam Smith in Britain and Benjamin Constant in France—figures who displayed a number of republican traits (Winch 1978, Holmes 1984)—but as the nineteenth century wore on, the tradition had recruited the vast majority of western intellectuals to its ranks; there were divisions in those ranks—‘modern’ liberals like J.S. Mill and T.H. Green supported a richer state apparatus than ‘classical’ liberals, for example—but the commonalities were also salient.

So much for scene-setting. My task in this paper is to try to set out the **intellectual alternatives represented by republicanism and liberalism:** in particular, to set out the alternatives in a manner which indicates where they would come apart as the organising principles for a contemporary society and state.

But there is a problem facing anyone who tries to describe the intellectual profile of a tradition like liberalism or republicanism. This is that traditions of this kind do not come with their intellectual profile already well defined. The traditions are identified and unified, individuals are selected as representatives and exemplars of the traditions, on a variety of intellectually incidental bases (Haakonssen 1988). One basis may be the figures acknowledged as heroes or anti-heroes, another texts taken as authoritative or heretical, yet another the events depicted as glorious or tragic, and so on across a range of possibilities. And such grounds may be given more importance than the content of the claims adopted. So how are we to set about assigning intellectual identities—firm and contrasting identities—to republicanism and liberalism?

What I propose to do in this paper is to take a range of questions that have importance in both the liberal and republican traditions, to identify saliently contrasting answers that these questions have received, and to map the answers in intuitively the most compelling way onto the two traditions. On issue X I distinguish answers A and B, on issue Y answers C and D, and so on, and in each instance I associate the answers with liberalism and republicanism respectively. I try to assign the answers in a way that is broadly faithful to the traditions and in a manner that maximises the overall intellectual coherence of each tradition. But I freely acknowledge that for any answer assigned—for any position like A that I

associate with one of the traditions—there will probably be figures commonly identified with the tradition who have explicitly rejected it. This is hardly surprising, given the loose way in which individuals are identified with traditions. What it means is that my enterprise is as much a project of constructing liberalism and republicanism as it is an attempt to expound them. If you like, it is a project of offering intellectual ideal types to go with the two traditions.

There are three families of topics, three themes, around which I will organise my presentation of liberalism and republicanism and I will devote a separate section to each. **The themes are liberty and law; democracy and government; and life in the good polity.** Under each theme I will identify some important questions, distinguish the saliently different answers that those questions have received, and link the answers respectively with liberalism and republicanism.

Liberty and Law

Contemporary discussions of liberty have been systematically shaped by Isaiah Berlin's distinction between negative and positive liberty, a distinction which generalises Benjamin Constant's earlier distinction between modern and ancient liberty (Berlin 1958, Constant 1988). Roughly, to be negatively free—free in the modern sense—is to be free from the interference of others to pursue those activities which, in the appropriate culture, you are capable of pursuing without the help of others: to think what you like, say what you think, move where you will, associate with anyone who will have you, and so on through the traditional liberties (Pettit 1989a). To be positively free requires more than this: it may require freedom to participate in the collective self-determination of your community, as in Constant's image of ancient freedom; freedom from the internal obstacles of weakness, compulsion and ignorance as well as from the external obstacles presented by the interference of others; and even the achievement of a certain moral perfection (Baldwin 1984, Taylor 1979).

It is agreed on all sides that liberals are concerned with liberty and that, with a few late nineteenth century exceptions like T.H. Green, they are concerned with negative liberty in particular. Liberalism is, first and foremost, the doctrine according to which the state should assume such a form that negative liberty is maximally advanced—whether maximally promoted or exemplified (Pettit 1991)—within a society. Liberalism in that sense may put an intrinsic value on negative liberty or it may value it for associated benefits: for the happiness its realisation produces, for example, as in the utilitarian view. Again liberalism in that sense may take a libertarian/classical liberal form, acknowledging no political value besides negative liberty, or it may see liberty as one desideratum among many, as in more left-of-centre versions of the doctrine.

The established liberal view, formulated early in the last century by Constant (1988), is that republicans, and ancient theorists more generally, favoured a positive conception of liberty over the modern, negative conception. This is the view taken by Berlin (1958) and it is not questioned even by the great narrator of the republican tradition, John Pocock (1975). **But this representation, I believe, is mistaken.** Liberalism is a characteristically Enlightenment philosophy, designed to identify a goal which a neutral state, a state that can be hailed by affiliates of different

religious and other sects, should advance (Larmore 1987). When liberals say that republicans favour a positive conception of liberty over their own negative conception, they read back into an earlier tradition the sort of view that is found among counter-Enlightenment, Romantic opponents like Rousseau and Herder and Hegel (Pettit 1993c). But, as Quentin Skinner (1984, 1990a, 1990b, 1991) has argued, there is little evidence of such a view in the historical, republican tradition. On the contrary, the main figures in that tradition also show themselves to be mainly concerned with negative liberty: with liberty in the sense in which the crucial thing is to be free from the interference of others.

The negative note is there already in the originating, Roman conception of *libertas*. Hanna Pitkin (1988, 534–5) sums up the refrain of other writers. ‘The Roman plebs struggled not for democracy but for protection, not for public power but for private security. Of course they sought public, institutionalised guarantees of that security. But *libertas* ... was “passive”, “defensive”, “predominantly negative”’. Skinner’s work on Machiavelli bears out the same theme. For Machiavelli, he argues, ‘most men “simply want not to be ruled”; they want to be able “to live as free men” (*vivere liberi*), pursuing their own ends as far as possible without insecurity or unnecessary interference. They want, in particular, to be free (*liber*) to marry as they choose; to bring up their families without having to fear for their honour or their own welfare; and to be in a position “freely (*liberamente*) to possess their own property”. This is what it means “to enjoy personal liberty” (*la liberta*)’ (Skinner 1991, 38). We see the same emphasis, finally, in a late republican text like *Cato’s Letters*:

True and impartial Liberty is therefore the Right of every Man to pursue the natural, reasonable, and religious Dictates of his own Mind; to think what he will, and act as he thinks, provided he acts not to the Prejudice of another; to spend his own Money himself, and lay out the Produce of his Labour his own Way; and to labour for his own Pleasure and Profit (Trenchard and Gordon 1971, vol. 2, 248).

Two Conceptions of Negative Liberty

But if the republican ideal of liberty is negative and focuses on non-interference, what is the difference between this ideal and the liberal one? On any negative conception of liberty individuals are free to the extent that they are free from the interference of others. But what is it to be free from interference? Two salient possibilities are open. One would say that to be free from interference is simply to lack interference: that is, to enjoy its absence. The other would say that the absence of interference is not enough; what is also necessary is that the agent be protected against interference, that she be given guarantees which help to ensure against interference. One would say that the important thing is not to suffer interference, whatever the basis on which you escape it, in the actual world; the other would say that the important thing is to enjoy such protection that you are not particularly susceptible to interference in the actual world or in any of those counterfactual worlds where others conceive hostile intentions: you are as secure against interference as you can be made, consistently at least with others enjoying the same security.

If we are to be broadly faithful to the republican and liberal traditions, then I believe that we must assign the first conception of liberty to the liberal tradition,

the second to the republican. The liberal tradition emphasises the quantity of non-interference as the measure of freedom, the republican focuses on the quality: in particular, on the quality of protection whereby the non-interference is secured (see Pettit 1989b, 1993b, 1993c; Braithwaite and Pettit 1990). The contrast between the two traditions comes out in an early exchange between Thomas Hobbes and the seventeenth century English republican, James Harrington. Hobbes was no liberal, of course, but, as is generally acknowledged, his views on liberty were very influential on English political thought, in particular on thought of a liberal stamp (Berlin 1958).

Hobbes's was probably the first to hold that all that matters for liberty is the quantity of non-interference, not its quality or security. He argued that someone living under a despotism in Constantinople may enjoy the same degree of freedom as a citizen of republican Lucca who enjoys the protection of the law equally with other citizens. The resident of Constantinople will enjoy the same freedom if he is lucky enough, or clever and fawning enough, to avoid interference to the same extent as his legally protected counterpart. 'Whether a Commonwealth be Monarchicall, or Popular, the Freedome is still the same' (Hobbes 1968, 266). Harrington (1977, 170) greets Hobbes's comment with derision: 'to say that a Lucchese hath no more liberty or immunity from the laws of Lucca than a Turk hath from those of Constantinople, and to say that a Lucchese hath no more liberty or immunity by the laws of Lucca than a Turk hath by those of Constantinople, are pretty different speeches'. Harrington's point, as I see it, is that the sort of liberty which concerns him and other republicans is secure liberty or liberty-by-the-law. In this respect, clearly, the citizen of Lucca does better than his counterpart in despotic Constantinople.

Two Views on Law and Liberty

The difference between the conception of liberty that I ascribe to liberals and the conception that I impute to republicans comes out in their differing views of the role of law in relation to liberty. Both traditions are associated with a faith in the rule of law (Ten forthcoming). In the republican tradition this goes right back to the Romans; the idea is that a rule of law offers a prospect of security not available under the rule of the all-powerful individual, for example under the king or despot: hence the republican opposition to monarchy. In the liberal tradition the faith in the rule of law does not have such an anti-monarchical aspect; rather it serves to express the great trust put by many liberals in the common law tradition. But though both traditions are associated with this faith in the rule of law, there is a striking contrast between the ways in which they conceptualise the relation between law and liberty.

