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REVIVAL OF REPUBLICANISM

Revival of Republicanism: is Dichotomy of Positive/Negative Freedom Redundant?

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INTRODUCTION

'Lack of constraints'; this would be the most intuitive and straightforward answer to the question: 'what is freedom?' Indeed, for the bigger part of the twentieth century freedom has predominantly been understood as non-interference, absence of constraints on one's action. Such view is highly influenced by the dichotomy of negative/positive freedom, as presented by Isaiah Berlin. However, many are unaware of alternative approaches to freedom, Republicanism (or Neo-Roman theory) is one of them. Throughout history Republicanism tends to re-emerge as a solution to major political and social problems. The broader aim of this paper is to show the need for the return of this theory to the public discourse on liberty. Meanwhile, the more specific aim is to find out whether republican conception of freedom can be a plausible alternative to 'negative' and 'positive' liberty. The main thesis of the paper is the claim that Republican liberty includes most relevant cases of both positive and negative liberty, thus, making the dichotomy redundant.

Being sympathetic to readers that are less familiar in the history of philosophy, I will start the paper by giving thumbnail definitions of 'negative' and 'positive' concepts of freedom. Then, certain limitations of this binary theory of freedom will be exposed, showing that an alternative (republican) concept of freedom is in a dire need. Consequently, the Republican theory of freedom will be briefly presented. Lastly, it will be

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argued that Republicanism has characteristics of both positive and negative types of freedom. The major part of the argument is an attempt to show that Republicanism is a kind of positive freedom, i.e., mastery of a self-as-a-citizen. It must be noted that in this paper, the terms, 'freedom' and, 'liberty' will be used interchangeably.

TWO CONCEPTS OF LIBERTY

In his inaugural lecture in University of Oxford, Isaiah Berlin distinguished two types of liberty: negative and positive one. He argued that every time we talk about freedom, we talk about one or the other of these two types of liberty.

Negative freedom is 'freedom from', that is, freedom from intentional interference, coercion, and physical prevention of our pursuing one's chosen ends. Negative freedom is concerned not with the source of liberty, but with the scope of it (Berlin, 1969: 8). Authors like Locke, Mill, Tocqueville were supporters of such notion of freedom. Freedom is the area within which individuals can act freely and without interference. The wider is this area of non-intervention, the wider is agent's freedom (1969: 3). Subjects are not free if the scope of the range of possible action is deliberately limited. They must be able to pursue any type of their chosen path of action without any obstructions. Of course, Berlin is not arguing for freedom as an absolute anarchy. Instead, he is advocating a certain (minimal) space of control of each individual.

It must be noted that for Berlin, freedom in no way has a necessary connection with democracy (1969: 7). Rulers can be unjust or promote inequality, but as long as they provide a bigger area for individual action, their regime is freer than an opposite one, with justice and equality, but small space for free action (1969: 7). This implies that liberty, equality, dependence and many other political values are totally distinct from each other. In other words, negative liberty is a metal bubble around each individual that no one can break.

Meanwhile, positive liberty is defined as 'freedom to', that is, freedom to do something. It is primarily concerned with the source of freedom and action. Ultimately, this source can only be one's 'self'. Authors like Kant, Rousseau, Hegel, Fichte, and Marx were supporters of positive freedom. Individuals are free when they depend on their own will and not on some external factors or powers (1969: 7). Only by her own action an agent is able to express herself and her true nature, what she really is. In this sense, freedom is self-mastery, because an agent is master of herself, crafting a particular type of self. Every choice reveals and is the direct reflection of the type of rational agent she is. Rational choice is

seen as belonging to some kind of higher nature, while desire-controlled choice belongs to some kind of animalistic part of human nature, therefore, such choice does not qualify as free (it is being governed by natural necessity). (1969: 8, 9). Desire or inclination-based decisions are not really made by the agent herself; therefore, such decisions are not free. Freedom is seen as autonomy, as 'retreat to inner citadel' (1969: 10). An agent has a free choice, as long as she is making the choice herself no matter what is happening in the real world.

Berlin is concerned that this type of freedom might lead to tyranny, as the manipulations about what 'true nature' counts for might creep in. If the ruler has monopoly over deciding what counts as 'higher nature' or 'real rationality', this might lead to totalitarian control of people (1969: 21). Individual free choice is undermined as the only possible and right choice is to choose to be a 'true human being' as defined by the tyrant. Therefore, Berlin argues for full endorsement of liberal negative freedom and dismissal of positive one.

A NEED FOR A THIRD TYPE OF LIBERTY

The main worry of this section is whether it is possible for an agent to have no interference with her actions, abstain from self-mastery, but, nevertheless, remain not free at the same time? Indeed, there are cases when subject enjoys negative (and in some cases positive) liberties, yet, is still not free.

Consider an example: juries at the International Court of Justice (ICJ) are elected by United Nations Security Council (UNSC). UNSC also has a right to dismiss a judge at any moment, if a member of UNSC complains about the work of a jury. Should not juries be constantly worried and concerned about making the right decision, meaning, the one that is acceptable for all members of UNSC? Would not they make a favorable decision rather than lose their job? To what extent are juries free to make the right decisions if they constantly feel dependency on the satisfaction and content of the UNSC?

Consider yet another example, which is very common among advocates of republican freedom. Imagine a slave and his benevolent master. This master never interferes with the actions of his slave. Nevertheless, both of them know that he could exercise his power at any moment. To what extent is the slave free if he never knows when the master will use his power? The mutual knowledge of asymmetry of power determines lack of freedom, even if that power is never exercised.

These examples aim to show that it is possible to have one's range of choice of action restricted, even if there is no direct interference with

your liberty. Choices are restricted when agents feel vulnerable and anxious, because they do not know what is going to happen to them or they are deprived of equal status with fellow citizens. Importantly, people who 'live at the mercy of another' or are 'unable to look the other in the eye' and, therefore, have to 'flatter in the attempt to ingratiate themselves' are as un-free as people who are forced to pick apples for the king (Pettit, 1997: 5). These are the cases when individuals are dominated by another subject and live in a constant tension, because it cannot predict the will of this dominator. Moreover, they even have to adjust their wants and needs to somebody else's, and start believing that they freely choose those things (examples can be found in most modern dictatorships, like North Korea or USSR). Liberty can be limited by the 'mere awareness of living under arbitrary power' (Skinner, 2002: 247). That is, power by itself, even if does not actually interfere, still limits free choices available.

Freedom in these cases somehow differs from negative liberty as there is no direct coercive interference. In a way, un-free actions are consciously chosen and done by subjects. The choice, however, is motivated not by free will, but by a specific kind of dependency and possible consequences that follow. They are not pure cases of positive liberty either, as inner self-mastery would not really change behavior of the agent. Therefore, there is a need for another kind of liberty that would cover these cases and explain in what way agent's choices are limited.

REPUBLICAN FREEDOM

There have been three major historical trends of Republicanism. The theory was born within Roman Empire, advocated by Livy, Tacitus and Cicero. Later, it thrived in the works of Machiavelli and influenced lives of Italian independent city-states. Lastly, it was prominent in the thought of English and American political philosophers around the eighteenth century. However, emerging political theories of Thomas Hobbes, William Paley and Jeremy Bentham soon replaced Republicanism with the modern notion of freedom as non-interference and absence of physical coercion (Petitt, 1997: 49, 50).

While negative freedom asks only for the absence of constraints, republicanism argues that there is more to liberty than that: action can be free only if it satisfies certain conditions. Republicans argues that the action can be autonomous only if 'it is also free from dependence on the will of anyone else' (Skinner, 2002: 263). Therefore, the main condition for freedom is lack of dependence; freedom is taken to be non-dominance of any other will. The definition of domination is made up

of three essential parts: (1) capacity to interfere, (2) on an arbitrary basis, (3) in certain choices that the other is in a position to make (Pettit, 1997: 52).

Interference can take many forms, but it has to be intentional and do harm (no bribery or reward) in order to count as deprivation of freedom (Pettit, 1997). (It is questionable if bribery or reward cannot count as interference: sometimes dependence is based precisely on various, 'offers' and, 'rewards' that are too good to decline. People sign contracts and enter into relations of dependency precisely after being fascinated by the amount of reward given. It is hardly dependence-free choice, especially if the agent is in some sort of financial need). The situation of the agent might be worsened in a number of ways, and it does not even have to be a kind of restraint. It can include deliberate omission of an act or even deliberate removal of constraint from a third party's freedom.

Next, people are considered to be unfree, not whenever they are restrained, but when they are 'being subject to an arbitrary sway [...] potentially capricious will or the potentially idiosyncratic judgment of another' (Pettit, 1997: 5). Arbitrary political decision is a sign of violation of certain rights of citizens. In such a case, liberty, enjoyed by a citizen, is no longer a right. Rather, it is grace or a privilege, granted by a king; the same king can take away this privilege of freedom at any time (Skinner, 2002: 250). Moreover, arbitrariness corrodes moral character of the subordinates. Eventually, citizens will stop caring about justice or liberty, they'll become slavish, subservient and their only desire will be to know constantly changing desires and whims of the master (Skinner, 1998: 92, 93).