If a thinker is concerned with the quantity-centred conception of negative liberty, then he will see the law as itself a form of invasion of people's liberty, albeit an invasion that may be justified by the greater assaults which it prevents. Since the law is a form of interference—at the least it has a coercive effect on people—it exemplifies the very sort of act that is inimical to freedom; if it increases freedom overall, that is because of its compensating, positive effect in inhibiting the interference of others. The relation between law and liberty, then, is a purely extrinsic one. Liberty is defined in such a way that in itself the law is not particularly fitted for the promotion of liberty—on the contrary, it is itself an

assault on liberty—and if it serves to increase the liberty enjoyed in a society, that is for contingent reasons of circumstance: it serves to inhibit other interferers.

If someone adopts the quality-centred conception of negative liberty, he will take a very different view of the relation between law and liberty. In order to be inimical to freedom in this sense an act would have to undermine an existing source of resilience in the enjoyment of non-interference: an existing resilience-support. It is possible for the law to be so badly designed that it has this undermining effect on people as a whole—it may undermine a protective civic culture—and it is possible even for a well designed law to have this effect on odd individuals: on individuals who would enjoy special sources of resilient non-interference—they may be especially powerful or persuasive—in the absence of the law. But it should be clear that if someone thinks of liberty as resilient non-interference, then he will not take either of these possibilities to be inevitable. On the contrary, he will be inclined to say that the well conceived rule of law is entirely positive in its effect on the liberty of most people; it establishes or helps to establish the level of resilient non-interference—the level of freedom—that they enjoy, and it does this without initially diminishing that which it eventually promotes. The rule of law is inherently fitted, and not just fitted by the accident of circumstance, for the promotion of liberty. The rule of law is a crucial element in the standard way of bringing liberty into existence; it is not just a factor that impacts both negatively and positively on the level of liberty that people enjoy.

If this is right, then we must expect adherents of the two conceptions of negative liberty to be prone to make different sorts of comments on law and liberty. It should be no surprise, then, that liberal adherents of the quantity-centred conception of liberty—particularly those in traditional, English-speaking liberal circles—emphasise the fact that law is itself an invasion of liberty. Berlin (1958, 8) finds the notion that law as such is an invasion of liberty in ‘the classical English political philosophers’ and refers us in particular to Hobbes and Bentham:

‘A free man’, said Hobbes, ‘is he that ... is not hindered to do what he hath the will to do’. Law is always a ‘fetter’, even if it protects you from being bound in chains that are heavier than those of the law, say, arbitrary despotism or chaos. Bentham says much the same.

Maurice Cranston (1967, 48) goes further than Berlin, suggesting that for the English liberal, the constraints of the state, and therefore the constraints of the law, are the main threat to liberty. ‘By “freedom” he means *freedom from the constraints of the state*’. Anthony Arblaster (1984, 58) maintains the theme, in commenting on the nineteenth century tradition: ‘freedom, for liberals, continues to mean, above all, freedom from control, compulsion, restriction, and interference by the state’. True, there is a certain ambivalence among some writers associated with the English liberal tradition: most notably Locke (1960, 348) for whom ‘that ill deserves the name of confinement which hedges us in only from bogs and precipices’.¹ But this

¹ Bentham is perhaps the most insistent, in general, that all law is itself an invasion of liberty, albeit a justified invasion. But even he slips on at least one occasion into a more resilience-centred way of speaking: ‘personal liberty is security against a certain species of injury which affects the person; whilst, as to political liberty, it is another branch of security—security against the injustice of the members of the Government’ (Bentham 1843, 302). In this loose fidelity to the republican way of expressing things he is joined by other liberals. Thus Lord Acton (1985, 7): ‘By liberty I mean the assurance that every man shall be protected in doing what he believes his duty against the influence of authority and majorities, custom

ambivalence is easily put down to the survival among liberals of older and, as I see it, republican themes.

It may be readily agreed that the **classical liberal tradition—the English tradition up to the mid-nineteenth century—works with the quantity-centred notion of liberty.** And the same may be happily conceded for the latter-day heirs of classical liberalism: those libertarians for whom negative liberty is the only political value. **But what of left-of-centre liberals like John Rawls and his ilk? Do they also work with such a conception of liberty? I believe that they do. They reject the path taken by the revisionary liberals of the late nineteenth century, like T.H. Green, who went for a positive concept of liberty. They focus on the so-called basic liberties associated with non-interference, understanding these in the traditional way (Rawls 1971, 61)** The main goal of the state, in their view, is to promote these liberties equally for all and they think of the state as itself infringing liberty in pursuit of this goal: ‘liberty can be restricted only for the sake of liberty’ (Rawls 1971, 302). The point at which they break with libertarians is not in conceiving of liberty differently, but in adding other goals for the state to further side by side with, or in second place to, liberty.

So much for the liberal view of the role of law in relation to liberty? What now of the republican? Although the issue about law and liberty is not much addressed in republican texts, it is implicitly resolved in the most distinctive refrain about liberty that is to be found in the republican tradition. This refrain is the equation of liberty with full citizenship in a suitable society: in a society that exemplifies the rule of law. ‘At Rome and with regard to Romans’, one commentator notes, ‘full *libertas* is coterminous with *civitas*’ (Wirszubski 1968, 3). And, as another adds, ‘the main feature of *civitas* is the rule of the law’ (Viroli 1990, 149). The Roman connection was so salient to medieval adherents of civic humanism that one of them, Giovanni da Viterbo, speculated that the term *civitas*, citizenship, derived from *civium libertas*, the freedom of the citizens (Skinner 1990a, 134). Freedom on this usage becomes equivalent to the freedom of the city; it amounts to what came to be described in English as franchise. ‘Freedom can mean simply “citizenship” ... This meaning is fossilised in the surviving English use of *franchise* to mean the power of voting, conceived as the essential mark of full citizenship’ (Lewis 1967, 125).

If liberty is equivalent to citizenship, as under this refrain, then since citizenship is not reduced by the rule of law, neither is liberty. On the contrary: since citizenship is constituted by the rule of law, together perhaps with other cultural preconditions, so too is liberty. The connection that republicanism makes between liberty and citizenship means that law as such cannot be seen as an invasion of liberty. **Law helps to constitute liberty, not just to serve it in an instrumental way.**

The one who did most to introduce republican ideas to modern Europe was Machiavelli. He is often taken to have advocated a positive notion of liberty as participation in a process of collective self-determination but this reading is now widely rejected in favour of one that supports the equation of liberty with citizenship and that gives law a constructive role in relation to liberty. One commentator

and opinion’. If the ambivalence in question survives among contemporary liberals, perhaps the best candidate is Hayek. See his discussion of how general laws do not fully display the ‘evil nature of coercion’ (Hayek 1960,143).

suggests that in this regard Machiavelli may have made a break with the older republican emphasis, though that itself is probably an exaggeration. '*Liberta* here does not mean active participation in the government of the state as it did in the republican or communal tradition, but rather, as it will come to do more and more commonly in subsequent centuries, the passive enjoyment of a condition in which the security of single individuals is guaranteed by the law' (Guarini 1990, 28). 'The security of single individuals': the phrase is particularly welcome, since it describes exactly the resilience-centred conception of what it is to be free.

Quentin Skinner raises explicitly the question of Machiavelli's views on the relation between law and liberty. Unsurprisingly, he finds that Machiavelli took a very different attitude from that which is found among later liberals, including contemporary figures like Rawls:

Among contemporary theorists, the coercive apparatus of the law is generally pictured as an obvious affront to individual freedom. The power of the law to constrain us is only held to be justified if, in diminishing the extent of our natural liberty, it serves at the same time to assure more effectively our capacity to exercise the freedom that remains to us ... For Machiavelli, by contrast, the law is in part justified because it ensures a degree of personal freedom which, in its absence, would altogether collapse (Skinner 1991, 58).

The perceived connection between liberty or citizenship on the one hand and law on the other explains the reaction of incredulity with which Harrington greets Hobbes's comment that a resident of despotic Constantinople may be as free as a citizen of republican Lucca. And the same sense of connection continues down through the republican tradition. We find it, for example, in Montesquieu (1977, 200) when he writes: '**Liberty is the right of doing whatever the laws permit**'. The proposition receives a metaphysical twist under the influence of Rousseau and other Romantic thinkers, a twist which was responsible for bringing it into disrepute, at least among nineteenth century English liberals (Wokler 1988). But we do not need to look into these later developments.

Two Antonyms of 'Liberty'

I have argued that both liberalism and republicanism deploy a negative concept of liberty but that this concept is understood in a quantity-centred fashion among liberals and in a quality-centred or security-centred manner among republicans. I have also suggested that this difference shows up in a difference of view on the relationship between law and liberty: that whereas liberals see law as related to liberty in the manner of an extrinsic instrument, being an invasion of liberty that promotes the aggregate enjoyment of the good, republicans see the relationship in a more constitutive light: law, properly constituted, goes to make people free, giving them a security of non-interference that is otherwise unavailable. In concluding this discussion it may be useful to ask why, if I am right, the republican conception of negative liberty should ever have given way to the liberal. I believe that the answer has to do, at least in part, with a shift that occurred in the antonym of the words 'liberty' and 'freedom'.

The quantity-centred conception is a conception of liberty under which the antonym is any form of restraint or interference. If unfreedom consists in being restrained, then freedom involves not being restrained: it involves non-interference,

pure and simple. The quality-centred conception of liberty, on the other hand, is a conception under which the antonym is slavery or subjection or, more generally, any condition in which a person is vulnerable to the will of another. If unfreedom consists in being vulnerable in this way, then freedom involves not being vulnerable: it involves secure non-interference. In order to enjoy such freedom it is necessary not to be anyone's slave or subject and, more than that, it is necessary, as the Romans realised, to be the very opposite of a slave: to be a *liber* who is equally protected with the best, not just a *servus sine domino*, a slave without a master (Wirszubski 1968).

It is understandable why, in the republican tradition, the antonym of liberty should have been slavery or subjection or vulnerability. There is a great deal of evidence now that the notion of liberty evolved in the classical and medieval worlds as a concept by means of which to mark off non-slaves and non-serfs (Patterson 1991, Pitkin 1988). The particular aim of republican theorists was to identify the characteristics of a society in virtue of which its citizens—its citizens as distinct from residents who do not enjoy citizenship—are distinguished from those who are the victims of despotic rule, corrupt officialdom, external control, and the like. They used the concept of liberty to serve this purpose of demarcation and so it is no surprise that they should have conceived of liberty as the social status antithetical to slavery or subjection.

Skinner (1991, 38) notes that according to Machiavelli the benefit of *liberta* is 'what enables people to recognise and rejoice in the fact "that they have been born as free men (*liberi*) and not as slaves"'. And Jeffrey Isaac (1988, 367) comments that in Harrington's work 'there operates a distinction between industry/liberty/commonwealth and luxury/servitude/monarchy'. The contrast is clearly still in place in *Cato's Letters*: 'Liberty is, to live upon one's own Terms; Slavery is, to live at the mere Mercy of another; and a Life of Slavery is, to those who can bear it, a continual State of Uncertainty and Wretchedness, often an Apprehension of Violence, often the lingering Dread of a violent Death' (Trenchard and Gordon, vol. 2, 249-50).²

As it is intelligible why republican theorists should have taken vulnerability to be the antonym of liberty, so it is understandable why liberal thinkers in the late eighteenth and the nineteenth centuries should have begun to think of liberty as something primarily opposed, not to subjection, but to restraint. Liberal thinkers in that period, especially liberal thinkers in Britain, were concerned to argue that the interference of the state was undesirable: that it hampered commerce and trade and, ultimately, the well-being of all. Liberals were the prophets of the *laissez faire* economics advocated in Adam Smith's *Wealth of Nations* and they were, in effect, the advocates of the rising commercial classes. The language of liberty offered them a rhetoric with which to combat the pretensions of the state—it was probably the only rhetoric that could have served their purposes adequately—and in adopting that language, they reformed the existing conception of negative liberty. When they

2

The theme also figures in Burke, as Chandran Kukathas has shown me. Burke (1970, 77) denounces the idea that Dissenters might be left the liberty to practise their religion, without that liberty being protected in law, as 'a contradiction in terms. Liberty under a connivance! Connivance is a relaxation from slavery, not a definition of liberty'. The idea is reminiscent of the Roman distinction between the *liber* and the *servus sine domino*.

proclaimed the glories of liberty, they were not heaping scorn, as republicans did, on conditions of slavery or subjection or vulnerability. The other side of their devotion to liberty was an antipathy, not to such traditional ills, but to restraint, in particular to restraint imposed by the state: 'all restraint', qua restraint, is an evil', as John Stuart Mill expressed the new orthodoxy (Mill 1972, Chap. 5).

Democracy and Government

Not many will quarrel with the contrasts that I have mapped so far onto the liberal-republican axis: the contrasts in the way in which negative liberty is conceived, in the connection made between liberty and law, and in the antonyms opposed to liberty. The contrasts that I now go on to associate with the two philosophies do not map onto the different approaches in the same uncontroversial measure. Here there is more of the constructive ideal-typing that I foreshadowed in the introduction.

There are two broad aspects to politics, one bearing on the political process, the process whereby government is constituted and conducted, the other bearing on the political product, as it were: bearing on what it is that government is supposed to do. In regard to political process, both liberals and republicans tend to be democrats and, we may assume, universal democrats; if either group has been associated with a restriction of franchise in the past, that is a function of local culture. But that commitment leaves room for a number of further choices and in this section I will identify two where it may be useful to mark a liberal-republican divide. I will not comment here on matters to do with the product of politics but I do touch on such issues in next section.

Two Ideals for Voters

Every democrat believes in the importance of the vote but there is a striking division in the accounts that are given as to why voting is important. One pragmatic view is that voting is important so far as it serves, as a lottery would do, to ensure that no dynasty continues in power indefinitely. But I have in mind a division in more principled accounts of the importance of voting. There are two broadly contrasting accounts: the preference view of voting, as I shall call it, and the judgment view of voting (Cohen 1986; Coleman and Frerejohn 1986; Brennan and Pettit 1990).

The preference view of voting casts electors in the role of consumers and casts the politicians and parties who present themselves at the hustings in the role of suppliers or salespersons. The idea is that each party offers a package of collective goods—a set of public policies—and that in voting for one party over another, what each voter is doing is effectively purchasing that package. Of course no voter is assured of getting the package for which she votes, since the success of a package is determined by the aggregate of votes. But still, so this picture goes, the performance of the individual voter should be modelled on the consumer who chooses which product to buy. In each case, it is suggested, the person has an overall set of preferences, an overall ranking of options, and in each case she behaves in the way that manifests her strongest preference.

Why is it a good thing that people should vote, if voting consists in this sort of expression of preference? One story might be that what is really ideal is that people should each be able to choose between any options that confront them—that they

should not be dictated to by others—and that voting in the sense described is the best available alternative in cases where the collectivity determines what each individual will get. But a more common story vindicates preference-voting on more or less utilitarian grounds.

Assume that each individual is better than others at telling her own preferences and at knowing what is likely to increase her preference-satisfaction; and assume that preference-satisfaction amounts to happiness (but see Broome 1991). Assume that when she votes her preference, according to the model under discussion, she votes for the package that promises to make her happier than alternatives: that promises a higher level of preference-satisfaction (but see Brennan and Lomasky 1993). And assume, finally, that the voting system is well designed to pick up the preferences of voters: it delivers, so far as possible, the aggregate social ordering that best answers to individual orderings (but see Arrow 1963). None of these assumptions is uncontroversial, as I have signalled, but I let them pass here. The important point is that if the assumptions hold, then we can argue that the system under which each individual votes her preference is the system which is most reliable for producing overall preference-satisfaction and overall happiness.

The preference story as to why it is good that people should vote contrasts with what I describe as the judgment account. Under the judgment picture of things, voters are not consumers of political packages but, if the commercial metaphor is to be maintained, quality-controllers. They do not go to the polls to record their personal preference between the alternatives on offer, in the way in which we might record our individual preferences between the different holiday destinations that our family might visit. They go to the polls to record their judgment as to which alternative is best for the society overall, by whatever criteria they think appropriate. They behave, not like potential holiday-makers expressing their different tastes, but like the members of an appointments committee who try to reach a conscientious view on the merits of the candidates.

Where the main argument for the preference model of voting is that it would best promote the utilitarian goal of overall preference-satisfaction, there are two different arguments that are used to support the judgment model. One is that if the population generally gets involved in debating and registering their views as to what makes for betterness in political policies, and as to which policy-package is actually best, then there is an increased chance that the package that is best, by the best supported criteria, will actually get chosen. And the other is that if the population generally gets involved in this activity, then this will increase the quality of participation and community in the society; it will recruit people to a public concern in a manner that is intrinsically and instrumentally beneficial.

John Stuart Mill is the writer who most effectively defends the judgment ideal and who is most explicit on its connection with the republican tradition. He recognises the different ways in which people may vote or be expected to vote. 'A great number of the electors will have two sets of preferences— those on private and those on public grounds' (Mill 1964, 305). He is uncompromising in his view of how the voter should behave:

His vote is not a thing in which he has an option; it has no more to do with his personal wishes than the verdict of a jurymen. It is strictly a matter of duty; he is bound to give it according to his best and most conscientious opinion of the public good.

And he is clear that the vote should liberate the citizen, recruiting him to a noble task. 'Whoever has any other idea of it is unfit to have the suffrage; its effect on him is to pervert, not to elevate the mind' (Mill 1964, 299).

How do liberalism and republicanism compare on the voting question? Many liberals have taken a different line, as John Stuart Mill illustrates, but the attitude generally endorsed in their ranks, particularly among so-called libertarians, has been that associated with the preference picture (see Pateman 1970; Schumpeter 1966). The liberal attachment to the market, going back to the historical association with the cause of trade, has made the image of the voter as consumer a very beguiling one. By contrast, the dominant theme in republican writing is that voting is important because in voting people are recruited to the business of government, forming and expressing their considered view as to what is for the public good; they act as quality-controllers, in economic terms, not as consumers.

This republican emphasis has often been tied to the assumption that the society in question will be small enough to enable individuals not just to vote but to take an active part in government or parliamentary business; it has been tied to a belief in the possibility of direct, participatory politics (Pateman 1970). But that association with participatory politics is probably misleading. There is no reason why citizens should not play the part of judgmental voters, voters who try to internalise the public good and form their view as to what it requires, even if the sheer size of the society means that they cannot all aspire to a place in parliament: even if they have to rely on a system of political representation.