This is the crucial aspect of republican freedom, making it so much different from negative liberty. There is nothing wrong in dominance, if it is in agreement with the citizens, if it is objective, aiming for the good of the society and in the form of law. What is wrong is unpredictability, created by arbitrariness. Citizens have to live in conditions of constant fear and anxiety, unless they are sure that the law is working properly. They have to be sure of some kind of causality in public life, same acts producing same treatment from the state. Not only the factual arbitrariness counts as dependency, but also the mere possibility of it. Knowledge of dependence restricts free choices by itself.

Lastly, republican freedom concerns not all choices, but only those that were available for the subject, at the moment when his actions were interfered to. It does not matter, if the agent would have done action *A*, if he has not been prevented from doing so. What matters is that he would have had the potential and conditions to do *A*, if he had not been intervened.

It is also important to notice that institutions are necessary under Republican freedom. Interference by these institutions is taken not to infringe freedom, because they are not arbitrary and does not aim to harm citizens. The non-domination has to be testified by these institutions and law is created for the benefit of all, in order to constantly check for possible domination. Necessity of institutional interference is the opposite of what modern libertarians claim. Essentially, republicanism aims to toe the line between legitimate and illegitimate interference into agent's freedom. Republicans rather be legitimately constrained by the law, then be dependent on the will of, for example, an employer.

Republicanism takes freedom to be non-domination. Tacitus argued that 'the mere recognition of their [slaves'] dependence was enough to make them do whatever they felt was expected of them' (Skinner, 2002: 259). So, even the possibility of an arbitrary interference can limit the possible range of our actions, thus, limiting our freedom. Now, I will move on to argue that this kind of liberty is superior to negative or positive, as it covers both parts of dichotomy.

REPUBLICANISM AS NEGATIVE LIBERTY

Republican liberty is negative in a sense that it also argues for the lack of constraints. Constraints, in this case, are not physical instruments. Rather, the condition of dependence on the other will creates constraints by itself (Skinner, 1998: 84). Dependence prevents the agent from a certain course of action that a she could have chosen otherwise. The crucial difference is that those constraints may not be explicit. The mere possibility of these constraints is enough to make a subject change her course of action. In this sense, republicanism is a form of negative liberty, however, different from pure libertarian-style non-interference.

Republicanism is different, because it does not require physical interference, only dependency to make subject un-free. Under non-domination view, it is possible to have a master-servant relation even without active constraints on subject's actions. Subject can have non-interference 'to the extent that that master fails to interfere', but he is still not free, because he has a master (Pettit, 1997: 23). It is not just being un-free, it is being dominated by the will of somebody else, not to be able to pursue a course of action that one otherwise would pursue. Meanwhile, non-interference would find a problem in detecting slavery, because slave enjoys absence of physical constraints.

Berlin argues that negative liberty precisely should not be confused with equality or dependency (Berlin, 1969: 5). However, Skinner argues, Berlin is able to come up with such conclusion, only because it was

already inserted in the premises (Skinner, 1998: 115). Berlin defines freedom through interference, therefore, for him it is not dependency, indeed.

Thus, interference and domination are different things. Non-domination view accounts for three cases:

- (1) No interference, no domination;
- (2) both interference and domination;
- (3) domination, but no interference.

It does not capture the fourth case:

- (4) Interference, but no domination.

Only non-interference view considers fourth case to be manifestation of non-freedom in every case (Pettit, 1997: 24). Also, it altogether considers cases of domination without interference as freedom. Interference without domination is no problem for non-domination view, because if interference is legitimate, i.e., consented, non-arbitrary and does not intend any harm, it does not limit agent's available choices. Meaning, subject can be free and restricted by laws at the same time.

Negative liberty seeks to eliminate all interference; meanwhile, republican liberty seeks to eliminate only those interferences that are arbitrary. It would seem that negative approach allows more liberty. However, republican liberty brings in benefits that are more important than elimination of non-arbitrary interference. Freedom as non-domination eliminates anxiety and helps to keep the ruler in control. It aims to 'minimise the person's expectation of interference as such', while non-interference aims to minimise only factual interference (Pettit, 1997: 85). It gives a broader qualification for freedom: free action must not be influenced by anticipation of interference.