Two Ideals for Politicians

A second issue that comes up with the political process has to do not with the behaviour of ordinary voters but with the behaviour of politicians themselves. Consider politicians as they deal with lobby-groups or as they deal with one another, individually or via party groups, in parliament. How are we to conceive of their behaviour, when their behaviour is ideal? The ideal behaviour of the voter is to express her overall preference, on the liberal model, and to express her final judgment, on the republican model. What is the ideal sort of behaviour for the politician?

Again there are two salient views. One is that what politicians should be doing, and indeed what democratic politicians mostly do, is to enter into a sort of bargaining process with those who lobby them or with those whom they confront in parliament. When two or more parties bargain with one another they take their own opinions and preferences as given—these are not up for debate in the course of the exchange—and they pursue their preference-satisfaction at the least cost that others can extract from them; they make the minimal concessions which are necessary in order to get others to behave in a beneficial way. In a word, they horse-trade.

Why might it be thought desirable that politicians should bargain with one another and with lobby-groups in this way? Here is a familiar, rather Panglossian

story: once again, a story of a utilitarian stamp. In bargaining with one another, politicians will be representing the preferences of their different constituents—they will not be re-elected if they do not internalise these—and they will each be doing the best that can be done by those preferences, consistently with what is done by the preferences of the constituents of other politicians. In bargaining with lobby-groups, on the other hand, they will give ear to those groups, and weight to the preferences they represent, in proportion to the number of electors associated with the groups; and so they will behave, overall, in a way that serves well the distribution of preferences in the society: they will not give undue stress to the preferences of a small minority or inadequate stress to the preferences of a large lobby. In these ways, so it is suggested, the bargaining activities of politicians are turned to the overall good. They represent sorts of activities that we have reason to want politicians to display, at least if we care for the overall satisfaction of people's preferences.

The alternative picture of how politicians should ideally behave relates to the bargaining image much as the judgment model of voting relates to the preference model. It suggests that far from bargaining with one another, politicians should rather be concerned to deliberate and debate. Their aim should be, not to get the best that can be achieved for their pre-given goals, but to seek to identify in a deliberative exchange of information and argument the requirements of the public good in any area and the measures that promise to promote it. They should aim at responding to one another and to the different lobby-groups they confront as one scientist might respond to the attempts of another to persuade her that she is mistaken about something. They should meet those with whom they deal in the business of politics as partners in the forum of conversation and argument.

It should be clear why this deliberative picture of the ideal behaviour of politicians should appeal. Assume that there is a fact of the matter, at least within certain constraints, as to whether this or that policy is better for a society. It would seem then that the proper course for a politician who is trying to decide which policy to support should be to take heed of the things that others say, not in proportion to the numbers they represent, but in proportion to the weight of evidence and argument adduced in support of their claims.

As the preference and judgment ideals of voter behaviour map onto liberalism and republicanism, respectively, so the bargaining and deliberative ideals of politician behaviour correlate in the same manner with those doctrines. The republican tradition has always stressed the importance of deliberation in political decision making, as has been frequently remarked recently (Sunstein 1988). The liberal tradition has been more ambivalent: many liberals have certainly favoured the deliberative model but there is a long and deep-running tendency in liberal ranks to embrace the bargaining picture. One reason that the bargaining picture may have appealed is that, as the preference model of voting casts that activity in a quasi-commercial mould, so the bargaining model gives a commercial gloss to the activities of politicians.

Two Sources of Normative Confidence

It is one thing to hail a particular pattern of activity as ideal, in the way in which liberalism and republicanism hail different patterns of voter and politician behaviour.

It is another thing to argue that those patterns of behaviour are feasible: that, consistently with what we know of human nature, we can expect voters and politicians, in appropriate contexts, to display the behaviour. How do the rival patterns compare on this score? It turns out that this issue takes us towards yet another divide between liberalism and republicanism.

We have already remarked that there is a definite commercial metaphor at work in the liberal representation of voting as the expression of preference and of politician behaviour as bargaining. One reason why the liberal tradition may have been attracted to these representations is, on the one side, that the behaviour ascribed seems to be reliably driven by self-interest; and, on the other, that the behaviour promises, in aggregate, to deliver the good of the community in the invisible hand fashion of the market. The invisible hand is a device whereby people's choices are so orchestrated that, even if each makes her choice for a distinct, usually self-interested reason, still the aggregate effect is for the overall good. Each voter may express her overall preference just because of wanting what will satisfy her preferences most, not for utilitarian reasons; and each politician may make certain bargaining overtures and concessions, not for utilitarian reasons, but in order to maximise her chance of re-election. But still, these patterns of behaviour are conducive, so it is alleged, to the production of the utilitarian goal.

All of this is to say that considerations of feasibility may have played a large part in motivating, within liberal ranks, the preference ideal of voting and the bargaining ideal of politician behaviour. It appears, at first glance, as if we are offered the best of all possible worlds. The behaviour described is apparently that which rational egoists may be expected to produce, so that we need have no worries about inducing civic virtue in people. And at the same time it promises to generate an overall pattern to delight any utilitarian assessor of social welfare.

But if considerations of feasibility have had some part to play in attracting liberals to their ideal image of voters and politicians, it must be remarked that these grounds for attraction have been seriously undermined in recent years. The public choice school of thought, born of a use of economic method in studying the feasibility of liberal-political structures, has served to show that we cannot be optimistic, in the invisible hand fashion, about the behaviour of politicians; the constraints on politicians are too lax, and the opportunities for sectarian and selfish pursuits too many, to give us any faith that a utilitarian maximum will be promoted (Mueller 1979, McLean 1987). More recently, and even more dramatically, extensions of public choice lines of thought have shown that if we model voters in the familiar economic way, then we cannot expect them to vote their preferences; the chance of a voter's influencing the outcome is so small that we should rather expect the rational egoist in the polling booth to seek the satisfaction of more immediate preferences: to vent her feelings, mean or magnanimous; to strike a posture that gives her some pride or pleasure; to identify with the side likely to win or to identify with the underdog; and so on through a bewildering range of possibilities (Brennan and Lomasky 1993, Brennan and Pettit 1990).

Is there a republican tradition of thinking about the feasibility of the images it wishes onto voters and politicians? Surprisingly enough, given the current association of this theme with the more recent discipline of economics, there is a

strong tradition of feasibility thinking in republican circles. Republicans think of the behaviour of citizens in voting their judgments, and the behaviour of politicians in exercising and acting on deliberation, as instances of civic virtue: as instances of the disposition to promote the public good or to promote, at least, what is seen as the public good. And one of the grand themes in the republican tradition is the exploration of ways in which we may expect to be able to make people virtuous in this sense (Oldfield 1990).

It is sometimes said that republicans rely on the spontaneous, almost saintly virtue of individual citizens and politicians. But this is quite unfaithful to the tradition. Republican virtue does not necessarily mean the disposition to pursue the public good for upright reasons: for reasons of love for the public good. It is enough for republican virtue that a person reliably pursues the public good, whatever the ultimate reasons for that dedication. Machiavelli recognised that uprightness was not generally available and that what we have seen in most republics is merely reliable beneficence, beneficence secured by the pressures of law and opinion. 'By the force of law', as Quentin Skinner (1991, 54) writes in commentary, 'the people were liberated from the natural consequences of their own *corruzione* and transformed in effect into *virtuosi* citizens'. Again, it is clear in someone like Montesquieu that what he cherished was reliable beneficence, however procured, not just reliable beneficence of the upright sort. Tocqueville writes of Montesquieu on virtue. 'We must not take Montesquieu's idea in a narrow sense ... When this triumph of man over temptation results from the weakness of the temptation or the consideration of personal interest, it does not constitute virtue in the eyes of the moralist, but it does enter into Montesquieu's conception, for he was speaking of the effect much more than the cause' (Aron 1968, 201).

What is the republican tradition of thinking about the prerequisites of civic virtue? What sorts of things are traditionally held to make civic virtue feasible: in particular, to make it feasible that voters should form and act on their judgments, and politicians form and act on their deliberations? The tradition identifies a rich variety of devices, devices of a kind that have become part of our folk politics, for the promotion of civic virtue. It has been the source of familiar ideas on limited tenure in public office, on the impeachability of officials, on the answerability of officials to forums of public debate and review, on the separation of executive and judicial authority, and on the bicameral division of legislative power. But there is one theme that stands out in the tradition and I would like to draw particular attention to this.

The theme is that as people may be expected to have a special self-interest in their own economic welfare—this is the self-interest on which economists and liberals focus—so they have a special self-interest in their reputational welfare: a special self-interest in being well thought of by their fellows. Adam Smith, republican that he is in many of his affections, gives typical and ardent expression to the motivational axiom involved. 'Nature, when she formed man for society, endowed him with an original desire to please, and an original aversion to offend his brethren. She taught him to feel pleasure in their favourable, and pain in their unfavourable regard. She rendered their approbation most flattering and most

agreeable to him for its own sake; and their disapprobation most mortifying and most offensive' (Smith 1982, 115).

Much of the republican way of thinking about feasibility is driven by this sort of axiom. The idea is that if we can design social institutions so that civic virtue is necessary for the enjoyment of honour and regard then, special temptations apart, we may expect people to respond to that incentive; we may expect them to cleave to the paths of honour, if not for honour's sake, at least for the sake of their good name. Perhaps most will keep to those paths out of habit or out of spontaneous virtue but some may require the extra reputational motivation and, with those who don't, the extra motivation will provide at least a boosting role.³

It may be useful to give an example of how this incentive might work. Consider the jury. It is important for the franchise of citizens that jurors be conscientious, and be known to be conscientious, in assessing the impact of evidence on guilt: in discharging their publicly assigned duty. But conscientiousness may not be motivating for all jurors; they may lack the spontaneous virtue to pursue it. Conscientiousness takes time and trouble and while everyone is better off if every juror is conscientious than if none is, everyone is better off in self-interested terms if she can be the one juror who gets away with being less than conscientious. Hence it is important for a republican dispensation that we be able to put sanctions in place that will promote conscientiousness among jurors. So how is conscientiousness assured among members of a jury?

A number of factors are relevant. First, it is common knowledge among the jurors that conscientiousness is the only approved and acceptable type of conduct, for it should be manifest to all that each of them is vulnerable to manipulation by others if jurors are not generally conscientious; besides, the requirement of conscientiousness is highlighted as they are sworn in and as they are given their instructions by the judge. Second, it is common knowledge among the jurors that if anyone is not conscientious then this is likely to be noticed by others and to attract a degree of alienation; it is common knowledge, after all, that jurors can ask each other questions and that this interrogation can reveal whether someone is being casual or biased in their judgment. Finally, it is also the case under the jury arrangement that conscientiousness ought not to be economically irrational: members of the jury are vetted so that they do not have a special interest in the outcome and their deliberations are covered by a veil of secrecy, so that they ought not to be exposed to intimidation (but see Thompson 1986).

These three conditions being fulfilled, we may reasonably expect that jurors will police one another into the display of conscientiousness, even if they are not spontaneously virtuous in this respect. The vetting and confidentiality measures ideally ensure that they are not strongly motivated away from conscientiousness. And the other aspects of the arrangement mean that this fertile motivational ground is seeded with incentives to adopt a conscientious profile, doing one's best to determine whether the evidence puts guilt beyond reasonable doubt. The juror who fails to be conscientious is liable to look silly or unsavoury, as her cavalier or

³

I assume here that the republican device will not tend to make knaves of those who are not knaves to begin with. On the importance of its not doing so, see Ayres and Braithwaite 1992; on the possibility of its not doing so see Pettit (1993a, chapt. 6), and Pettit (forthcoming).

prejudiced attitudes are revealed. With nothing else to care about, this may be sufficient to elicit the desired sort of conscientiousness in even the most hardened soul.

This may be sufficient, I say. But of course there is no guarantee that it will be. There are a variety of ways in which the jury arrangement may fail to work. The jury may be stacked, despite the best vetting procedures, with those who have a special interest in the outcome; or the effect of the desire for acceptance, in particular the acceptance of the other jurors, may be neutralised despite efforts at confidentiality by outside intimidation. Again, the jury may be vitiated by an unwillingness to pursue mutual interrogation as to the reasons for any judgment made and by the absence of a belief that those who are not being conscientious will be exposed. Or, more basically still, the arrangement may be undermined by the appearance of divisions in society which make some members of the jury willing to present themselves as 'shameless' to others. A society can become so divided that committee members care only for the acceptance of those in their own particular subgroup, be the grouping one of colour, creed, gender, or whatever.

But even if the honour incentive can be made to work in the jury case, might we expect it to work in the promotion of judgmental voting and deliberative politics? There is a long tradition of argument that if we get people to deliberate publicly with one another about some matter, then we can rely on a concern for their reputation with others to lead them not to argue in an overtly self-serving or stupid manner; this tradition has received particularly trenchant expression in Habermas's work (see Elster 1986, Pettit 1982). If institutional circumstances are such as to make voters responsive in this way to one another's questioning—say, under an open system of voting (Brennan and Pettit 1990)—and if they are such as to make politicians systematically responsive in like manner, then there is some hope that we can plan for the civic virtue required. The matter calls for further exploration.

One final thought, before leaving these issues. **I said that the liberal tradition was attracted by the invisible hand idea introduced by Adam Smith: the idea that although they are each self-interested, people may discipline one another into behaving in a socially desirable fashion.** Consumers, each disposed to seek the lowest price, discipline producers into trying to undercut competitors; electors, each disposed to vote her own personal preference, discipline politicians into seeking to promote overall preference-satisfaction; and so on, allegedly, elsewhere. **The idea that drives a lot of republican thinking may be described, in parallel, as an intangible hand (Pettit 1993a, Brennan and Pettit forthcoming).**

In the invisible hand arrangement, people do things that have the non-intentional result that others are motivated to behave in an aggregatively beneficial manner; consumers take their custom elsewhere, in the traditional example, and sanction producers into matching one another's prices, down to the level of the competitive price. In the intangible hand arrangement, people equally discipline one another into behaving appropriately—behaving in a way that will win regard and honour—and equally the disciplining is non-intentional on their part. But here the sanctioning is non-intentional, not because they do things which non-intentionally have a sanctioning effect, but because the sanctioning is mediated by a wholly non-

intentional response: not the doing of anything but the formation, in particular the perceived or assumed formation, of suitably rewarding or suitably punitive attitudes.

There is a fairly deep-running reason why the republican tradition should favour the intangible hand. Suppose that someone is sanctioned in situations 1, 2 and 3 in such a way that she behaves properly. What are we to expect of her in situation 4, where she may hope to escape without immediate penalty for improper behaviour? If the sanctioning system is an invisible hand, then we must expect her to avail herself of the opportunity and behave in a self-interested way; at the least, we must think this is quite possible. If the sanctioning system is an intangible hand, the same result does not follow. Why? Jon Elster (1983, 66) implicitly gives us the answer. 'The general axiom in this domain is that nothing is so unimpressive as behaviour designed to impress.' If there is any chance at all of the person's being discovered to have behaved badly in the situation in question, and if she is genuinely concerned with being well thought of, then she would do well not to run the risk, however small, of being caught out. For if she is caught out availing herself of such an opportunity, then she shows herself to be an honour-hunter in the cases where she does behave well; and that is to lose out on the benefit of her positive efforts elsewhere: it is to suffer a loss of enormous proportions.

This feature of the intangible hand connects with the republican emphasis on liberty as security of non-interference. If what I want is secure or resilient non-interference, then I will be better served by a regime under which others are disciplined by an intangible hand than I will be by an arrangement where the only sanctions on them are those of the invisible hand. Under the intangible hand arrangement, I can be fairly sure that even if someone had the opportunity, or even if someone was seized by a hostile whim, still they may balk at interfering with me or balk at not doing me justice in the performance of a public office. Under the invisible hand dispensation, by contrast, I would not have this sort of security. I might feel confident about how things will go in this or that encounter, while having to recognise that I am vulnerable to any opportunity that the other may get for interfering in some way with me and then covering up her tracks.

Life in the Good Polity

We have identified a range of contrasts, a range of oppositions, around which it is plausible to organise the dichotomy between liberalism and republicanism. Liberalism goes for a quantity-centred conception of liberty, a conception to which restraint is the antonym, and sees the law as instrumentally serving the cause of such liberty: law is itself a form of restraint but overall it does more good in this regard than harm. Republicanism prefers a security-centred or quality-centred conception, a conception opposed to servitude rather than restraint, and casts the law in a constitutive role vis-a-vis liberty, not merely an instrumental one: the rule of law helps to confer on citizens that secure status in which their liberty consists.

Liberalism would like to see voters as self-interested consumers who calculate the rival attractions of different electoral packages and it would like to cast politicians as figures who bargain their way towards the maximal satisfaction of the more or less sectional interests they represent. It constitutes an economic, invisible-hand ideal of how the polity should work. Republicanism envisages voters

as quality-controllers who make a judgment on how well different electoral packages are likely to serve the common good, and it looks for politicians who deliberate the competing merits of different policies, relying on debate and argument to identify those that are likely to serve the public. It represents a very different ideal of the polity: an ideal that relies for its feasibility on the possibility of mobilising people's concern for honour and regard in order to get them to behave appropriately; where the liberal ideal crucially depends on the possibility of an invisible-hand ordering of affairs, this depends on the availability of what I described as intangible-hand arrangements.

We come, finally, to a third area in which there are contrasts that can be organised around the dichotomy of liberalism and republicanism. Every political philosophy projects a certain ideal of what it is for a community to enjoy a desirable form of political life, what it is for individuals to be fortunate in the political dispensation under which they live. Unsurprisingly, in view of the other contrasts that we have described, liberalism and republicanism are associated with competing images of this ideal.