So, if there is some sort of determinism in non-arbitrary interference: same actions producing same results, e.g. not paying taxes results in fines. Such knowledge of non-arbitrary interference makes it easier to keep the ruler in control. All citizens are aware of the types of interference rulers can exercise. Any deviation from this commonly known and consented interference is *de facto* deprivation of freedom. The rulers (even in democracies) might not exercise physical coercion. Nevertheless, citizens might have a constant need to please the rulers and try anticipating, what they will do or decide next (Pettit, 1997: 86). This applies equally to bureaucrats, so that they would finally get things done. In these cases, citizens do not know what kind of interference is legitimate or when their freedom will be interfered with. Therefore, by allowing government to interfere on non-arbitrary basis, Republicanism

allows more efficient control of rulers and does not deprive citizens any rights of self-government.

It has been shown that Republicanism is some sort of negative freedom, because it argues against arbitrary interference and non-domination. However, it considers only those cases that really limit choices available to an agent. Now, it will be proven that republican freedom has characteristics of positive freedom, and yet, is different.

REPUBLICANISM AS POSITIVE LIBERTY

To show that republicanism is a type of positive liberty is both more interesting and difficult than to show it to be negative liberty. Contemporary political philosophers argue that neo-roman freedom has nothing to do with positive freedom. However, there is an aspect of positive freedom; in a way that being a citizen and having *virtu* are desirable ends for republican freedom.

Philip Pettit claims that ‘the absence of mastery by others clearly does not guarantee the achievement of self-mastery’ (1997: 22). Later, he quotes Machiavelli, who says that people want freedom so that they would not be ruled, not because they are eager to rule themselves (1997: 28). Many associate republicanism with self-rule, however it is not always the case. Actually, those who sided with republicanism, saw it as a status that people enjoy, rather than ‘access to the instruments of democratic control, participatory or representative’ (Pettit, 1997: 30). Positive freedom was never a part of republican thought, as classical advocates never claimed ‘that we are moral beings with certain determinate purposes’, and they always saw liberty as absence of constraints on desirable ends (Skinner, 1986: 427). It would seem that positive liberty, as self-mastery, has no place in Republican thought.

Nevertheless, it seems that possessing a civil virtue or *virtu*, is crucial for republicanism. Freedom depends not only on absence of dominance, but how much citizens are willing to keep the state in check, because the state has to express the will of all. In order to be legitimate constraints, laws have to be established for the good of everyone, or by everyone taking part in political processes. Machiavelli in his *Discorsi* was particularly fond of the idea that only active civil action can guarantee our personal liberty (Skinner, 1986: 243). Only by participating in the government and cultivating our civil virtues, citizens can make sure that no other power dominates the state. That is, no other power legislates and governs their lives. Active citizenship is a guarantee for non-dominance. Skinner even argues that freedom depends on, ‘our willingness to cul-

tivate the civic virtues' and this might lead citizens to be 'coerced into virtue' (Skinner, 1986: 230).

Civic virtue is needed not only to guarantee personal freedom, but also to keep the state institutions running. Pettit argues that no law is effective, unless there is a 'considerable measure of belief and respect', only norms can make law effective in any civil society (1997: 241). Non-arbitrary law is not enough to keep the system running. It has to be supported by a certain value-system. A Republic cannot survive on law alone, it needs good citizenship, or civility (1997: 245). There are three main reasons, why state needs civil virtues. Firstly, when the law is based on norms, people have extra motivation to abide the law. Secondly, norms help the law to 'keep track of people's changing and clarifying interests and idea', law can change accordingly to changing society. Lastly, norms help implement law (1997: 246—250). A good citizen should report any breach of law, any wrongful act; for she ought to be concerned with the well being of the society. Therefore, in order to have personal liberty and for laws to work properly, people have to cultivate civil virtues and be good citizens.

Supporters of republicanism have been denying positive share in this type of freedom, and yet, at the same time, they claim that it is necessary to be virtuous citizen to fully enjoy this type of freedom. The way out of this paradox is to acknowledge that the requirement to possess those virtues call for positive freedom and self-mastery as a citizen. This is the end that should be aimed for, by all citizens.

Republicanism on an individual level requires certain personal characteristics that might not be available to everyone. That is, originally, not everyone is equally capable of enjoying republican freedom. To be a citizen is to refrain from certain actions, not only because they are illegal, but also because they go against a certain value that is cherished in the society, value of *civility*. It seems that republican liberty allows and even insists in involving certain second-order volitions: liberty not only doing what one wants, but being able to decide what to want to do, what kind of citizen one wants to be.