A Social Versus a Non-Social Ideal

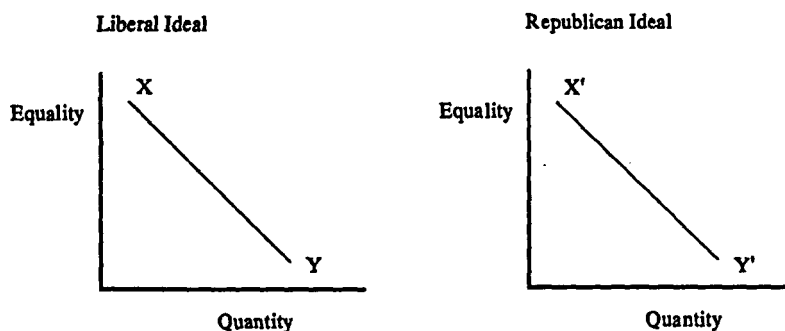
The first and perhaps most obvious difference between the two philosophies, as they have been characterised so far, is that liberalism hails a distinctively isolationist, and republicanism a distinctively communal, ideal. This comes out in the fact that the quantity-centred notion of liberty is one that is perfectly realised out of society, whereas the quality-centred one requires participation in a communal life.

Under the quantity-centred notion of liberty, to be perfectly free is to lack the interference of others in your life and affairs: to live without restraint. But how better to enjoy this condition of non-interference than by isolation from others: than by living the solitary life, perhaps in a universe without other inhabitants? If there are no others around to interfere with you, then you are going to enjoy the very consummation of the quantitative ideal. Things are quite different with the quality-centred conception of liberty. This conception presupposes that there are others about and it identifies liberty with the status of being suitably protected against the sort of interference that they exercise. To be perfectly free under this conception is, of necessity, to belong to a society; it is to belong to a certain sort of society—a free society, a society suitably organised around a rule of law—and it is to have the status of full citizenship in that society.

The image of perfect freedom, under the republican approach, is that of enjoying the freedom of the city: the status of being fully enfranchised, fully incorporated within the body politic. The image of perfect freedom, under the liberal approach, is that of enjoying the freedom of the heath, the freedom that comes in fullest measure when one is let entirely alone, out of society. This image of the freedom of the heath summons up the picture of a pre-social state of nature and this is no coincidence. It is striking that whereas republican thought has little or no place for state-of-nature thinking—or for the associated representation of society as the product of contract—this sort of thinking has had an important influence on liberals; it figures prominently in the English pre-history of liberalism, among thinkers like Hobbes and Locke, and a variant has played an important part in the work of liberal writers like John Rawls (1971) and David Gauthier (1986).

The difference between the liberal and republican ideals of freedom, the fact that the one is isolationist in character, the other communal, ties up closely with the different status of law in the two philosophies. Under the liberal approach, the state and the law are justified to the extent that they leave people as near as they can hope to get, while living in society, to that ideal which they could perfectly enjoy only in the condition of the solitary individual. Under the republican approach, the state and the law are justified, not by the degree of people's approximation to an essentially non-social ideal, but by the extent to which they are so constituted that people flourish socially: they attain the status of full citizens.

There is a second, equality-related aspect to the social versus non-social contrast between the liberal and republican ideals. It is perfectly possible, in principle, for me to continue to enjoy a given level of liberal freedom—of non-interference—while others about me enjoy higher and higher levels; my degree of freedom is not directly sensitive to the degrees of freedom enjoyed by others. But things are very different with republican freedom. If others become more and more secure in the non-interference they enjoy, that almost certainly means that I become more and more vulnerable to them; certainly this will be the case, under most plausible ways of empowering the others. And so I cannot remain as free as I was prior to the improvement in the lot of others. The difference between the two ideals in this respect means that while the quantity of liberal freedom can be increased as the degree of equality falls, quantity and equality are closely connected under the republican approach.⁴ The X-Y curve is a real possibility; the X'-Y' curve is not.



There is also a third aspect to the social versus non-social contrast between the two ideals. Suppose that I live in a society where there are no salient divisions among the population in respect of how they are likely to be treated by the authorities, or at least none that favour me. If I see that others are not adequately protected in such a society, if I believe that their legitimate complaints are not properly pursued, or if I suspect that they are even victimised, then while I may recognise that I enjoy non-interference myself—that I enjoy liberty in the liberal sense—I cannot hold that I enjoy the resilient non-interference involved in republican freedom. How others fare at the hands of the authorities is the best evidence I have of how I stand myself. And the evidence in the case imagined

⁴ One result is that liberals tend to hail equal liberty, rather than liberty plain and simple, as their ideal; they have to be explicit about the equality.

displays quite clearly that I only enjoy a very tenuous hold on non-interference: I live at the mercy of the authorities. The general lesson is that I cannot know that I enjoy republican freedom in a society where others clearly do not enjoy it. I cannot enjoy the consciousness of the free subject in a society where others are obviously not free.

But though liberalism and republicanism contrast on the social versus non-social dimension, there is an important commonality between the approaches that we ought to mark. This is that both philosophies are opposed to the so-called communitarian theory which has lately come to prominence among political thinkers (see Kymlicka 1990 and Holmes 1989 for critiques). Communitarians deny the possibility of the neutral state or constitution, the state that is justified without reference to any particular conception of the good life. The line is that such a state will end up satisfying no one or will surreptitiously favour one conception of the good life above others. The ultimate communitarian lesson is hard to gauge, and defenders of the approach are often shy about pointing practical lessons, but the apparent upshot is that there can be no satisfactory mapping between a pluralist society and a single state or constitution. That lesson is bleak indeed, since it does not hold out much hope for the modern world that most of us inhabit.

Liberalism favours the idea of putting such a state in place that the adherents of different conceptions of the good life can all lively happily under it (Larmore 1987). Indeed this feature is sometimes treated as definitional of liberalism. But it should be clear from all we have said that this is misleading, since republicanism is equally well disposed to the idea of a neutrally justified state. Consider any conception of the good life that can be pursued and realised, however partially, in a pluralist society. For almost any such conception, it appears that if a person is to be able to pursue it then she must have the independence from others, the relative lack of vulnerability to their wishes as to what she should do, that is provided by the enjoyment of liberty in the republican sense: of franchise. In John Rawls's term, franchise looks to be a primary good for members of a pluralist society: a good such that whatever else they desire, they must desire this as a prerequisite for the satisfaction of their other desires (Rawls's 1971). Franchise may not be a goal that appeals in non-pluralist societies—say, in societies organised around a single religious outlook—but it would seem to be attractive for anyone attached, or even just reconciled, to pluralist community.

A Subjective Versus a Non-Subjective Ideal

We have been discussing a first contrast between liberalism and republicanism on the matter of life in the good polity; liberalism holds out a non-social ideal for life in the good polity, republicanism envisages an ideal of a communal stamp. A second contrast comes of the fact that while the liberal ideal has no particular subjective resonance, the republican ideal connects intimately with people's attitudes and feelings.

The republican ideal of liberty is a condition that can be diminished, not just by the actions of others, but by the attitudes towards others that are forced on an agent, in particular by attitudes of fear or deference. 'Security of life and property, sanctity of hearth and home, inviolability of civic rights were the chief elements of Roman *libertas* ... People who lived under oppression in danger of their lives came

gradually to conceive *libertas* as meaning, primarily, order, security, and confidence' (Wirszubski 1968, 159). This feature of republican liberty does not receive emphasis in all thinkers within the tradition but it regularly surfaces there. Perhaps the one who emphasised it most was the Baron de Montesquieu. 'The political liberty of the subject is a tranquillity of mind, arising from the opinion each has of his safety. In order to have this liberty it is requisite the government be so constituted as one man need not be afraid of another' (Montesquieu 1977, 202). As the social dimension of republican liberty is caught in the English word 'franchise', so too with the subjective. For, etymologically, to enjoy franchise is to be able to behave like the Franks in early medieval Europe; it is to be able to be frank with all, to be able to deal with them without fear or deference.

The liberal tradition undermined this connection between freedom and feeling.

The notion that freedom might be invaded just so far as someone has to live in fear or deference is foreign to the nineteenth century liberal ways of thinking which came to dominate political theory. It is a frequent complaint among those who identify with this development that it is confused to think that freedom is lost just in virtue of certain attitudes being forced on people. 'The difference between being free and feeling free is clear enough, but not always noted' (Weinstein 1965, 156). There is a clear divide drawn between being free and having such a status that one is not cowed by others. While there is a recognition that we all desire that sort of standing, the desire is separated off from the desire for liberty (Shklar 1989). As Berlin (1958, 43) says: 'it is not with liberty, in either the "negative" or the "positive" senses of the word, that this desire for status and recognition can easily be identified.'

The fact that negative liberty consists in the secure possession of non-interference, under the republican conception, explains why someone's freedom can be diminished, not just if others interfere, but also if certain attitudes towards others are forced upon the person: in particular, attitudes of fear or deference. Suppose someone is in a position relative to others where she has rational grounds for fearing their interference or currying their favour. Under the quantity-centred conception of liberty she will not be lacking in liberty on just that account: after all, she may not be subject to any interference on the part of those others. On the quality-centred conception, however, she will be lacking in liberty. The fact that the fear and the deference are forced upon her means, in all likelihood, that the individual is not actually protected against those others in the manner required for the enjoyment of resilient non-interference. Thus being subjected to those attitudes already signals a deprivation of liberty.

It is not just an interesting implication of republican liberty that it involves being in a position to enjoy the subjective good associated with living without fear or deference. Arguably, the subjective aspect of the republican ideal is part of what makes it attractive. The ideal provides a sort of psychological satisfaction which it is hard to imagine anyone spurning. The satisfaction involves a sense of occupying a province where you can make decisions autonomously, without having to consider whether this will annoy others and make them more likely to interfere; and a sense of status, as the fact of this security becomes a matter of common awareness, with everyone recognising that you enjoy the good, everyone recognising that everyone recognises this, and so on (see Pettit 1993a, 1993b).

Two Different Policy-Making Stances

We have described two ways in which the liberal and republican ideals of the good polity contrast: the liberal ideal of life in the good polity is non-social and non-subjective where the republican ideal is communal in character and has a rich psychological aspect. There is one final contrast that I would like to mention before concluding. This bears on the policy-making significance of the two philosophies, as I have constructed them here. In particular it bears on their significance for the question of how active the state ought to be in the organisation of social life. Should the state take an active part, setting up institutions of social security, arranging for universal medical care and legal aid, and ensuring that everyone receives a certain level of education? Or should the state assume a minimal profile? Should it recognise only the duties of ensuring external security and internal order—the duties of the night-watchman state—and should it be prepared to involve itself in the provision of social welfare only so far as internal order requires this?

Distinctive liberal commitments, in particular the commitments of someone who recognises no value other than negative liberty—the classical liberal or libertarian—are generated in three stages by the liberal conception of freedom. The first stage is the recognition that under the quantity-centred conception of freedom any legislation and, more generally, any intervention by the state always impacts negatively on people's freedom. At the least, any intervention by the state will require taxation and a degree of fiscal interference. The second stage is the observation that if the state does intervene in some area, say with a view to protecting some individuals from interference, then that is justified only so far as the amount of interference associated with the state's initiative is outbalanced by the amount of interference which it inhibits. If freedom is determined by quantity of non-interference, and if every state initiative involves some interference, then the arithmetic of freedom requires that the state should intervene only when the interference it prevents is greater than the interference it displays. The third stage in the generation of liberal commitments comes with spelling out what this observation should mean in practice. The obvious way to spell it out would be to require that the state should intervene if and only if reasonable estimates of probability show that the level of interference in the society as a whole is likely to be decreased by the intervention. But since the interference associated with any state initiative is certain to occur, and the interference which it may help to reduce is only a matter of probability, this requirement easily strengthens into a presumption against state initiative: a presumption that the state should not intervene in any area until the case for intervening is more or less overwhelming.

This minimalist presumption sums up the distinctively liberal—certainly the classical liberal or libertarian—commitments in regard to state activity. Many left-of-centre liberals will recognise other, balancing commitments, of course, but these will be associated with distinct values like equality or utility, not with liberty as such: not with the core liberal value. Things are different when liberty is understood in the republican, quality-centred way. It turns out that as the liberal conception of liberty generates the minimalist presumption about state activity, so the republican conception generates quite a different set of commitments.

The process of generation can also be mapped in three stages. The first stage is the recognition that if freedom is measured by the quality of protection against interference which is provided under the law, and more generally under the culture, then a protective intervention by the state does not necessarily take from anyone's freedom; it will take from that freedom only at the point where the state's powers grow so strong that the rule of law is jeopardised and the guardians of freedom become themselves a threat. The second stage is the observation that if the state is to concern itself with the cause of freedom, as republicans think it should, then the question for political theory is how the state can increase the protection that it provides for its citizens, how it can improve the guarantees with which it tries to surround them. The third stage in the generation of republican commitments comes with the attempt to answer this question. Traditionally, republicans have concerned themselves mainly with how to stop the protective state becoming itself a threat to freedom, the focus being placed on the best checks and balances to introduce in public life. But if republicans are serious about the cause of franchise, then there is every reason why they should also look to where the state can improve the defences that it provides for its citizens against possibilities of interference. This would require an investigation of the various initiatives in criminal justice, in educational and medical provision, and in the provision of social security, whereby the value of citizenship can be increased. It represents a significant research program for political theory (see Pettit 1989b, 1991; Braithwaite and Pettit 1990).

The contrast between the liberal and republican perspectives can be nicely illustrated by reference to a fanciful example. Consider the situation where there is only one local employer and many employees, so that the bargaining power on the two sides is significantly different. In such a situation we may expect that the employer would certainly call out the law against any employee who interfered or tried to interfere with her but we may not expect that of any employee with whom the employer interfered or tried to interfere: we might well think that the employee would choose to ignore such acts for fear of losing her job on calling out the law against the employer. In such a situation the employer and an employee may enjoy equal non-interference but they would not enjoy it with equal security. How might we increase security against interference in such a case, ensuring something like equal franchise on the two sides? One way would be by introducing a form of social insurance that would make the prospect of losing a job less than wholly intolerable. So should we think of introducing this?

The liberal is likely to argue that we should back off from any scheme of the kind proposed, if liberty is his only concern. His grounds will be that the scheme would require taxation—itsself an assault on liberal freedom—and that it is not likely that the employer will interfere with the employee: after all, it is scarcely going to be in the employer's economic interest to interfere with employees. But the republican will not be particularly moved by any of these arguments, at least if he assumes that the level of taxation required is not going to have very serious flow-on effects. He is likely to think that under the situation described, the employee is not sufficiently empowered relative to the employer to be able to enjoy equal franchise and that the demands of franchise, however interpreted, suggest the need for the introduction of a social insurance system. Although he starts out from a negative

concept of liberty, as the liberal does, the angle that the republican develops in his particular conception of negative liberty means that he is likely to have quite a different response to the situation described.

Might the republican really want the sort of scheme described to be put in place, even if there is little expectation of the employer's interfering with the employee, as indeed the liberal presumes? The question is important. If the assumption that interference is likely is at the source of the republican's recommendation, then there may be no great difference between him and the liberal. The liberal might also want to put the scheme in place, if he thought that it was necessary to guard against expected interference.

But the republican will have reason to want that scheme, or something of the sort, to be established, even if he does not think it is particularly likely that the employer will interfere with the employee. In the absence of such an arrangement, the employee will be insecure against the employer, regardless of whether the employer is actually disposed to interfere with her. The employee will live at the mercy of the employer, in the sense that if the employer was visited by a whim to interfere, then she could do so with impunity. The fact that the employee is at the mercy of the employer in this sense would presumably be common knowledge and it is striking that in the absence of the sort of arrangement envisaged, the employee would not be able to enjoy the subjective aspect of franchise. She would not be able to stand eye to eye with her employer. She would be in a position that made it rational for her to be fearful or at least deferential.

The example is meant to be illustrative. I hope it will show how, across a range of policy questions, the republican is likely to go a different way from the liberal, or at least from the liberal whose only concern is liberty: from the classical liberal or libertarian. Concerned with the quality of protection, the quality of liberty, which individuals enjoy, the republican is hardly going to be satisfied with the hands-off policies that such pure liberals prefer. He is more likely to go in the direction of those left-of-centre liberals who introduce the claims of equality or the concerns of the worst-off to supplement the demands of the quantity-centred conception of negative liberty; he will side with them in being prepared to consider a more than minimal role for the state. Notice, of course, that the republican may differ from such liberals on precisely what sorts of initiatives and institutions the state should foster. I have not said anything on exactly what is going to be required for advancing the quality-centred, republican conception of liberty and it would be inappropriate to anticipate too exactly the results of investigating that matter.

So much for the last set of contrasts that can be reasonably associated with the dichotomy between liberalism and republicanism. The liberal ideal of life in the good polity is non-social and non-subjective and it invites a minimalist picture of what the state should be doing. The republican ideal has a social and a subjective character and it suggests that the state should actively explore areas where it may profitably intervene in the life of the community.

There remains one question. The only area where I have tried to explore the detailed significance of implementing the republican ideal of freedom, the ideal of franchise, is in the organisation of the criminal justice system: this, in Braithwaite and Pettit (1990; see also Pettit with Braithwaite 1993). It may be surprising, then,

that I have not tried to map any contrast between the main positions in criminal justice onto the liberal-republican axis. Why is this?

The reason is twofold. First, liberals have not systematically tried to elaborate a distinctively liberal set of responses to the full range of questions that arise in criminal justice: questions to do with what should be criminalised—this, exceptionally, is a central liberal concern—with what procedures should bind the police and the prosecution, with what arrangements should prevail in adjudication and with what sentences should be available to the courts. The variety of positions developed in the literature map only loosely onto central liberal commitments. Second, one of the main lines in Braithwaite and Pettit (1990) is that the republican theory of criminal justice developed in that book should appeal across the range of available political philosophies: that it is superior to all salient alternatives by criteria that most philosophies, and certainly all liberal theories, will recognise. This theory of criminal justice fits nicely with the general republican stance described here but I do not think that it stands in sharp opposition to any characteristically liberal position. It is a theory which even those who reject the general republican stance should be persuaded to explore.⁵