However, to possess civic virtues is to be a *particular kind of citizen*. Nobody is born having civil virtues; they come in degrees and have to be developed over time. So, it seems that in order to enjoy republican freedom, a subject has to master herself *qua citizen*. While she is free to enjoy independence in many other realms of selfhood, she has to develop an inner constraint and mechanism in order to reach perfection of a self-as-a-citizen. Republicanism comes with certain anthropological premises: life in a society, social identity, and realising oneself necessarily as a part of that society. So, in order to fully enjoy one's freedom, a

citizen has to become a certain type of a citizen. In other words, in order to enjoy republican freedom, one has to master oneself as a citizen first.

Not only civil virtues have to be developed. Corruption is seen as one of the great threats to republican freedom, as a flaw in citizenship, when self-interest radically prevails over common interest. Skinner even argues that corruption 'is simply a failure of rationality, an inability to recognise that our own liberty depends on committing ourselves to a life of virtue and public service' (1986: 243). So, a properly working faculty of reason has to be in place, in order for the republicanism to work. However, perfectly rational agents are rare. Actions are being influenced by desires, volitions, weaknesses etc. Therefore, citizens have to master faculty of reason, in order to exercise civic virtues properly.

There is even a further argument for republicanism as a positive freedom. Imagine an actor in a moment of a weakness of will, when she is conscious of a civil obligation to blow the whistle and report the robbery, but she cannot. Maybe she is too scared or just too lazy. Or maybe she just cannot do the right thing as a citizen, even if she knows she should (has a moment of *akrasia*). It seems that there is no point in talking about civil virtue, without mentioning other virtues, and the proper functioning of the reason. One can definitely have degrees in virtues (being more or less courageous). However, it is not possible to pick and choose virtues. Either a citizen goes for all of them, or none (it can be even a conceptual argument, such thing as *virtue* does not exist, only *virtues*). Machiavelli argues that two most important civil virtues are prudence (for participating in the government), and courage (for the defense of your country). (Skinner, 1986: 243). However, in order to be prudent, one has to have a lot of other qualities, e.g. temperance. Other virtues come along with cultivation of prudence and courage. This, again, leads to an even broader image of a person that one has to become in order to be a citizen, and for the republican institutions to be working properly.

The last point takes the argument to the extreme. Imagine a citizen who is free from all arbitrary external interference. She has to make a certain political choice, as a citizen. However, she does not care enough and makes a random choice, or leaves his choice up to chance. In essence, her action is as free as if she would be dominated by another will. By making a random choice, she is subjected to an arbitrary will, even if it is not a will of any particular subject. It is an arbitrary will and not her own will; therefore, she is being dominated by chance. In such a case, it seems that non-domination requires active citizenship. Either one has a master, or she is a master over herself (and, along with other citizens, over all society), and consequently, embraces a full-fledged positive liberty.

It is important to note that Republicanism does not affect an agent's identity as a person. The most important thing is for her to be able to

choose whatever life-path she chooses. Nevertheless, for Republicans, she can choose only if she has equal status with everyone else, that is, she equally exercises her freedom as non-domination. Precisely for this exercise, she has to be a citizen and possess civic virtues. For Republicans, to be a citizen is the same as to be free. Consequently, your civic virtues come as a prerequisite for choosing your identity and life-path and the former does not restrict the later.

In this section it was proved that positive freedom is a part of Republicanism. In order to fully implement republican freedom, one has to develop a particular kind of identity as a citizen, to master one's citizenship. It was also argued that civic virtues cannot be fully detached from other virtues. Therefore, being a good citizen connects with being a good person and mastering oneself to be one. Lastly, an extreme point was introduced, claiming that one has to make an active choice; otherwise, there will be a vacuum of choice and somebody else will necessarily choose for you.

CONCLUSION

Liberty is the ability to pursue one's chosen ends. Therefore, physical interference or being governed by another will reduce liberty. Arbitrary power prevents from pursuing your chosen ends, as well. Dependency, being dominated, reduces the range of possible actions. Republicanism is negative, in a sense that domination restricts our choices. Only *arbitrary* domination constrains *available* choices. It is also positive, because it requires self-mastery as a citizen, to be able to exercise the particular type of citizenship. Therefore, there is no need for positive/negative dichotomy when Republicanism offers a more thorough approach to freedom.

The republican approach to freedom allows seeing many contemporary issues in a new light. For example, to what extent people are free, if their lives can be ruined at any moment by a financial crisis?² Or, are liberation movements all around the world really helpful and liberating?³ Republicanism can help reveal certain things in the world and expose dependencies that do not make people free at all. Therefore, republican liberty is not only different from positive and negative freedoms, but probably even a better alternative to both of them.

² For which, unlike natural disasters, somebody is responsible

³ As they are interlinked, and depend from each other to happen

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