References

- Acton, H.B. 1985. *Essays in the History of Liberty*, ed. J.R. Fears. Indianapolis: Liberty Classics.
- Arblaster, A. 1984. *The Rise and Decline of Western Liberalism*. Oxford: Oxford University Press.
- Aron, R. 1968. *Main Currents in Sociological Thought*. Harmondsworth: Penguin.
- Arrow, K. 1963. *Social Choice and Individual Values*. 2nd ed. New York: Wiley
- Ayres, I. and J. Braithwaite. 1992. *Responsive Regulation*. New York: Oxford University Press.
- Baldwin, T. 1984. 'MacCallum and the Two Concepts of Freedom.' *Ratio* 26:125–42.
- Benn, S.I. and R.S. Peters. 1959. *Social Principles and the Democratic State*. London: Allen & Unwin.
- Bentham, J. 1843. *Collected Works*, vol. 1, ed. J. Bowring and W. Tait. Edinburgh: William Tait.
- Berlin, I. 1958. *Two Concepts of Liberty*. Oxford: Oxford University Press.
- Bock, G., Q. Skinner and M. Viroli, eds. 1990. *Machiavelli and Republicanism*. Cambridge: Cambridge University Press.
- Braithwaite, J. and P. Pettit. 1990. *Not Just Deserts: A Republican Conception of Criminal Justice*. Oxford: Oxford University Press.
- Brennan, G. and L. Lomasky. 1993. *Democracy and Decision*. Cambridge: Cambridge University Press.
- Brennan, G. and P. Pettit. 1990. 'Unveiling the Vote.' *British Journal of Political Science* 20:311–33.
- Brennan, G. and P. Pettit. Forthcoming. 'Hands Invisible and Intangible.' *Synthese*.
- Broome, J. 1991. *Weighing Goods*. Oxford: Basil Blackwell.
- Burke, E. 1970. *The Philosophy of Edmund Burke*, ed. L.I. Brevold and R.G. Ross. Ann Arbor: University of Michigan Press.
- Cohen, J. 1986. 'An Epistemic Conception of Democracy.' *Ethics* 97:26–38.
- Coleman, J. and J. Frerejohn. 1986. 'Democracy and Social Choice.' *Ethics* 97: 6–25.
- Constant, B. 1988. *Constant: Political Writings*, ed. B. Fontana. Cambridge: Cambridge University Press.

⁵ My thanks for comments received from Martin Krygier and Graham Maddox.

- Cranston, M. 1967. *Freedom: A New Analysis*. 3rd ed. London: Longmans.
- Elster, J. 1983. *Sour Grapes*. Cambridge: Cambridge University Press.
- Elster, J. and A. Hylland, eds. 1986. *Foundations of Social Choice Theory*. Cambridge: Cambridge University Press.
- Gauthier, D. 1986. *Morals by Agreement*. Oxford: Oxford University Press.
- Guarini, E.F. 1990. 'Machiavelli and the Crisis of the Italian Republics.' In *Machiavelli and Republicanism*, ed. G. Bock, Q. Skinner and M. Viroli. Cambridge: Cambridge University Press.
- Haakonssen, K., ed. 1988. *The Liberal Tradition*. Sydney: Centre for Independent Studies.
- Harrington, J. 1977. *The Political Works of James Harrington*, ed. J.G.A. Pocock. Cambridge: Cambridge University Press.
- Hayek, F.A. 1960. *Constitution of Liberty*. London: Routledge.
- Hobbes, T. 1968. *Leviathan*, ed. C.B. MacPherson. Harmondsworth: Penguin.
- Holmes, S. 1984. *Benjamin Constant and the Making of Modern Liberalism*. New Haven: Yale University Press.
- Holmes, S. 1989. 'The Permanent Structure of Anti-Liberal Thought.' In *Liberalism and the Moral Life*, ed. N.L. Rosenblum. Cambridge, MA: Harvard University Press.
- Isaac, J. 1988. 'Republicanism Vs Liberalism: A Reconsideration.' *History of Political Thought* 9:349-77.
- Kymlicka, W. 1990. *Contemporary Political Philosophy: An Introduction*. Oxford: Oxford University Press.
- Larmore, C. 1987. *Patterns of Moral Complexity*. New York: Cambridge University Press.
- Lewis, C.S. 1967. *Studies in Words*. Cambridge: Cambridge University Press.
- Locke, J. 1960. *Two Treatises of Government*, ed. P. Laslett. Cambridge: Cambridge University Press.
- McLean, I. 1987. *Public Choice*. Oxford: Blackwell
- Mill, J.S. 1964. *Considerations on Representative Government*. London: Everyman.
- Mill, J.S. 1972. *On Liberty*, ed. H.B. Acton. London: Dent.
- Montesquieu, Baron de. 1977. *The Spirit of the Laws*, ed. D.W. Carrithers. Berkeley: University of California Press.
- Mueller, D. 1979. *Public Choice*. New York: Cambridge University Press.
- Oldfield, A. 1990. *Citizenship and Community: Civic Republicanism and the Modern World*. London: Routledge
- Pagden, A., ed. 1987. *The Languages of Political Theory in Early Modern Europe*. Cambridge: Cambridge University Press.
- Pateman, C. 1970. *Participation And Democratic Theory*. Cambridge: Cambridge University Press.
- Patterson, O. 1991. *Freedom. Volume 1: Freedom in the Making of Western Culture*. New York: Basic Books.
- Pettit, P. 1982. 'Habermas on Truth and Justice.' In *Marx and Marxisms*, ed. G.H.R. Parkinson. Cambridge: Cambridge University Press.
- Pettit, P. 1989a. 'A Definition of Negative Liberty.' *Ratio(N.S.)* 2:153-68.
- Pettit, P. 1989b. 'The Freedom of the City.' In *The Good Polity*, eds. A. Hamlin and P. Pettit. Oxford: Basil Blackwell.
- Pettit, P. 1991. 'Liberty in the Republic.' In *Justice, Ethics And New Zealand Society*, eds. G. Oddie and R. Perrett. Auckland: Oxford University Press.
- Pettit, P. 1993a. *The Common Mind: An Essay on Psychology, Society and Politics*. New York: Oxford University Press.
- Pettit, P. 1993b. 'Negative Liberty, Liberal and Republican.' *European Journal of Philosophy* 1(1): 15-38.
- Pettit, P. 1993c. 'Liberal/Communitarian: MacIntyre's Mesmeric Dichotomy.' In *After MacIntyre*, eds. J. Horton and S. Mendus. Cambridge: Polity Press.

- Pettit, P. Forthcoming. 'Principles of Institutional Intervention: A Rational Choice Perspective.' Canberra: Australian National University. Mimeo.
- Pettit, P. with J. Braithwaite. 1993. 'Not Just Deserts, Even in Sentencing.' *Current Issues in Criminal Justice* 4:225-39.
- Pitkin, H. 1988. 'Are Freedom and Liberty Twins?' *Political Theory* 16 (4): 523-52.
- Pocock, J.G.A. 1975. *The Machiavellian Moment: Florentine Political Theory and the Atlantic Republican Tradition*. Princeton: Princeton University Press.
- Rawls, J. 1971. *A Theory of Justice*. Oxford: Oxford University Press
- Schumpeter, J.A. 1966. *Capitalism, Socialism and Democracy*. London: Allen & Unwin.
- Shklar, J. 1989. 'The Liberalism of Fear.' In *Liberalism and the Moral Life*, ed. N.L. Rosenblum. Cambridge, MA: Harvard University Press.
- Skinner, Q. 1983. 'Machiavelli on the Maintenance of Liberty.' *Politics* 18:3-15.
- Skinner, Q. 1984. 'The Idea of Negative Liberty.' In *Philosophy in History*, eds. R.Rorty, J.B.Schneewind and Q.Skinner. Cambridge: Cambridge University Press.
- Skinner, Q. 1990a. 'Pre-humanist Origins of Republican Ideas.' In *Machiavelli and Republicanism*, eds. G. Bock, Q. Skinner and M. Viroli. Cambridge: Cambridge University Press.
- Skinner, Q. 1990b. 'The Republican Ideal of Political Liberty.' In *Machiavelli and Republicanism*, eds. G. Bock, Q. Skinner and M. Viroli. Cambridge: Cambridge University Press.
- Skinner, Q. 1991. 'The Maintenance of Liberty.' In *Contemporary Political Theory*, ed. P. Pettit. New York: Macmillan.
- Smith, A. 1982. *The Theory of the Moral Sentiments*, ed. D.D. Raphael and A.L. Macfie. Indianapolis: Liberty Classics.
- Sunstein, C. 1988. 'Beyond the Republican Revival.' *The Yale Law Journal* 97:1539-90.
- Taylor, C. 1979. 'What's Wrong with Negative Liberty.' In *The Idea of Freedom*, ed. A. Ryan. Oxford: Oxford University Press.
- Ten, C.L. Forthcoming. 'Constitutionalism and the Rule of Law.' In *A Companion to Contemporary Political Philosophy*, eds. R.E. Goodin and P. Pettit. Oxford: Blackwell.
- Thompson, E.P. 1986. 'Subduing the Jury.' *London Review of Books* 4 December:7-9; 18 December: 12-13.
- Trenchard, J. and T. Gordon. 1971. *Cato's Letters*. 6th ed. New York: Da Capo.
- Viroli, M. 1990. 'Machiavelli and the Republican Idea of Politics.' In *Machiavelli and Republicanism*, ed. G. Bock, Q. Skinner and M. Viroli. Cambridge: Cambridge University Press.
- Weinstein, W.L. 1965. 'The Concept of Liberty in Nineteenth Century English Political Thought.' *Political Studies* 13:56-67.
- Winch, D. 1978. *Adam Smith's Politics: An Essay in Historiographic Revision*. Cambridge: Cambridge University Press.
- Wirszubski, C. 1968. *Libertas as a Political Idea at Rome*. Oxford: Oxford University Press.
- Wokler, R. 1988. 'Rousseau's Two Concepts of Liberty.' In *Lives, Liberties And The Public Good*, eds. G. Feaver and F. Rosen. London: MacMillan.